
WORKS CONTRACT NOTICE

Lot 2: Reconstruction and modernization of existing railway line and construction of the second track railway Belgrade-Nis, Stalac - Djunis Section

Location: Republic of Serbia, Rasina District of Central Serbia, municipality of city Cicevac

Please note that the awarding of the contract is subject to the condition of the prior conclusion of a financing agreement, which does not modify the elements of the procurement procedure.

If the precedent condition is not met, the contracting authority will either abandon the procurement or cancel the award procedure without the candidates being entitled to claim any compensation.

1. Publication reference

< ID (1/2021/3.4-2) >

2. Procedure

Restricted Tender Procedure in accordance with EIB Guide to procurement accessible at <https://www.eib.org/en/publications/guide-to-procurement>

3. Programme title

Orient/East-Med (CX) Corridor: Reconstruction and Modernisation of Belgrade – Nis Railway Line, Stalac – Djunis Section

4. Financing

The project is expected to be co-financed from a WBIF investment grant, EIB loan as well as other IFIs. Co-financing is from the Republic of Serbia budget line.

5. Contracting authority

“Serbian Railways Infrastructure” JSC
6 Nemanjina St.
11000 Belgrade, Republic of Serbia

Clarifications may be sought from the contracting authority at the following email addresses:

sasa.zlatkovic@srbrail.rs

darija.nedic@srbrail.rs

at the latest 21 days before the deadline for submission of applications stated at the point 20 below.

Questions must be sent to the e-mails of both above mentioned points of contact. If not, the contracting authority shall not bear any responsibility and the concerned candidates shall not have any complaint rights if such questions are not processed.

The contracting authority has no obligation to provide additional information after this date.

Clarifications will be published on the contracting authority's website <https://infrazs.rs/javne-nabavke-1/> at the latest 11 days before the deadline.

If any modifications to the contract notice are made during the submission period, the contracting authority will publish them on the website <https://infrazs.rs/javne-nabavke-1/> for all potential candidates and provide adequate time to respond/consider the changes while preparing their application. (EIB GtP, § 3.7.4).

The website will be updated regularly and it is the candidate's responsibility to check for updates and modifications during the submission period.

CONTRACT SPECIFICATIONS

6. Description of the contract

The scope of this contract is preparation of the all necessary designs, meaning:

developing design for obtaining the building permit with positive technical control report issued by technical control reviewer appointed by contracting authority, developing detailed design for the Works, developing as-built design in accordance with the Law on planning and construction of the Republic of Serbia (available on the following web-page: <https://www.mgsi.gov.rs/en/odsek/law-planning-and-construction>), and reconstruction and modernization of the existing track and construction of a second track on the railway section Stalac – Djunis, 17.1 km long to double track and speeds of 160km/h. The required Works will be carried out in accordance with FIDIC Conditions of contract for Plant and Design-Build for Electrical and Mechanical Works Designed by the Contractor (Yellow Book), First Edition 1999 published by the Federation Internationale Des Ingenieurs-Conseil (FIDIC) and shall include:

- Works on permanent way,
- Architectural structures in two railway stations (Stalac and Djunis),
- Construction of eight (8) bridges with an overall length of 640m,
- Construction of one (1) viaduct with length of 300m,
- Construction of one (1) overpass with length of 630m,
- Construction of two (2) underpasses with an overall length of 48m
- Construction of four (4) tunnels with an overall length 3600m,
- Construction of culverts, passenger underpass (Stalac railway station), retaining walls, noise protection barriers, buildings and structures in railway stations Stalac and Djunis, etc.),
- Relocation of local roads, construction of access roads and relocation of II A class state road "215 Krusevac-Djunis-Deligrad",
- Hydrotechnical works (waterways regulation, hydro technical installation in stations and tunnels),
- Power supply facilities and installations,
- Signalling and interlocking facilities and devices,
- Telecommunication facilities and devices,

- Mechanical installations in stations and tunnels,
- Traffic signalization and equipment.

Tunnel 4, L=3275m is subject of a separate contract and is not included in this Contract.

7. Number and titles of lots

One lot only.

CONDITIONS OF PARTICIPATION

8. Eligibility and rules of origin

Legal entities (participating individually or in a group – joint venture / consortium) originating from all countries of the world are eligible to tender for works, goods and services contracts. (EIB GtP §1.2).

All candidates must comply with the requirements of Article 111, paragraphs 1 to 5, Article 112 paragraph 1 and Article 121 of the Law on Public Procurement of the Republic of Serbia (Official Gazette of Republic of Serbia, No. 91/2019, available on the following web-page: <http://www.ujn.gov.rs/propisi/zakon/>) or provide an appropriate document issued by an authorised body/institution in the country where they have their “Real Seat” in case of non-resident candidates.

The candidate must demonstrate the following:

- That it is registered with the competent authority, i.e. inscribed in respective register;
- That itself and its legal representative have not been convicted for some of the criminal acts as a member of organised criminal group, criminal acts against economy, criminal acts against environment, criminal acts of bribery, criminal acts of fraud;
- That it has settled due tax obligations, contributions and other public charges in accordance with the regulations of the Republic of Serbia or foreign state where it has the seat;
- The candidate must also prove that it is not bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations.

The eligibility requirement detailed above applies to all members of a joint venture/consortium and all subcontractors, as well as to all entities upon whose capacity the candidate relies for the selection criteria. Every candidate, member of a joint venture/consortium, every capacity-providing entity and every subcontractor must certify that they meet these conditions. They must prove their eligibility by a document dated less than one year earlier than the deadline for submitting application, drawn up in accordance with their national law or practice or by copies of the original documents stating the constitution and/or legal status and the place of registration and/or statutory seat and, if it is different, the place of central administration. The contracting authority may accept other satisfactory evidence that these conditions are met.

Pursuant to its Sanctions Policy, the Bank shall not provide or otherwise make funds available, directly or indirectly, to or for the benefit of an individual or entity that is subject to financial sanctions imposed by the EU, either autonomously or pursuant to the financial sanctions decided by the United Nations Security Council on the basis of Article 41 of the UN Charter (EIB GtP §1.2).

This exclusion situation applies to all members of a joint venture/consortium, all subcontractors, as well as to all entities upon whose capacity the candidate relies for the selection criteria.

9. Candidature

All eligible natural and legal persons (as per item 8 above) or groupings of such persons (joint ventures/consortia) may apply.

A joint venture/consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure. All partners of a joint venture/consortium (i.e., the leader and all other partners) are jointly and severally liable to the contracting authority.

The participation of an ineligible natural or legal person (as per item 8) will result in the automatic exclusion of that person. In particular, if that ineligible person belongs to a joint venture/consortium, the whole joint venture/consortium will be excluded.

10. Number of applications

No more than one application can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or partner of a joint venture/consortium submitting an application). In the event that a natural or legal person submits more than one application, all applications in which that person has participated will be excluded.

11. Shortlist alliances prohibited

Any applications received from applicants having a different composition than the ones on the application forms will be excluded from this restricted tender procedure, unless prior approval from the contracting authority has been obtained. Short-listed applicants may not form alliances or subcontract to each other for the contract in question.

12. Grounds for exclusion

As part of the application form, candidates must submit a signed **Declaration** (Annex I), included in the standard application form, European Investment Bank (“EIB”) and the European Bank for Reconstruction and Development (“EBRD”) joint **Covenant of Integrity** (EBRD - EIB CoI) to the effect that they are not engaged in any Prohibited Conduct as defined in Section 1.4 of the EIB’s Guide to Procurement and in the template of the EBRD-EIB Covenant of Integrity (Annex 3) and European Investment Bank **Environmental and Social Covenant** (EIB E&S C) in the template of the EIB Environmental and Social Covenant (Annex 7). The CoI and E&S C must be signed by all applicants (including all joint venture/consortium members). Modification of the CoI and E&S C text is not allowed. (EIB GtP §3.6 and Annex 3 and EIB GtP §3.8 and Annex 7).

It should be noted that, in the joint Covenant of Integrity, the tenderer is requested to self-declare all sanctions and/or exclusions (including any similar decisions having the effect of imposing conditions on the tenderer or its subsidiaries or to exclude the said tenderer or its subsidiaries, such as temporary suspension, conditional non-exclusion, etc.) imposed by the European institutions or any multilateral development banks (including the World Bank Group, the African Development Bank, the Asian Development Bank, European Bank for Reconstruction and Development, European Investment Bank or Inter-American Development Bank), regardless of the date of issue and the expiration or not of such decisions and of the current status of any sanction and/or exclusion. In this regard, any omission or misrepresentation, made knowingly or recklessly, may be considered as fraud under the EIB Anti-Fraud Policy. Therefore, the Client reserves the right to reject any offer presenting an

inaccurate or incomplete Covenant of Integrity, and may cause the rejection of the offer for prohibited conduct.

All activities related to the project have to be free from Prohibited Contract (including but not limited to, fraud, corruption, collusion, coercion, obstruction, money laundering and terrorist financing) as defined in the EIB's Policy on preventing and deterring prohibited conduct in European Investment Bank activities, Anti-fraud Policy¹.

In pursuance of this policy as set out in EIB's Anti-Fraud Policy, if it is established under the required standards that a project-related party has engaged in Prohibited Conduct in the course of a procurement process or implementation of a contract (to be) financed, the Bank:

- a) May seek appropriate remediation of the Prohibited Conduct to its satisfaction;
- b) May declare ineligible such project-related party to be awarded the contract; and/or
- c) May withhold the Bank's no objection to contract award and may apply appropriate contractual remedies, which may include suspension and cancellation, unless the Prohibited Conduct has been dealt with to the satisfaction of the Bank.

Furthermore, within the framework of its Exclusion Policy², the Bank may declare such project related party ineligible to be awarded a contract under any EIB project or to enter into any relationship with the Bank.

The contracting authority, the EIB and auditors appointed by either of them, as well as any authority or European Union institution or body having competence under European Union law have the right to inspect and copy the books and records of the tenderer, contractor, supplier or consultant in connection with any EIB-financed contract.

Candidates must not be affected by any conflict of interest and must have no equivalent relation in that respect with other candidates or parties involved in the project. In this respect the contracting authority will proceed as stated under Section 1.5 of the Guide to Procurement for Projects Financed by the EIB, edition September 2018. Conflict of interest occurs when the impartial and objective exercise of the functions of the contracting authority, or the respect of the principles of competition, non-discrimination or equality of treatment with regard to the procurement procedure or contract, is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest.

The assessment of whether or not there is a conflict of interest has to be carried out on a case-by-case basis, considering the actual risk of conflict based on the specific circumstances of the case at stake.

In cases where a conflict of interest cannot be effectively remedied by other less intrusive measures, any candidate affected by such a conflict of interest will be excluded from procurement procedure.

13. Sub-contracting

Sub-contracting is allowed and the maximum percentage of the contract value which may be sub-contracted is **50%**.

14. Number of candidates to be short-listed

¹ EIB's Anti-Fraud Policy for definitions (<http://www.eib.org/infocentre/publications/all/anti-fraud-policy.htm>).

² https://www.eib.org/attachments/strategies/eib_exclusion_policy_en.pdf.

On the basis of the applications received, at least 4 and at most 6 candidates will be invited to submit detailed tenders for this contract. If the number of eligible applicants meeting the selection criteria is less than the minimum of 4, the contracting authority may invite the candidates who satisfy the criteria to submit a tender. If the number of eligible candidates meeting the selection criteria is more than the maximum of 6, the contracting authority will rank them using the re-examination criteria stated under point 18 below.

15. Provisional date of invitation to tender

September 2022

16. Provisional commencement date of the contract

December 2022

17. Period of implementation of tasks

42 months for design & construction and 24 months for defects notification period.

SELECTION AND AWARD CRITERIA

18. Selection criteria

In order to be considered eligible for the award of the contract, candidates must provide evidence that they meet the selection criteria. This evidence must be provided by candidates in the form of the information and documents described in the application forms and in whatever additional form candidates may wish to utilise.

The following selection criteria will be applied to candidates. In the case of applications submitted by a joint venture/consortium, these selection criteria will be applied to the joint venture/consortium as a whole unless specified otherwise. The contracting authority will ask the candidates for any clarification needed to assess the applications, but no amendment to the substance of the application can be accepted after the opening of the application.

1) **Economic and financial capacity of candidate:** The candidates shall demonstrate that they fulfil the following requirements:

- a) the average annual construction turnover of the candidate over the last three financial years for which accounts have been closed must be at least **EUR 115 million EUR**.
- b) average current ratio (current assets/current liabilities) over the last three years for which accounts have been closed **must be > 1**. In case of a joint venture/consortium this criterion must be fulfilled by each member.

Evidence: certified financial statements for relevant years, with an independent audit report; and,

- c) the candidate must have access to sufficient credit and other financial facilities to cover the required cash flow (ignoring pre-financing advances) for a period of not less than 6 months. In any case, the amount of credit available must be at least **28 million EUR**. The statement on

available funds in Euro must be provided by the bank or other Financial Institution. The statement must clearly indicate that the above-mentioned credit facility is available specifically for this named project.

2) Professional capacity of candidate:

- a) the candidate must be a registered firm or legal person legally capable of designing and carrying out the specified works. In case of a joint venture/consortium, this requirement applies to all the members of the joint venture/consortium as a whole.
- b) the candidate must carry out at least **50%** of the contract works using its own resources, which means that it must have the equipment, materials, human and financial resources necessary to carry out that percentage of the contract.
- c) a consistent history of litigation and/or arbitration awards against the applicant or any partner of a joint venture or their non-performance under the contracts may result in failure of the application. Moreover, an applicant shall declare in any civil work contracts that have been suspended or terminated and/or performance security called by an employer for reasons related to the noncompliance of any environmental, or social or health or safety requirements or safeguard in the past 5 (five) years or currently under execution;
- d) the candidate should demonstrate availability of a valid ISO certification or internationally recognized equivalent (equivalency to be demonstrated by the candidate), such as:
 - Quality Management Certificate ISO 9001;
 - Environmental management certificate ISO 14001;
 - Health and Safety Certificate ISO 45001.

In absence of the above certificates, availability of in-house policies and procedures for ESHS management.

Note:

For execution of the contract, which will be the result of the second phase of this tender procedure, licences will be sought only from the successful tenderer. If the successful tenderer does not have designers/engineers complying with the licencing requirement of the Law on Planning and Construction of Republic of Serbia (Article 128) (<https://www.mgsi.gov.rs/en/odsek/law-planning-and-construction>) and Rulebook on the manner, procedure and content of data for determining the fulfilment of the conditions for issuing license for elaboration of technical documentation and building licenses for buildings (“Official Gazette of RS” No. 66/19) (<https://www.mgsi.gov.rs/lat/dokumenti/pravilnik-o-nacinu-postupku-i-sadrzini-podataka-za-utvrdivanje-ispunjenosti-uslova-za>), it will be given sufficient time from the day the award decision becomes final to provide those licenses (it will have to follow the procedure of engineers licencing with the Ministry of Construction, Transport and Infrastructure) and will not be penalized for any delay in issuance of licences not caused by the successful tenderer.

3) Technical capacity of candidate:

The candidate shall demonstrate its technical capacity to execute the design&build activities included in the scope of the Works. In this context, the candidate must demonstrate the following experience within the **last seven (7) years** from the date of submission of applications:

3.1 General construction experience:

- a) Experience as a contractor (in any role) in the execution of at least **one (1)** public railway construction / reconstruction / modernisation contract, with the value of Works, **implemented by the candidate, at least 100 million EUR equivalent**, that have been successfully and substantially completed in accordance with FIDIC Design & Build Contract (Yellow Book) conditions.

The minimum value of the Works carried out by the individual candidate in each reference contract in criteria 3.1 a) must be at least **100 million EUR equivalent**. In case of a joint venture or consortium the minimum value of the Works carried out by the members of a joint venture or consortium in the reference contracts must be at least **100 million EUR equivalent**. In case of a joint venture or consortium, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum requirements of a single contract has been met. Instead, each contract performed by each member contributing to meeting the requirement shall satisfy the minimum requirement of a single contract as required for single entity. In determining whether the joint venture or consortium meets the requirement of total number of contracts, only the number of contracts completed by all members each fulfilling the minimum requirements shall be aggregated.

3.2 Specific construction experience:

For the above, or other contracts, the candidate must demonstrate the following specific experience:

- b) Experience in successfully completed railway track construction / reconstruction / modernization on at least **two (2)** public railway projects, where the length of railway track constructed by the candidate in each project exceeds **10 km**. Please note that the works on railway rails and slippers only, without any works on sub-base, will not be considered as sufficient experience.
- c) Experience in successfully completed construction of at least **one (1)** public railway, metro or road tunnel, **executed by New Austrian Tunnelling Method (NATM)**, where the length of the tunnel constructed by the candidate exceeds **1000 m**. Cut and cover method of construction is excluded.
- d) Experience in successfully completed construction of at least **two (2)** railway or road-railway bridges, where the length of the bridges constructed by the candidate exceed **250 m**.
- e) Experience in successfully completed construction of at least **one (1)** road or railway or road-railway bridge or overpass where the length of the structure constructed by the candidate exceed **500 m**.

For the above, or other contracts, the candidate or his specialist subcontractor(s) must demonstrate the following specific experience:

- f) Experience in successful electrification and power supply works on at least **one (1)** railway project, where the length of electrified railway exceeds **10 km**.
- g) Experience in successful execution of at least **one (1)** railway signalling & telecom works, where the length of railway equipped with signalling and telecom systems exceeds **10 km**.

The technical capacity requirements under 3.2 f) and g) for **experience in railway electrification and signalling & telecom projects** should be met by the party performing the activity, either the **candidate or his specialist electrification and/or signalling & telecom subcontractor(s)**.

The candidate is required to specify the specialist subcontractor(s) it intends to use for electrification and/or signalling & telecom works and to provide evidence of subcontracting agreement(s) for performing electrification and/or signalling & telecom in its application.

Specialized **electrification and/or signalling & telecom subcontractors** may be proposed as subcontractor(s) **in more than one application**.

3.3 Specific design experience:

For the above, or other contracts, the candidate or his specialist design subcontractor(s) must demonstrate the following specific experience:

- h) Experience in successfully completed design of at least **one (1)** public railway construction / reconstruction / modernisation, of a length of more than **5 km**. Please note that design of works on railway rails and slippers only without any works on sub-base will not be considered as sufficient experience.
- i) Experience in successfully completed design of at least **one (1)** public railway tunnel, of the length of more than **1000 m**. Cut and cover method of construction is excluded.
- j) Experience in successfully completed design of at least **one (1)** railway or road-railway bridge, of the length of more than **250 m**.
- k) Experience in successfully completed design of at least **one (1)** railway electrification, of the length of more than **5 km**.
- l) Experience in successfully completed design of at least **one (1)** railway signalling & telecom systems, of the length of more than **5 km**.

Only **Main/Detailed Design** or **Designs for Building Permit** or **Designs for Construction** (or equivalent) design references shall be considered, i.e. concept / preliminary (or equivalent) design references shall not be considered as relevant experience.

The technical capacity requirement under 3.3 h), i), j) k) and l) for **design experience** should be met by the party performing the activity, either the **candidate or his specialist design subcontractor(s)**.

The candidate is required to specify the specialist subcontractor(s) it intends to use for design and to provide evidence of subcontracting agreement(s) for performing designs in its application.

Specialized **design subcontractors** may be proposed as subcontractors **in more than one application**.

“Completed” Design&Build (D&B) and/or Works Contracts will be taken to mean that the candidate has in his possession, (and this must be verified by copies signed and stamped by the candidate as being authentic), Taking Over Certificates (Provisional Acceptance Certificates), Performance Certificates (Final Acceptance Certificates or equivalent Certificates), for Works contract(s) showing the required works certified, signed by the Supervisors / Contracting Authority /Employer / the Engineer, or equivalent, of the projects submitted for evaluation and included in Volume 1 forms. This means that the project the candidate refers to could have been started/implemented/completed at any time during the indicated period of **seven (7) years** prior to the application submission deadline but it does not necessarily have to be started and completed during that period, nor implemented during the entire period. If the designing experience under 3.3 h), i), j) k) and l) is proved by separate design contracts (not part of design&build contract), “Completed” Design Contracts shall be proved

by the final acceptance of the concerned designs issued by the Client/Contracting authority confirming the completion of the designs.

3.4 Capacity-providing entities:

Candidate may, where appropriate and for a particular contract, rely on the capacity of other entities, regardless of the legal nature of the links which it has with them. If the candidate relies on other entities, it must prove to the contracting authority that it will have at its disposal the resources necessary to perform the contract by producing a commitment on the part of those entities to place resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and notably that of nationality, as the economic operator relying on them and must comply with the selection criteria for which the economic operator relies on them. Furthermore, the application should include a separate document providing data on this third entity for the relevant selection criterion. Proof of capacity must be provided at the request of the contracting authority.

With regard to technical and professional criteria, a candidate may only rely on the capacities of other entities where the latter will perform the works for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the candidate relies, become jointly and severally liable for the performance of the contract.

Applications submitted by companies in partnerships forming a joint venture/consortium must also fulfil the following requirements:

- The application must include all the information required by the application form for each member of the joint venture/consortium and the summary data for execution of works by the tenderer.
- The application must be signed in a way that legally binds all members. One member must be appointed lead member and that appointment confirmed by submission of powers of attorney signed by legally empowered signatories representing all the individual members.
- All members of the joint venture/consortium are bound to remain in the joint venture/consortium for the whole execution period of the contract. See the declaration in the application form.

If more than 6 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be re-examined to identify the 6 best applications for the tender procedure. The only factors which will be taken into consideration during this re-examination are:

- the highest number of contracts implemented in criteria 3.1 (a)
- the highest number of contracts completed in criteria 3.2 (b)
- the highest number of tunnels constructed in criteria 3.2 (c)
- the highest number of bridges constructed in criteria 3.2 (d)

19. Award criteria

The most economically advantageous tender is the technically compliant tender with the lowest price.

APPLICATION

20. Deadline for receipt of applications

The candidate's attention is drawn to the fact that there are two different systems for sending applications: one is by post or private mail service, the other is by hand delivery.

In the first case, the application must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip³, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the application that will serve as proof.

13:00 hrs Central European Time on 04 August 2022

Any application sent to the contracting authority after this deadline will not be considered.

The contracting authority may, for reasons of administrative efficiency, reject any application submitted on time to the postal service but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report, if accepting applications that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

21. Applications format and details to be provided

Applications must be submitted using the standard application form and its annexes, the format and instructions of which must be strictly observed. Application forms are available at the Client's web page <https://infrazs.rs/javne-nabavke-1/>.

Any documentation (brochure, letter, etc.) sent with an application in addition to what has been requested will not be taken into consideration.

By submitting an application, the candidate accepts to receive notification of the outcome of the procedure by electronic means. Such notification shall be deemed to have been received on the date upon which the contracting authority sends it to the electronic address referred to in the application.

Examination of the administrative compliance of applications

The aim at this stage is to check that applications comply with the requirements of the Prequalification Documents (PQDs). An application is deemed to comply if it satisfies all the conditions, procedures and requirements in the application without substantially departing from or attaching restrictions to them.

A "substantially responsive application" is one that meets the requirements of the PQDs without material deviation, reservation, or omission as defined as follows:

- (a) "Deviation" is a departure from the requirements specified in the PQDs;
- (b) "Reservation" is the setting of limiting conditions or withholding from complete acceptance of the requirements specified in the PQDs; and
- (c) "Omission" is the failure to submit part or all of the information or documentation required in the PQDs.

A material Deviation, Reservation, or Omission is one that,

³ It is recommended to use registered mail in case the postmark would not be readable.

(a) if accepted, would:

- (i) affect in any substantial way the scope, quality, or performance of the Works required; or
 - (ii) limit in any substantial way, inconsistent with the PQDs, the Employer's rights or the candidate's obligations under the proposed Contract; or
- (b) if rectified, would unfairly affect the competitive position of other candidates presenting substantially responsive applications.

Decisions to the effect that an application is not administratively compliant will be duly justified in the evaluation minutes.

22. How applications may be submitted

Applications must be submitted in English exclusively to the contracting authority in a sealed envelope.

- EITHER by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip⁴ to:

Joint stock company for public railway infrastructure management: "Serbian Railways Infrastructure" JSC

Nemanjina 6,

Office no 102

11000 Belgrade,

Serbia

Tel + 381 11 3621 192

In this case, the application must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip.

- OR hand delivered by the participant in person or by an agent directly to the premises of the contracting authority in return for a signed and dated receipt, in which case the evidence shall be constituted by this acknowledgement of receipt, to:

Joint stock company for public railway infrastructure management: "Serbian Railways Infrastructure" JSC

Nemanjina 6,

Office no 102

11000 Belgrade,

Serbia

Tel + 381 11 3621 192

Contact person: Sasa Zlatkovic

Opening hours: 09:00 hrs to 15:00 hrs, Central European Time Monday to Friday

⁴ It is recommended to use registered mail in case the postmark would not be readable

The contract title and publication reference (see item 1 above) must be clearly marked on the envelope containing the application and must always be mentioned in all subsequent correspondence with the contracting authority. Applications submitted by any other means will not be considered.

23. Alteration or withdrawal of applications

Applicants may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No applications may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with item 21. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

24. Language of the procedure

All written communications for this tender procedure and contract must be in English.

If supporting documents are not written in English, a translation of the original document into English by a sworn-in-court translator must be attached. For the purposes of application interpretation, the English version shall prevail.

25. Date of publication of prior information notice

04 June 2021

26. Repetition of similar work

N/A

27. Legal basis⁵

The contracting authority "Serbian Railways" JSC intends to apply for an EIB Loan towards the cost of the reconstruction and modernization of existing railway line and construction of the second track railway Belgrade-Nis.

The tender documentation and the procedures will reflect the abovementioned loan. The procurement procedure will be conducted according to the Practical Guide on Contract Procedure for European Union External Action (PRAG), version August 2020, the Guide to Procurement for Projects Financed by the EIB, edition September 2018. In case of any discrepancy between PRAG and the EIB Guide to Procurement, the provisions of the EIB Guide to Procurement shall prevail. The Applicable law is the Law of the Republic of Serbia, as long as aligned with EIB Guide to Procurement.

28. Additional information

Application opening session

10:00 hrs Central European Time on 05 August 2022

Financial data to be provided by the candidate in the standard application form must be expressed in EUR. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate which

⁵ Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).

correspond to the last day of the corresponding year, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

28.1 Insight into documents

According to Article 149 of Law on Public Procurement of the Republic of Serbia the right to review documentation of other tenderers exists only after announcement of decision on contract award, decision on conclusion of framework agreement or decision on suspension of the tender. If tenderer consider that parts of submitted documentation are to be considered confidential and should not be released to a third party, those parts should be marked accordingly.

28.2 Appeals

Candidates believing that they have been harmed by an error or irregularity during prequalification phase of the tender procedure may file a complaint within 10 (ten) days from the date of receipt of the written notification sent by the contracting authority stating that their application has not been short-listed to prepare a detailed tender for the second phase of this tender procedure.

The Law on Public Procurement of the Republic of Serbia shall apply to the complaint procedure.

The body responsible for appeal procedures is the Republic Commission for the Protection of Rights in Public Procurement Procedures / Републичка комисија за заштиту права у поступцима јавних набавки (Nemanjina 22-26, 11000 Belgrade, Republic of Serbia, <http://kjin.rs/en/>).

Candidates should alert the contracting authority in writing, with a copy to the European Investment Bank (procurementcomplaints@eib.org), in case they should consider that certain clauses or provisions of the PQDs might limit international competition or introduce an unfair advantage to some candidates." (EIB GtP, § 3.7.4).