
WORKS CONTRACT NOTICE

Reconstruction and modernization of railway line “Niš-Dimitrovgrad” – Design, Supply and Installation of Signalling and Telecommunication Equipment

Location: Republic of Serbia, in its “Southern and Eastern Region”, City of Niš Bypass and Prosek to Dimitrovgrad railway line

1. Publication reference

EIB-GtP/27/22/SS&TK

2. Procedure

Restricted Tender Procedure (in accordance with EU PRAG procedures aligned with the European Investment Bank (EIB hereafter) Guide to procurement, accessible at <https://www.eib.org/en/publications/20240132-guide-to-procurement-for-projects-financed-by-the-eib>).

3. Programme title

Reconstruction and modernization of railway line “Niš-Dimitrovgrad”

4. Financing

The project is financed from an EIB loan, WBIF Investment Grant WB-IG02-SRB-TRA-01 and the national budget.

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 address:

janko.kovljanic@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-mail mentioned point of contact. If not, the contracting authority shall not bear any responsibility and the concerned applicants 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/medjunarodne-nabavke/> at the latest 11 days before the submission 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/medjunarodne-nabavke/> for all potential applicants 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 applicant's responsibility to check for updates and modifications during the submission period.

CONTRACT SPECIFICATIONS

6. Description of the contracts

The scope of this contracts is preparation of all the necessary designs (meaning the Design for

Construction ("Projekat za izvodjenje", national abbreviation: PZI), including obtaining their approval, for "Signalling and Telecommunication, including ETCS Level 2 implementation" and As-Built Design ("Projekat izvedenog objekta", national abbreviation: PIO) based on available Design for "Construction Permit (developed for ETCS Level 1) and Technical Assistance Consultant's Report for upgrading ETCS Level 1 to ETCS Level 2, all in accordance with the Law on Planning and Construction of the Republic of Serbia (available at the following web-page: <https://www.mgsi.gov.rs/en/odsek/law-planning-and-construction>) and supply and installation of Signalling and Telecommunication Equipment for City of Nis Bypass and Prosek-Dimitrovgrad railway lines including implementation of ETCS Level 2. 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 (FIDIC "Yellow Book"), First Edition 1999 published by the Federation Internationale Des Ingenieurs-Conseil (FIDIC) and shall include (based on the Design for Construction (PZI) of Works to be prepared by the Contractor):

6.1 City of Nis Bypass Signalling (SS) and Telecommunications (TC) Works, as follows:

- Computer-based interlockings (CBI) and station telecommunication systems (DWDM/IPMLS/optic fibre cable) in railway stations of Niš Sever, Pantelej, Vrežina and Prosek railway stations;
- Automatic line block (APB) and telecommunication systems (DWDM/IPMLS/optic fibre cable) of open track on railway lines as follows:
 - Niš Ranžirna – Niš Sever, Trupale-Niš Sever and Crveni Krst – Niš Sever;
 - Niš Sever – Pantelej;
 - Pantelej – Vrežina, and,
 - Vrežina – Prosek.
- ETCS for Level 2;
- System for centralized traffic control (CTC);
- Switch heating system.

6.2 Prosek – Dimitrovgrad Section SS&TC Works, as follows:

- Computer-based interlockings (CBI) and station telecommunication systems (DWDM/IPMLS/optic fibre cable) in railway stations of Sićevo, Ostrovica, Dolac, Crvena Reka, Bela Palanka, Čiflik, Staničenje, Pirot, Sukovo and Dimitrovgrad stations;
- Interstation-dependence lock (MZ) and telecommunication systems (DWDM/IPMLS/optic fibre cable) of open track on railway lines as follows:
 - Prosek-Sićevo;
 - Sićevo-Ostrovica;
 - Ostrovica-Dolac;
 - Dolac-Crvena Reka;
 - Crvena Reka-Bela Palanka;
 - Bela Palanka-Čiflik;
 - Čiflik-Staničenje;
 - Staničenje-Pirot;
 - Pirot-Sukovo,
 - Sukovo-Dimitrovgrad, and
 - Dimitrovgrad-DG (Dragoman).
- ETCS for Level 2;
- System for centralized traffic control (CTC);
- Switch heating system;

6.3 GSM-R network for City of Niš Bypass and Prosek-Dimitrovgrad section.

6.4 SS&TC for three (3) level road crossings at City of Niš railway junction.

Proposed Works will be carried out in parallel and after completion of civil works and power supply installation (where convenient and in accordance with programme of already employed civil works contractors on the City of Niš Bypass and Prosek-Dimitrovgrad-DG (Dragoman) railway section).

The Contracting Authority will require continuous operation of the railway with periods of track

possession granted to the Contractor in agreement with the Contracting Authority.

NB The applicants are required to take note that the principles of the EU toolbox for cybersecurity of 5G networks¹, taking into account the Communication from the European Commission of 15 June 2023 on the Implementation of the Toolbox² will apply for the project. This means offers including equipment from the vendors mentioned in the Communication will be considered to have a high cybersecurity risk, and therefore will not be technically compliant.

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 (JVCA)) originating from all countries of the world are eligible to tender for works, goods and services contracts. (EIB GtP §1.2).

All applicants 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, in case of non-resident applicants, provide an appropriate document issued by an authorised body/institution in the country where they are registered.

The applicant must demonstrate the following:

- That it is registered with the competent authority, i.e. inscribed in the respective register;
- That itself and its legal representative have not been convicted for any 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 is registered;
- The applicant 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 JVCA and all subcontractors, as well as to all entities upon whose capacity the applicant relies for compliance with the selection criteria. Every applicant, member of a JVCA, every capacity-providing entity and every subcontractor must certify that they meet these conditions. They must prove their eligibility by relevant documents 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 JVCA, all subcontractors, as well as to all entities upon whose capacity the applicant relies for the selection criteria.

¹ [Cybersecurity of 5G networks - EU Toolbox of risk mitigating measures | Shaping Europe's digital future \(europa.eu\)](#)

² [Communication from the Commission: Implementation of the 5G cybersecurity Toolbox | Shaping Europe's digital future \(europa.eu\)](#)

9. Applicants

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

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

The participation of an ineligible legal entity (as per item 8) will result in its automatic exclusion. In particular, if that ineligible legal entity belongs to a JVCA, the whole JVCA will be excluded.

10. Number of applications

No more than one application can be submitted by a legal entity whatever the form of participation (as an individual legal entity or as leader or partner of a JVCA submitting an application). In the event that a legal entity submits more than one application, all applications in which that entity has participated will be excluded. Sub-contractors are not considered as a part of a JVCA.

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, applicants must submit a signed **Declaration** (Annex I-a and Annex I-b), included in the standard application form, **EIB Covenant of Integrity** to the effect that they are not engaged in any Prohibited Conduct as defined in Section 1.4 of the EIB's Guide to Procurement³ and in the template of the EIB Covenant of Integrity (Annex 3) and European Investment Bank **Environmental and Social Covenant** (EIB E&S C). The Col and E&S C must be signed by all applicants (including all JVCA members). Modification of the Col 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 Covenant of Integrity, the applicant is requested to self-declare all sanctions and/or exclusions (including any similar decisions having the effect of imposing conditions on the applicant or its subsidiaries or to exclude the said applicant 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 contracting authority reserves the right to reject any application presenting an inaccurate or incomplete Covenant of Integrity, and may cause the rejection of the application for prohibited conduct.

All activities related to the project have to be free from Prohibited Conduct (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 Policy.⁴

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;

³ EIB's Guide to Procurement (<https://www.eib.org/en/publications/20240132-guide-to-procurement-for-projects-financed-by-the-eib>)

⁴ EIB's Anti-Fraud Policy for definitions (<http://www.eib.org/infocentre/publications/all/anti-fraud-policy.htm>).

- 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 Policy⁵, 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 applicant, tenderer, contractor, supplier or consultant in connection with any EIB-financed contract.

Applicants must not be affected by any conflict of interest and must have no equivalent relation in that respect with other applicants or parties involved in the project. In this respect, the contracting authority will proceed as stated under the EIB GtP 1.5, edition March 2024. 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 applicant 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 applicants to be short-listed

Based on 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 only candidates who satisfy the criteria to submit a tender. If the number of eligible applicants 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

January 2026

16. Provisional commencement date of the contract

June 2026

17. Period of implementation of tasks

36 months for the preparation and approval of designs, implementation of construction works and 24 months for defects notification period.

⁵ https://www.eib.org/attachments/strategies/eib_exclusion_policy_en.pdf.

SELECTION AND AWARD CRITERIA

18. Selection criteria

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

The following selection criteria will be applied to applicants. In the case of applications submitted by a JVCA, these selection criteria will be applied to the JVCA as a whole unless specified otherwise. The contracting authority will ask the applicants 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 applicant: The applicants shall demonstrate that they fulfil the following requirements:

- a) the average annual construction turnover of the applicant over the last three financial years for which accounts have been closed must be at least **EUR 75 million equivalent**.
- 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 JVCA this criterion must be fulfilled **by each** member.

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

- c) the applicant 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 **EUR 15 million**. The statement on available funds in Euro must be provided by the bank. The statement must clearly indicate that the above-mentioned credit facility is available specifically for this named project.

2) Professional capacity of applicant:

- a) the applicant must be a registered firm or legal person legally capable of designing and carrying out the specified works. In the case of a JVCA, this requirement applies to all the members of the JVCA as a whole.
- b) the applicant 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 JVCA or their non-performance under the contracts may result in failure of the application. Moreover, an applicant shall declare in any SS&TC 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 applicant should demonstrate availability of a valid ISO certification or internationally recognized equivalent (equivalency to be demonstrated by the applicant), 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 applicant:**

The applicant shall demonstrate its technical capacity to execute activities included in the scope of the Works. In this context, the applicant must demonstrate the following experience within the **last ten (10) calendar years** from the date of submission of applications:

3.1 **General construction experience:**

- a) Experience as a contractor (individual applicant, or any partner in JVCA) in the execution of at least **one (1)** public railway SS&TC construction / reconstruction / modernisation contract according to Technical Specification for Interoperability (TSI), with the net value of the Works, implemented by the applicant of **at least 50 million EUR** equivalent, that have been successfully and substantially completed.

Please note that conformity with the TSI must be accredited by an 'EC' certificate of verification issued by a notified body in accordance with Directive (EU) 2016/797 (the Interoperability Directive) or previous versions of the Interoperability Directive.

Tramway and Metro projects will not be taken in consideration.

Substantially completed means that Taking-Over Certificate has been issued in accordance with the FIDIC conditions of Contract, or equivalent having the same contractual meaning.

Summation of number of small value contracts (less than the value specified under the above requirement) to meet the overall requirement will **not** be accepted.

For contracts under which the applicant participated as a JVCA member, only the applicant's share, by its net value and role, shall be considered to meet this requirement.

In case of a JVCA, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. Instead, **each** contract performed by **each** member shall satisfy the minimum value of a single contract as required for a single entity. In determining whether the JVCA meets the requirement of total number of contracts, only the number of contracts completed by all members, each of value equal or more than the minimum value required, shall be aggregated.

The applicant in a JVCA formation meets the general construction experience requirement if one of its members has completed at least one (1) contract of required value.

3.2 **Specific contract administration, design and construction experience:**

For the contract(s) listed above, or other contracts, the applicant must demonstrate the following specific experience:

- b) Experience in successful completion at least **one (1)** design-build (D&B) contract type for public railway construction / reconstruction / modernisation, for administration of which
1. FIDIC Yellow Book (the Conditions of Contract for Plant and Design-Build), or,
 2. FIDIC Silver Book (the Conditions of Contract for EPC/Turnkey Projects), or,
 3. contract of similar nature to the proposed contract

were used.

The similarity of the contract nature shall be based on the following principal requirements related to the Contractor's duties and responsibilities:

- the Contractor is assigned full responsibility for the preparation and approval of the **Main/Detailed Design** or **Design for Building Permit** or **Design for Construction** and is required to execute and complete the Works in accordance with the Contract, and shall remedy any defects in the Works. When completed, the Works shall be fit for purpose for which the Works are intended as defined in the Contract;
- the Contract Price shall be the lump sum Accepted Contract Amount and payments shall be based on an itemized lump-sum schedule of prices adjusted in accordance with the Contract.
- The Contractor is required to successfully carry out "Tests After Completion" after the "Taking-Over Certificate" of the works is issued to ensure the works continue to meet the contractual standards. The terms "Tests After Completion" and "Taking-Over Certificate" are in accordance with FIDIC Yellow and Silver Book. For contracts governed by other Conditions of Contract, certificates having the same contractual meaning will be acceptable.

- c1) Experience in successfully completed design, supply and installation of railway signalling (computer-based interlockings) on at least **one (1)** public railway project where the length of railway line equipped by the applicant exceeded **40 km**.
- c2) Experience in successfully completed design, supply and installation of railway telecommunication equipment on at least **one (1)** public railway projects where the length of railway line equipped by the applicant exceeded **40 km**.

Single public railway project that includes both signalling and telecommunication equipment will be rated as one c1) railway signalling project plus one c2) railway telecommunication project.

Tramway and Metro projects will not be taken in consideration for c1) and c2) experience.

- d1) Experience in successfully completed design, supply and installation of railway signalling equipment for ETCS Level 2 on at least **one (1)** public railway project.
- d2) Experience in successfully completed design, supply and installation of GSM-R equipment for ETCS Level 2 on at least **one (1)** public railway project.

Experience for d1) ETCS Level 2 and d2) GSM-R system for ETCS Level 2 must be in conformity with the TSI and that conformity with the TSI must be accredited by a certificate issued by a notified body in accordance with Directive (EU) 2016/797 (the Interoperability Directive) or previous versions of the Interoperability Directive.

Single public railway project that includes both ETCS Level 2 signalling and GSM-R equipment for ETCS Level 2 will be rated as one d1) railway signalling project for ETCS Level 2 plus one d2) railway GSM-R ETCS Level 2 project.

Tramway and Metro projects will not be taken in consideration for d1) and d2) experience.

The technical capacity requirement under 3.2 c1), c2) and d1), for experience in design, supply and installation of railway signalling and telecommunication equipment should be met by the **applicant, and not by his specialist subcontractor(s)**.

However, technical capacity requirement under 3.2 c2) and d2) for experience in design, supply and installation of telecommunication and GSM-R equipment can be met by the specialist subcontractor.

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

The applicant is required to specify the specialist subcontractor(s) it intends to use for civil works, design, supply and installation of telecommunication and GSM-R equipment. If shortlisted, the applicant

will be required to provide evidence of subcontracting agreement(s) as part of his tender submission. As part of his tender submission, the shortlisted applicant and his prospective GSM-R supplier is required to provide a duly signed self-statement affirming their commitment to the support of the system, the delivery of spare parts, and the provision of potential maintenance services through the year 2040.

Specialized subcontractors for civil works, telecommunication equipment and GSM-R, as well as laying of cables and installation of trackside equipment may be proposed as subcontractor(s) **in more than one application**.

“Successfully completed” Design & Build (D&B) and/or Works Contracts will be confirmed by the applicant having in its possession Taking Over Certificates and/or Performance Certificates. The terms “Taking over Certificate” and “Performance Certificate” are in accordance with the FIDIC Conditions of Contract. For contracts governed by other Conditions of Contract, certificates having the same contractual meaning will be acceptable. Copies of all certificates signed by the Supervisor / Contracting Authority / Employer / the Engineer, or equivalent, of the projects submitted for evaluation and included in the Forms 3.3. and 3.4 of the “Application for EIB-funded Works Contract” must be submitted. Copies must be signed and stamped by the applicant as being authentic. The projects referred to by the applicant could have been started/implemented/completed at any time during the indicated period of last **ten (10) calendar years** prior to the application submission deadline but they do not necessarily have to be started and completed during that period, nor implemented during the entire period.

3.3 Capacity-providing entities:

Applicants 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 applicant 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 applicant may rely on the capacities of other corporate group entities which performed the works for which these capacities are required.

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

Applications submitted by companies in partnerships forming a JVCA must also fulfil the following requirements:

- The application must include all the information required by the application form for each member of the JVCA and the summary data for execution of works by the applicant.
- 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 JVCA are bound to remain in the JVCA for the whole execution period of the contract. See the declaration in the application form. If more than 6 eligible applicants meet the above selection criteria, the relative strengths and weaknesses of the applications of these applicants 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, in order of precedence:
 - the highest number of contracts implemented in criteria 3.2 (d1);
 - the highest number of contracts implemented in criteria 3.2 (d2);
 - the highest number of contracts implemented in criteria 3.2 (c1);
 - the highest number of contracts implemented in criteria 3.2 (c2);

- the highest number of contracts implemented in criteria 3.2 (b);
- the highest number of contracts implemented in criteria 3.1 (a);

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 applicant'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 slip⁶, 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 15 October 2025

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 contracting authority's web page <https://infrazs.rs/medjunarodne-nabavke/>

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 applicant 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,

⁶ 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 Services and Works required; or
 - (ii) limit in any substantial way, inconsistent with the PQDs, the Employer's rights or the applicant's obligations under the proposed Contract; or
- (b) if rectified, would unfairly affect the competitive position of other applicants 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 slip⁷ 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: Janko Kovljanic

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

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

⁷ It is recommended to use registered mail in case the postmark would not be readable

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

August 8, 2024

26. Repetition of similar work

N/A

27. Legal basis⁸

The contracting authority "Serbian Railways" JSC have signed the EIB Loan Agreement and WBIF Investment Grant Agreement WB-IG02-SRB-TRA-01 towards the cost of the reconstruction and modernisation of the railway line Niš - Dimitrovgrad.

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 24 June 2022, the Guide to Procurement for Projects Financed by the EIB, edition March 2024. 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

14:00 hrs Central European Time on 15 October, 2025

Financial data to be provided by the applicant in the standard application form must be expressed in EUR. The applicant should indicate the EUR equivalent using the rate of exchange determined as follows:

- a) For turnover or financial data required for each year - Exchange rate prevailing on the last day of the respective calendar or fiscal year, as applicable;
- b) Total Contract Amount - Exchange rate prevailing on the date of signing the contract;
- c) Net value of the Works, implemented by applicant - Exchange rate prevailing on the date of final acceptance.

The applicable exchange rate shall be determined as follows:

The source of exchange rate shall be: InforEuro exchange rate, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

In case the exchange rates are not available in the source identified above, the rates shall be taken from any other publicly available source acceptable to the contracting authority. Any error in determining the exchange rates may be corrected by the contracting authority.

28.1 Insight into documents

⁸ Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).

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

Applicants 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/>).

Applicants 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 applicants." (EIB GtP, § 3.7.4).