

This notice in TED website: <https://ted.europa.eu/udl?uri=TED:NOTICE:435200-2018:TEXT:EN:HTML>

**Hungary-Baja: Mechanical shovels, excavators and shovel loaders, and mining machinery
2018/S 192-435200**

Contract notice

Supplies

Directive 2004/18/EC

Section I: Contracting authority

I.1) **Name, addresses and contact point(s)**

Lower-Danube-valley Water Directorate
Szécheny I. u. 2/c.
6500 Baja
Hungary

Internet address(es):

General address of the contracting authority: <http://www.aduvizig.hu/>

Further information can be obtained from:

Első Magyar Közbeszerzési Tanácsadó Zrt.
Andrássy út 17.

Contact point(s): Első Magyar Közbeszerzési Tanácsadó Zrt.

For the attention of: Ms. Éva Molnár dr.

1061 Budapest

Hungary

E-mail: drmolnareva@mkb.t.eu

Fax: +36 17930640

Internet address: www.mkb.t.eu

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:

Első Magyar Közbeszerzési Tanácsadó Zrt.
Andrássy út 17.

Contact point(s): Első Magyar Közbeszerzési Tanácsadó Zrt.

For the attention of: Ms. Éva Molnár dr.

1061 Budapest

Hungary

E-mail: drmolnareva@mkb.t.eu

Fax: +36 17930640

Internet address: www.mkb.t.eu

Tenders or requests to participate must be sent to:

Első Magyar Közbeszerzési Tanácsadó Zrt.
Andrássy út 17. 2nd floor, 10. Hungary

Contact point(s): Első Magyar Közbeszerzési Tanácsadó Zrt.

For the attention of: Ms. Éva Molnár dr.

1061 Budapest

Hungary
E-mail: drmolnareva@mkb.t.eu
Fax: +36 17930640
Internet address: www.mkb.t.eu

- I.2) **Type of the contracting authority**
Ministry or any other national or federal authority, including their regional or local sub-divisions
- I.3) **Main activity**
Environment
Other: Water Directorate
- I.4) **Contract award on behalf of other contracting authorities**
The contracting authority is purchasing on behalf of other contracting authorities: no

Section II: Object of the contract

- II.1) **Description**
- II.1.1) **Title attributed to the contract by the contracting authority:**
Supply of Water Work Construction Machinery for the Lower Danube Valley Water Directorate (Aduvizig), Hungary
- II.1.2) **Type of contract and location of works, place of delivery or of performance**
Supplies
Main site or location of works, place of delivery or of performance: Baja, Hungary.
NUTS code HU331
- II.1.3) **Information about a public contract, a framework agreement or a dynamic purchasing system (DPS)**
The notice involves a public contract
- II.1.4) **Information on framework agreement**
- II.1.5) **Short description of the contract or purchase(s)**
Supply of the following water work construction machinery for the Lower Danube Valley Water Directorate (Aduvizig), Hungary:
— mobile excavator (with knuckle boom) 1 pc,
— telescopic loader, 1 pc.
- II.1.6) **Common procurement vocabulary (CPV)**
43260000
- II.1.7) **Information about Government Procurement Agreement (GPA)**
The contract is covered by the Government Procurement Agreement (GPA): yes
- II.1.8) **Lots**
This contract is divided into lots: no
- II.1.9) **Information about variants**
Variants will be accepted: no
- II.2) **Quantity or scope of the contract**
- II.2.1) **Total quantity or scope:**
— mobile excavator (with knuckle boom) 1 pc,
— telescopic loader, 1 pc.
- II.2.2) **Information about options**
Options: no

II.2.3) Information about renewals

This contract is subject to renewal: no

II.3) Duration of the contract or time limit for completion

in days: 108 (from the award of the contract)

Section III: Legal, economic, financial and technical information

III.1) Conditions relating to the contract

III.1.1) Deposits and guarantees required:

Tender guarantee: No tender guarantee is required.

Performance Guarantee: The successful tenderer will be asked to provide a performance guarantee of 5 % of the amount of the contract at the signing of the contract. This guarantee must be provided together with the return of the countersigned contract no later than 30 days after the tenderer receives the contract signed by the Contracting Authority. If the selected tenderer fails to provide such a guarantee within this period, the contract will be void and a new contract may be drawn up and sent to the tenderer which has submitted the next cheapest compliant tender.

III.1.2) Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them:

III.1.3) Legal form to be taken by the group of economic operators to whom the contract is to be awarded:

III.1.4) Other particular conditions

III.2) Conditions for participation

III.2.1) Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers

Information and formalities necessary for evaluating if the requirements are met: Eligibility and rules of origin: Participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium — of tenderers) which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under the Regulation (EU) No236/2014 establishing common rules and procedures for the implementation of the Union's instruments for external action (CIR) for the applicable Instrument under which the contract is financed /see also heading VI.3.)6 below. Participation is also open to international organisations.

All supplies under this contract must originate in one or more of these countries.

Please be aware that after the United Kingdom's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries and of goods originating from third countries will apply to candidates or tenderers from the United Kingdom, and to all candidates or tenderers proposing goods originating from the United Kingdom depending on the outcome of negotiations. In case such access is not provided by legal provisions in force at the time of the contract award, candidates or tenderers from the United Kingdom, and candidates or tenderers proposing goods originating from the United Kingdom could be rejected from the procure.

Grounds for exclusions: tenderers must submit a signed declaration, included in the tender form for a supply contract, to the effect that they are not in any of the situations listed in in Section 2.6.10.1 of the Practical Guide. Tenderers included in the lists of EU restrictive measures (see Section 2.4. of the PRAG) at the moment of the award decision cannot be awarded the contract.

III.2.2) Economic and financial ability

Information and formalities necessary for evaluating if the requirements are met: Economic and financial capacity of tenderer (based on i.a. item 3 of the tender form for a supply contract). The successful tenderer will be asked to submit the proofs of his declarations as specified in the tender dossier. In case of tenderer being a

public body, equivalent information should be provided. The reference period which will be taken into account will be the last 3 years for which accounts have been closed.

Capacity-providing entities.

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. Some examples of when it may not be considered appropriate by the Contracting Authority are when the tenderer relies in majority on the capacities of other entities or when they rely on key criteria. If the tenderer relies on other entities it must prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing a commitment on the part of those entities to place those 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. Furthermore, the data for this third entity for the relevant selection criterion should be included in the tender in a separate document. Proof of the capacity will also have to be furnished when requested by the Contracting Authority.

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

Minimum level(s) of standards possibly required: The selection criteria for each tenderer are as follows:

Criteria for legal persons:

- 1) The average annual turnover of the tenderer for the last 3 years for which accounts have been closed must exceed the total value of its financial proposal;
- 2) Current ratio (current assets/current liabilities) in the last year for which accounts have been closed must be at least 1. In case of a consortium, this criterion must be fulfilled by each member.

Criteria for natural persons:

- 1) The available financial resources of the tenderer must exceed the total value of her/his financial proposal;
- 2) The financial situation of the tenderer should not be in deficit, taken into account debts, within the 12 months preceding the deadline for submission of the tenders in this procedure.

III.2.3) **Technical capacity**

Information and formalities necessary for evaluating if the requirements are met:

The professional capacity of tenderer is based on i.a. items 4 and 5 of the tender form for a supply contract. The successful tenderer will be asked to submit the proofs of his declarations as specified in the tender dossier.

Technical capacity of tenderer is based on i.a. items 5 and 6 of the tender form for a supply contract. The reference period which will be taken into account will be the last 3 years from submission deadline. This means that the contract the tenderer refers to could have been started or completed at any time during the indicated period but it does not necessarily have to be started and completed during that period, nor implemented during the entire period. Tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In the first case the project will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, final acceptance). In case of projects still on-going only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary Evidence (similarly to projects completed) also detailing its value.

Capacity-providing entities.

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. Some examples of when it may not be considered appropriate by the Contracting Authority are when the tenderer relies in majority on the capacities of other entities or when they rely on key criteria. If the tenderer relies on other entities it must prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example

by producing a commitment on the part of those entities to place those 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. Furthermore, the data for this third entity for the relevant selection criterion should be included in the tender in a separate document. Proof of the capacity will also have to be furnished when requested by the Contracting Authority.

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

Minimum level(s) of standards possibly required:

Professional capacity of tenderer.

Criteria for legal persons:

At least 2 staff currently employed and have been employed during the past 2 years on permanent basis for the tenderer in field of selling construction machines.

Criteria for natural persons:

She/he is currently working and was working during the past 2 years as manager/team-leader or private entrepreneur in the field of selling construction machines.

Technical capacity of tenderer.

Criteria for legal and natural persons:

The tenderer has delivered earthmover machines with a budget of at least 100 000 EUR (excl. VAT) within the period 5.12.2015 – 5.12.2018.

III.2.4) **Information about reserved contracts**

III.3) **Conditions specific to services contracts**

III.3.1) **Information about a particular profession**

III.3.2) **Staff responsible for the execution of the service**

Section IV: Procedure

IV.1) **Type of procedure**

IV.1.1) **Type of procedure**

Open

IV.1.2) **Limitations on the number of operators who will be invited to tender or to participate**

IV.1.3) **Reduction of the number of operators during the negotiation or dialogue**

IV.2) **Award criteria**

IV.2.1) **Award criteria**

Lowest price

IV.2.2) **Information about electronic auction**

An electronic auction will be used: no

IV.3) **Administrative information**

IV.3.1) **File reference number attributed by the contracting authority:**

HUSRB/1601/11/0001 BABECA - Supply

IV.3.2) **Previous publication(s) concerning the same contract**

Prior information notice

Notice number in the OJEU: [2017/S 192-394666](#) of 6.10.2017

IV.3.3) **Conditions for obtaining specifications and additional documents or descriptive document**

IV.3.4) **Time limit for receipt of tenders or requests to participate**

5.12.2018 - 14:00

IV.3.5) **Date of dispatch of invitations to tender or to participate to selected candidates**

IV.3.6) **Language(s) in which tenders or requests to participate may be drawn up**
English.

IV.3.7) **Minimum time frame during which the tenderer must maintain the tender**
in days: 90 (from the date stated for receipt of tender)

IV.3.8) **Conditions for opening of tenders**

Date: 5.12.2018 - 14:15

Place:

H-1061 Budapest, Andrássy Str. 17. 2nd floor 10. Hungary

Section VI: Complementary information

VI.1) **Information about recurrence**

VI.2) **Information about European Union funds**

The contract is related to a project and/or programme financed by European Union funds: yes

Reference to project(s) and/or programme(s): Interreg-IPA CBC Hungary-Serbia Programme:

HUSRB/1601/11/0001 BABECA - The complex water

Management development of the area of the Baja-Bezdan Canal

VI.3) **Additional information**

1) The rules of the tender procedure:

For this tender procedure the rules of the PRAG Practical Guide (Procurement And Grants for European Union external actions — A Practical Guide Applicable as of 2 August 2018) for international open supply tender procedures shall be applied. For full information about procurement procedures please consult the Practical Guide and its annexes, which can be downloaded from the following web page: <http://ec.europa.eu/europeaid/prag/document.do>

2) Number of tenders:

Tenderers may submit only one tender. Tenders for parts if the supplies will not be considered. Tenderers may not submit a tender for a variant solution in addition to their tender for the supplies required in the tender dossier;

3) Information meeting and/or site visit:

No information meeting is planned;

4) Tender validity:

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders. In exceptional circumstances, the Contracting Authority may, before the validity period expires, requests that tenderers extend the validity of tenders for a specific period (see para 8.2 of the instructions to tenderers);

5) How to obtain the tender dossier:

The tender dossier is available from the following Internet address: <http://kozzetetel.mkbt.eu/>. The tender dossier is also available from the Contracting Authority. Tenders must be submitted using the standard tender form for a supply contract included in the tender dossier, whose format and instructions must be strictly observed. Clarifications may be sought from the Contracting Authority at the following email address drmolnareva@mkbt.eu, at the latest 21 days before the deadline for submission of applications stated at the point 6 below. Clarifications will be published on the TED website and on <http://kozzetetel.mkbt.eu/> at the latest 11 days before the deadline;

6) Deadline for submission of tenders:

The tenderer's attention is drawn to the fact that there are 2 different systems for sending tenders, either by post or private mail service, or by hand delivery. In the first case, the tender must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip (it is recommended to use registered mail in case the postmark would not be readable), but in the second case it is the acknowledgment of receipt given at the time of the delivery of the tender which will serve as proof.

The deadline is: 14:00 Central European Time on the 5.12.2018. Any tender received by the Contracting Authority after this deadline will not be considered. The Contracting Authority may, for reasons of administrative efficiency, reject any tender 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 evaluation report, if accepting tenders that were submitted on time but arrived late would considerably delay the evaluation procedure (for instance when applications or tenders are received after the evaluation committee has finished its works and evaluating them would imply recalling the evaluation committee) or jeopardise decisions already taken and notified;

7) How tenders may be submitted:

Tenders 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 slip, to:

Éva Molnár dr. Első Magyar Közbeszerzési Tanácsadó Zrt. on behalf of the Lower Danube Valley Water Directorate (ADUVIZIG) H-1061 Budapest, Andrásy Str. 17. 2nd floor 10. Hungary,

— 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: Éva Molnár dr., between 9 AM till 5 PM Első Magyar Közbeszerzési Tanácsadó Zrt. on behalf of the Lower Danube Valley Water Directorate (Aduvizig) H-1061 Budapest, Andrásy Str. 17.

2nd floor 10. Hungary The contract title and the Publication reference must be clearly marked on the envelope containing the tender and must always be mentioned in all subsequent correspondence with the Contracting Authority. Tenders submitted by any other means will not be considered. By submitting a tender candidates accept 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 tender;

8) VAT: The prices of the supplies shall be given excluding VAT in the tender;

9) Legal basis: Regulation (EU) No. 231/2014 of the European Parliament and of the Council of 11.3.2014 establishing an Instrument for Pre-accession Assistance (IPA II).

Commission Implementing Regulation (EU) No. 447/2014 of May 2014 on the specific rules for implementing Regulation (EU) No. 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession Assistance (IPA II) (hereinafter referred to as the IPA Implementing Regulation);

Regulation (EU) No. 236/2014 of the European Parliament and of the Council of 11.3.2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

The European Commission's Decision C(2015) 9488 on 15.12.2015 which relies on the Regulation (EC) No. 231/2014 of the European Parliament and of the Council and the Commission Implementing Regulation (EU) No. 447/2014 (IPA II Implementing Regulation).

10) Taking into account the fact that payment of the contract is from the subsidy awarded for the implementation of the project "Babeca", the Contracting Authority may terminate the contract, even after the Contractor has commenced performance if the EU contribution is withdrawn in full or is reduced in the extent that the implementation of the project becomes impossible or if any regulatory provision concerning the project prevents its execution.

In this case, the Contracting Authority is obliged to disclose the reasons and justifications for the decision on terminating the contract in a written legal declaration with the Contractor.

11) This is the repeated procedure for Lot 1: loader and excavator of the tender titled supply of water work construction machinery for the Lower Danube Valley Water Directorate (Aduvizig), Hungary, publication reference: [2017/S 230-480464](#)

VI.4) **Procedures for appeal**

VI.4.1) **Body responsible for appeal procedures**

VI.4.2) **Lodging of appeals**

VI.4.3) **Service from which information about the lodging of appeals may be obtained**

VI.5) **Date of dispatch of this notice:**

3.10.2018