

**Hongrie-Budapest: Ouvrages ferroviaires**

OJ S 228/2017 28/11/2017

Avis de marché – secteurs spéciaux

Marché de travaux

**Base juridique:**

Directive 2014/25/UE

**Section I: Entité adjudicatrice**

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**I.1. Nom et adresses**

Nom officiel: Chinese-Hungarian Railway Nonprofit Ltd / Kínai-Magyar Vasúti Nonprofit Zrt.

Adresse postale: Máriássy utca 7.

Ville: Budapest

Code NUTS: HU11 Budapest

Code postal: 1095

Pays: Hongrie

Point(s) de contact: Procurement Department

Courriel: [chrn.procurement@bbproject.hu](mailto:chrn.procurement@bbproject.hu)

Téléphone: +36 304958611

Fax: +36 15112472

**Adresse(s) internet:**Adresse principale: <https://www.mavcsoport.hu/bbproject>**I.3. Communication**L'accès aux documents du marché est restreint. De plus amples informations peuvent être obtenues à l'adresse suivante: <https://www.mavcsoport.hu/bbproject>

Adresse à laquelle des informations complémentaires peuvent être obtenues: le ou les point(s) de contact susmentionné(s)

Les offres ou les demandes de participation doivent être envoyées au(x) point(s) de contact susmentionné(s)

**I.6. Activité principale**

Autre activité: development of railway infrastructure

**Section II: Objet**

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**II.1. Étendue du marché****II.1.1. Intitulé**

Procurement for the upgrading of the Soroksár (incl.) — Kelebia (country border) railway line (EPC contract).

**II.1.2. Code CPV principal**

45234100 Ouvrages ferroviaires

**II.1.3. Type de marché**

Travaux

**II.1.4. Description succincte**

Upgrading of the Soroksár (incl.) — Kelebia (country border) railway line (EPC contract).

### **II.1.5. Valeur totale estimée**

### **II.1.6. Information sur les lots**

Ce marché est divisé en lots: non

## **II.2. Description**

### **II.2.2. Code(s) CPV additionnel(s)**

34632200 Équipement électrique de signalisation de chemin de fer, 34632300 Installations électriques de chemin de fer, 34941000 Rails et accessoires, 34946000 Matériaux de construction ferroviaire et fournitures, 45213321 Travaux de construction de gares de chemin de fer, 45221112 Travaux de construction de ponts de chemin de fer, 45221213 Excavations ferroviaires couvertes ou partiellement couvertes, 45234000 Travaux de construction de voies ferrées et de systèmes de transport par câble, 45234112 Travaux de construction de dépôts ferroviaires, 45234113 Démolition de voies ferrées, 45234114 Travaux de construction de remblais de chemin de fer, 45234115 Travaux de signalisation ferroviaire, 45234116 Travaux de construction de voies, 71311230 Services d'ingénierie ferroviaire, 79930000 Conception de modèles, 79311100 Services de conception d'études

### **II.2.3. Lieu d'exécution**

Code NUTS: HU Magyarország

Lieu principal d'exécution: Hungary.

### **II.2.4. Description des prestations**

Based on subclause 2., paragraph 2 of Article 2 of the Treaty between the Government of Hungary and the Government of the Peoples' Republic of China about the Development, Construction and Financing of the Hungarian Section of the Budapest-Belgrade Railway Line, MÁV Zrt. will exercise the rights and obligations undertaken as the Employer under the EPC contract.

The main subject matter of this contract is the upgrading of the Soroksár (incl.) — Kelebia (country border) MÁV railway line No. 150 to line speed  $v=160(200)$ km/h between sections 78 + 07 and 1593 + 88, where the total length of the contract is approximately 152 km.

The subject matter of the contract includes:

1. Main parameters according to specifications related to existing EU TEN-T network (class P4) to be upgraded, with mixed traffic
2. Design speed: 200 km/h for horizontal and vertical layout (other parameters: 160 km/h)
3. Licensing speed: 160 km/h
4. Number of line tracks: 2
5. Superstructure type: system 60
6. Axle load: 225 KN
7. Electrified line (25 kV, 50 Hz) using Catenary energy remote control system (FET)
8. Electronic signalling system, establishment with central traffic control system (KÖFI) and ETCS L2, GSM-R systems
9. Maximum length of freight trains: 750 m
10. Consideration of transport of axle-modified trains
11. Construction or renewal of facilities on stations for passenger service and operational purposes
12. Fulfilment of the PRM requirements on stations.

The main planning and construction tasks include:

1. Preparation of complete plans for approval (permission plans)

2. Preparation of environmental impact assessment and obtaining the environmental permit; Preparation of the NATURA 2000 impact assessment
3. Preparation of expropriation drawings together with the administration of changes at the land registry
4. Obtaining all building permits (licenses)
5. Preparation of all detailed designs necessary for the construction works, obtaining the operators' approvals
6. Preparation of construction schedules, obtaining the operators' approvals
7. Establish consistency with the building plan and contribution in expropriation process
8. Construction (from the handover of the construction site to a successful technical handover-takeover procedure)
9. Contribution in obtaining of authorization of occupancy
10. Preparation of as-built documentation.
11. Warranty obligations

The Conditions of Contract will comprise the General Conditions forming part of the first edition of the Conditions of Contract for Plant and Design Build for Electrical and Mechanical Works and for Building and Engineering Works Designed by the Contractor published by the Fédération Internationale des Ingenieurs-Conseils (FIDIC) in 1999 and the Particular Conditions providing for the amendments and supplements of the General Conditions to be drafted by the Contracting Authority.

The proposed quantities, which are based on a feasibility study, will have to be finalized by contractor in the planning phase:

A rough estimate of quantities required in the procurement are as follows:

1. 18 grade-separated and 89 level crossings;
2. Bridges 590.4 metres;
3. Number of underpasses: 16;
4. Number of culverts: 72;
5. The length crossing the nature protection area: 50 km;
6. Number of buildings to be removed / demolished: 110;
7. Number of buildings to be upgraded / renovated / reconstructed: 45;
8. Number of buildings to be newly constructed: 98;
9. The length of embankments to be built: approx. 374 track kilometres;
10. The length of track to be built: approx. 379 track kilometres;
11. Reconstruction of catenary wire and supply wire: approx. 444 kilometres.

#### **II.2.5. Critères d'attribution**

Critères énoncés ci-dessous

Critère de qualité - Nom: Quality of the technical bid / Pondération: 50

Prix - Pondération: 50

#### **II.2.6. Valeur estimée**

#### **II.2.7. Durée du marché, de l'accord-cadre ou du système d'acquisition dynamique**

Durée en mois: 86

Ce marché peut faire l'objet d'une reconduction: non

#### **II.2.9. Informations sur les limites concernant le nombre de candidats invités à participer**

Nombre de candidats envisagé: 3 Critères objectifs de limitation du nombre de candidats:

Candidates with valid applications to participate will be ranked by the Contracting Authority on the basis of their professional experience (references) as economic operators, their expert staff, their available equipment and financial compliance, and the Candidates with the top

three scores will be invited to submit a bid. Please see the documentation for the detailed ranking criteria. If due to their identical ranking score, more than 3 Candidates qualify for the invitation to submit a bid, the Contracting Authority shall decide which Candidates will be invited to submit a bid according to the following criteria:

1. the Candidate who has received the highest score based on the experience (references); if still more than three Candidates remain, then
2. the Candidate who has received the highest score based on professional staff criteria; if still more than three Candidates remain, then
3. the Candidate who has received the highest score based on equipment criteria; if still more than three Candidates remain,

then the Contracting Authority shall invite all Candidates selected with this method to submit a bid. In such case, the quota of economic operators invited to submit a bid may exceed three.

Evaluation criteria applicable in the 2nd phase of the procurement:

Evaluation criteria for the final bid:

Quality of the technical bid— weight 50 %

Financial bid — weight 50 %

The main evaluation criteria of the technical bids are linked to the design, construction arrangement, time schedule/project plan, technical solutions for the different subsystems and equipment, organisational methodology and project management, testing, logistics, commissioning, quality control and environmental protection offered for the execution of the project.

Evaluation methodology for the technical bid:

The Contracting Authority will evaluate the technical bids based on the technical requirements and in the light of the criteria specified above. Scores will be given on a scale of 0-100 points, with the best bid receiving the maximum 100 points and the others proportionally less. The scores will be weighted according to the importance of a certain criterion, and the individual weighted scores will be added up to produce the total technical score.

Evaluation methodology for the financial proposal:

The lowest price will receive 100 points. The other bids will receive proportionally less in accordance with the following formula:

$$\text{financial score} = (\text{the lowest price offered}) / (\text{price offered}) * 100$$

Calculation of the final score

$$\text{final score} = \text{technical score} * 50 \% + \text{financial score} * 50 \%$$

The detailed evaluation methodology will be stated in the second phase procurement documentation of the Procurement Procedure.

#### **II.2.10. Variantes**

Des variantes seront prises en considération: non

#### **II.2.11. Information sur les options**

Options: non

#### **II.2.13. Information sur les fonds de l'Union européenne**

Le contrat s'inscrit dans un projet/programme financé par des fonds de l'Union européenne: non

#### **II.2.14. Informations complémentaires**

The completion deadline indicated in II.2.7. is an estimation that might change during the negotiations.

### **Section III: Renseignements d'ordre juridique, économique, financier et technique**

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### III.1. Conditions de participation

#### III.1.1. Habilitation à exercer l'activité professionnelle, y compris exigences relatives à l'inscription au registre du commerce ou de la profession

Liste et description succincte des conditions:

Exclusion grounds:

An economic operator shall be excluded from participating in the procedure as a Candidate, subcontractor or Organisation participating in certifying eligibility if:

1. he or she has been convicted in final judgment for one of the following reasons:

a) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA

b) corruption, as defined in Article 3 of the convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and Article 2(1) of Council Framework Decision 2003/568/JHA as well as corruption as defined in Hungarian law or the national law of the economic operator;

c) fraud within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests;

d) terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/ respectively, or inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision;

e) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council

f) child labour and other forms of trafficking in human beings as defined in Article 2 of Directive 011/36/EU of the European Parliament and of the Council;

2. any of its executive officers or company managers, or any member of its supervisory board, or, in the case of an economic operator, its sole shareholder or any of its shareholders, or any person that holds a similar decision-making powers under the laws of the jurisdiction where the economic operator is established has been convicted by a final court judgement for any of the crimes specified in subsection III.1.1. 1 in the last 5 years, and has not been relieved from the detrimental consequences attached to such prior conviction;

3. a person who was convicted by a final court judgement for any of the crimes specified in subsection III.1.1. 1 in the last 5 years or, where such a period is shorter, within the period needed for the person convicted to be relieved from the detrimental consequences attached to the conviction for the given crime served as its executive officer or company manager, or as a member of its supervisory board, or, in the case of an economic operator, was its sole shareholder or any of its shareholders, or as a person who was a member of a similar management or supervisory body or held that holds a similar decision-making powers under the laws of the jurisdiction where the economic operator is established, when committing the crime in question;

4. he, she or it is in breach of obligations relating to the payment of taxes, customs duties or social security contributions for more than a year, where this has been established by a judicial or administrative decision having final and binding effect under Hungarian law or the national law of the economic operator. The above shall not apply if the economic operator has paid the debt, including, where applicable, any interest accrued or fines by the time of the submission of its application, or it was granted a permission for deferred payment of the debt;

5. he, she or it has engaged or attempted to engage in any forbidden conduct as defined in Section 6 of Annex 1 as defined in Hungary's Act XXIV of 2016 on the promulgation of the treaty between the Government of Hungary and the Government of the People's Republic of China about the development, construction and financing of the Hungarian section of the Budapest-Belgrade railway line;

6. it is an economic operator blacklisted by the European Bank for Reconstruction and Development (EBRD) or the World Bank;  
to be continued in III.1.2.

### III.1.2. Capacité économique et financière

Liste et description succincte des critères de sélection:

Continue III.1.1.

7. it is the subject of winding-up proceeding, a court order on a bankruptcy procedure against it has been published, a compulsory liquidation proceeding has been launched against it in a final and binding order, or similar process is in progress against it under the laws of the jurisdiction where it is established, or it is any analogous situation under the laws of such jurisdiction;

8. he, she or it has suspended business activities or his, her or its business activities have been suspended;

9. he, she or it has been convicted in a final court ruling for an offence related to his, her or its business activities or professional conduct in the past 3 years;

10. he, she or it makes any misrepresentation with respect to, or withholds, information required for the verification of the absence of grounds for exclusion, the fulfilment of the selection criteria and for the ranking;

11. the distortion of competition resulting from his, her or its conflicts of interest or his, her or its prior involvement in the preparations for the procurement procedure cannot be remedied otherwise;

12. he, she or it has no legal status or legal capacity, or the existence of such legal status or legal capacity cannot be verified.

A Candidate is not eligible, if

P1) it has less than minimum HUF 7 500 000 000 average sales revenue (excl. VAT) in the past 5 closed financial years from the date of dispatch of this call for application notice, originating from ongoing or finished normal gauge (1435 mm), open access national railway project, equipped with 25 kV 50 Hz overhead line network, and electronic signalling system design works;

P2) it has less than minimum HUF 150 000 000 000 average sales revenue (excl. VAT) in the past 5 closed financial years from the date of dispatch of this call for application notice, originating from ongoing or finished normal (1435 mm) gauge, open access national railway projects, equipped with 25 kV 50 Hz overhead line network, and electronic signalling system railway construction works.

P3) it does not have a confirmation of creditworthiness of at least HUF 45 billion or an equivalent amount in another currency issued by bank(s), which secures the availability of cash-flow for the Candidate.

P4) the Candidate's (or its legal predecessor's) profit after taxation was negative more than once (in more than one financial year) during the last three financial years closed by annual reports prior to the date of dispatch of this Call for Application.

Niveau(x) spécifique(s) minimal/minimaux exigé(s):

Method of certification:

An Organisation participating in certifying the Candidate's compliance with P1)-P4) eligibility criteria [including its de iure controlling parent company in the case of certifying compliance with P3) as a beneficiary or certifying compliance with P4)] shall be liable in the same way as a guarantor for compensating damages suffered by the Employer as a result of default or non-performance by the Candidate. The guarantor's letter of commitment is to be submitted. The guarantor certifying P1) eligibility criterion is liable as a guarantor only to the extent of the value of the design works.

P1)-P2): Candidates will have to certify their compliance by submitting a declaration about sales revenue earned from the activities specified in eligibility criteria P1) and P2) in the last 5 closed financial years prior to date of dispatch of the Call for Application.

Joint Candidates may certify their compliance with the P1) and P2) financial and economic eligibility criteria together or through one or more Organisations participating in certifying eligibility, meaning that the net sales revenues of the certifying entities will be added up.

P3) Candidates shall submit a confirmation of creditworthiness attesting the cash-flow specified in eligibility criteria P3). The confirmation of creditworthiness shall be issued by credit institution having an investment-grade public credit rating (BBB- or Baa3 or above) from at least one of the credit rating agencies of Moody's, Standard&Poor's and Fitch, or by a majority subsidiary or a branch office of such credit institution.

The beneficiary of the confirmation of creditworthiness shall be the Candidate or its de iure controlling parent company (where the parent company's letter of commitment as a guarantor will have to be submitted), or, in the case of Joint Candidates, one of the Candidates or its de iure controlling parent company.

P4) Candidates may certify their compliance with eligibility criteria P4) by submitting a declaration on their after-tax profits and their annual report or, if such annual report is available online free of charge in English/Hungarian, by disclosing the address where it is available.

If a Candidate does not have a statutory annual report for the entire period prescribed by the Contracting Authority because it commenced its operation after the beginning of that period or if an annual report is not acceptable, it may rely on an Organisation participating in certifying eligibility in order to confirm its compliance with this criterion.

In case of Joint Candidates, one of the the Candidates shall comply with this criterion separately.

### **III.1.3. Capacité technique et professionnelle**

Liste et description succincte des critères de sélection:

A candidate is not eligible if it does not have

M1) experience in at least one standard gauge (1435 mm) track open access railway survey engineering project works designed for a total mileage of not less than 150 track km with a design speed of 160 km/h or above, in which the authority issued final binding permission, performed over the last five years (60 months) prior to the date of dispatch of this Call for Application notice;

M2) experience in construction or reconstruction of standard (1435 mm) gauge track open access railway works project with design speed of 160 km/h or above, with a cumulative mileage of not less than 300 track km, with 100 track km in a single contract, that was closed with a successful technical handover-takeover procedure — over the last five years (60 months) prior to the date of dispatch of this Call for Application notice.

M3) one person as Project Manager who (i) holds a bachelor or higher degree in architectural engineering or civil engineering, traffic engineering or water supply and sewerage engineering or hydraulic engineering, or equivalent educational background; (ii) has at least 5 years (60 months) of experience in public transport railway project management with standard (1435 mm) gauge open access railway, and, (iii) in the past 10 years (120 months), participated in the management of projects as the managing director of a construction company or as a project manager or as a deputy project manager and controlled at least two site managers, where the projects included the construction or reconstruction of tracks of at least a total of 150 track km with sub- and superstructure, catenary and signalling system and within the same construction projects the replacement or installation of at least 25 rail switch groups;

M4) at least two site managers for rail track construction, who (i) hold a bachelor or higher degree in architectural engineering or civil engineering or traffic engineering or water supply

and sewerage engineering or hydraulic engineering or equivalent educational background, (ii) have at least 5 years (60 months) of technical management experience in open access railway construction with standard (1435 mm) gauge track and (iii) participated in at least two projects in the past ten (10) years (120 months) as a site manager where each project involved the construction or reconstruction of at least 30 track km of normal gauge tracks with sub- and superstructure, and where the same project involved the replacement or installation of at least 15 rail switch groups. It is a requirement that at least one of the two site managers has the MV-KÉ certification.

M5) at least 2 site managers for catenary installation, who (i) hold a bachelor or higher degree in electrical engineering or traffic engineering or equivalent educational background, (ii) have at least 60 months of technical management experience acquired in 25 kV, 50 Hz AC catenary line installation and (iii) participated in at least two projects in the past ten years (120 months) as a site manager where each project included the in-service construction or reconstruction of at least 50 km 25 kV, 50 Hz AC catenary lines on open track and in at least one station. It is a requirement that at least one of the two site managers has the MV-VV certification.

M6) at least 2 site manager for signal and telecommunication construction, who (i) hold a bachelor or higher degree in electrical engineering or traffic engineering or telecommunication engineering or signal engineering or equivalent educational background, (ii) have at least 60 months of technical management experience acquired in railway signalling construction or reconstruction and (iii) participated in at least 2 projects in the past 120 months as a site manager where each project contained the construction or reconstruction of electronic signalling system of at least one railway station. It is a requirement that at least of the 2 site managers has the MV-VV certification.

Niveau(x) spécifique(s) minimal/minimaux exigé(s):

M7) at least one person in charge of track closures, who (i) holds a valid permit for holding individual railway operating capacity demand within the meaning of NFM (Ministry of National Development) Decree No. 19/2011 and (ii) has at least 5 years (60 months) of professional experience in the construction or reconstruction works of a standard gauge (1435 mm) open access railway tracks.

Methods of certification:

M1) and M2): Candidates will be required to certify their compliance with these criteria by presenting a letter of certification issued by the other contracting party. The certificate issued by the other contracting party shall state at least the following:

the subject matter of the contract in a detailed manner that enables confirmation of compliance with the eligibility criteria,

the volume of the contract (design or construction project),

the share in the fees received;

the date and place of fulfilment,

in the case of eligibility criteria M1), the date of the issuance of the legally binding authority permit; in the case of eligibility criteria M2), the date of the successful technical handover-takeover,

name of the other party to the contract, telephone and telefax number, e-mail address of the contact person on its behalf,

a declaration by the other party to the contract that the performance was in accordance with the relevant regulations and with the contract.

In the case of a reference performed by joint tenderers the information specified above shall be stated in the letter of certification in a way so as to allow clear identification of each tenderer's share in the works performed and in fees. If, due to the indivisibility of the joint tenderers' performance, the letter of certification cannot be issued in a way that allows the identification of the works performed by each tenderer separately, the Contracting Authority

will accept the letter of certification as the confirmation of the performance of works by each Candidate in the ratio of its share in the total fee paid under the contract.

A reference work will be considered to have been performed in the last 5 years prior to the date of dispatch of the Call for Application if the date of the issuance of the legally binding authority permit or the closing date of the successful technical handover-takeover was within such period. The Contracting Authority will accept contracts with regard of partial performance closed by a successful technical handover-takeover.

M3)-M7): Candidates will be required to certify their eligibility with the introduction of experts, with documents certifying their degrees and with the professional resume of the experts. Each resume shall contain data relevant to assessing the experience of the expert in question (information on projects, performed duties, scope of activities, presentation of the activities, and start and end dates of the activity [year, month]).

The declaration of availability signed by the expert shall be attached to the application to participate.

The Contracting Authority will verify the existence of the required term of experience on the basis of the resume; concurrent periods of experience shall be taken into consideration only once.

Each professional expert can certify a Candidate's compliance with one eligibility criterion only. Joint Candidates may certify compliance with the M1)-M7) eligibility criteria together or via Organisation(s) participating in certifying eligibility.

If a Candidate wishes to comply with these eligibility criterion via an Organisation participating in certifying eligibility, the Candidate must certify that the Organisation participating in certifying eligibility will participate in the fulfilment of the sub-task to be performed in relation to the eligibility criteria, and the relevant contract/pre-contract/commitment of the Organisation participating in certifying eligibility shall be attached to the application to participate.

#### **III.1.6. Cautionnement et garanties exigés**

Performance guarantee, warranty guarantee, and penalties stipulated by the EPC draft contract are to be finalized during the negotiations.

#### **III.1.7. Modalités essentielles de financement et de paiement et/ou références aux textes qui les réglementent**

The Contracting Authority intends to provide advance payment. The details of such advance payment are to be finalized during the negotiations.

The Contracting Authority guarantees the implementation of the subject of the present procurement by utilizing the credit facility provided on the basis of the credit agreement to be entered into by and between the Ministry for National Economy and the Chinese Exim Bank according to Article 7 of the Act XXIV of 2016 on the promulgation of the Treaty between the Government of Hungary and the Government of the Peoples' Republic of China about the Development, Construction and Financing of the Hungarian Section of the Budapest-Belgrade Railway Line.

#### **III.1.8. Forme juridique que devra revêtir le groupement d'opérateurs économiques attributaire du marché**

No.

### **III.2. Conditions liées au marché**

#### **III.2.2. Conditions particulières d'exécution**

The EPC contract to be concluded on the basis of the present procurement procedure will take effect upon the condition of a valid and effective credit agreement or any other financial resources provided for the Contracting Authority. If the financial conditions stipulated in the

above mentioned Treaty are not met, and/or any other alternative financial resource is not available for the Contracting Authority, it may terminate the EPC contract.  
If the lack of financing according to the above paragraph becomes evident before the conclusion of the EPC contract the Contracting Authority may decide not to conclude the EPC contract or declare the procurement unsuccessful.

## **Section IV: Procédure**

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### **IV.1. Description**

#### **IV.1.1. Type de procédure**

Procédure négociée avec appel à la concurrence préalable

#### **IV.1.3. Information sur l'accord-cadre ou le système d'acquisition dynamique**

#### **IV.1.8. Information concernant l'accord sur les marchés publics (AMP)**

Le marché est couvert par l'accord sur les marchés publics: non

### **IV.2. Renseignements d'ordre administratif**

#### **IV.2.2. Date limite de réception des offres ou des demandes de participation**

Date: 19/01/2018 Heure locale: 13:00

#### **IV.2.3. Date d'envoi estimée des invitations à soumissionner ou à participer aux candidats sélectionnés**

Date: 19/03/2018

#### **IV.2.4. Langue(s) pouvant être utilisée(s) dans l'offre ou la demande de participation**

hongrois, anglais

#### **IV.2.6. Délai minimal pendant lequel le soumissionnaire est tenu de maintenir son offre**

Durée en mois: 4 (à compter de la date limite de réception des offres)

## **Section VI: Renseignements complémentaires**

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### **VI.1. Renouvellement**

Il s'agit d'un marché renouvelable: non

### **VI.2. Informations sur les échanges électroniques**

Le paiement en ligne sera utilisé

### **VI.3. Informations complémentaires**

1. The Contracting Authority will make the Procurement Documentation entirely and fully accessible to all interested economic operators (Interested economic operators) following the prior registration of company data (TED reference number, name, seat, tax number, company registration number, contact person with e-mail address and phone number) free of charge. After the registration data is sent to the e-mail address stated in Section I.1 above, the Contracting Authority will send the documentation to the relevant Interested economic operator during working hours. The condition for the participation in the procedure is that the Candidate or, in the case of Joint Candidates, at least one Candidate must receive the Procurement Documentation and certify such receipt by returning a properly completed and duly signed

registration sheet before the time limit for receipt of the requests for participate. The application to participate shall be null and void if none of the indicated Candidates receive the documentation.

2. The Candidates cannot submit bids in the participation stage. The submission of a bid results in the invalidity of the application to participate.
  3. If one Candidate submits a valid application to participate, the Contracting Authority may declare the procedure unsuccessful.
  4. The submission of the final and binding bid is subject to a tender guarantee (bid bond).
  5. Following the commencement of the procedure, information may only be provided to those economic operators, simultaneously, in writing and with the same content, who expressed their interest in the procedure in the manner described in this Call for Application. (See Section VI.3. 1.)
  6. Clarification questions: economic operators who/which have registered with the Contracting Authority in accordance with Section VI.3.1 may ask clarification questions related to the Procurement Documentation up to 16 days before the time limit for receipt of the applications to participate. The Contracting Authority will give the answers by no later than 8 days before the time limit for receipt of the requests for participate. The rules pertaining to clarification questions and answers are contained in paragraph 10 of Chapter I (Guidelines) of the Procurement Documentation.
  7. The Contracting Authority stated the conditions of the present procurement procedure with regard to the provisions laid down in the Procurement Policy that constitutes the Annex to the Treaty and in Annex 2 to the Treaty, as stated in Act XXXV of 2017. Issues not regulated in the Call for Application or in the Procurement Documentation will be subject to the provisions of the Procurement Policy.
  8. The Contracting Authority shall make it possible for all Candidates to remedy deficiencies under the same terms and conditions and may ask Candidates for information to clarify the content of any unclear declaration, statement, or certificate included in their applications to participate. The corresponding detailed rules are contained in paragraph 7 of Chapter 1 (Guidelines) of the Procurement Documentation.
  9. All communication in the Procurement Procedure shall be made only in writing via the contact points provided by the Contracting Authority herein, except for the negotiations held in the bidding phase. Further conditions related to liaison are contained in paragraph 15.3 of Chapter 1 (Guidelines) of the Procurement Documentation.
  10. Any economic operator that is presented in the participation phase in order to certify the eligibility of a Candidate shall participate in the performance of the contract. Such entities may only be replaced as per paragraph 15.3 of Chapter 1 (Guidelines) of the Participation Documentation.
- To be continued in VI.4.3.

#### **VI.4. Procédures de recours**

##### **VI.4.1. Instance chargée des procédures de recours**

Nom officiel: Fővárosi Törvényszék (Court of Capital City Budapest)

Adresse postale: Markó utca 27.

Ville: Budapest

Code postal: 1055

Pays: Hongrie

##### **VI.4.3. Introduction de recours**

Précisions concernant les délais d'introduction de recours:

VI.3 continue:

11. In the second phase of the procurement procedure, the Contracting Authority will negotiate about the contract terms and technical and professional requirements with the economic operators that are invited to submit bids on the basis of the submitted first bids. The detailed rules and the schedule of the negotiations will be determined in the bidding phase in accordance with the provisions of the Procurement Policy. The Contracting Authority reserves the right to hold separate negotiations with bidders if needed.

12. The language of the Procurement Procedure is Hungarian and English, with the condition that in the case of disputed interpretation, the English version shall prevail. If a document is submitted in a language other than English or Hungarian, the Contracting Authority will accept responsible English and Hungarian translation of the document.

13. The formal requirements of the submission of the applications to participate, including the method of enclosing business secrets, are contained in the Procurement Documentation. The formal requirements of bids shall be specified by the Contracting Authority in the Call for Bid.

14. The Contracting Authority will evaluate the applications to participate and the final bids within 60 days, which time limit may be extended by additional 60 days if needed.

15. The Contracting Authority will evaluate on the basis of all the circumstances of the case in the bidding phase whether a bid / bid item qualifies as abnormally low or unrealistic and whether it is necessary to request a justification for that from the tenderer.

16. The Contracting Authority reserves the right to fix a sum over which a bid will be declared invalid in the bidding phase (which may be revised in the Call for Bid or, on the basis of the negotiations, in the final Call for Bid).

17. Bidders invited to submit a bid will be required maintain the binding force of their final bid for 120 days. The winning bidder and, where applicable, the bidder ranked second shall be bound by its bid up to the conclusion of the contract. The other bidders will be bound up to the date when the winning bidder is announced. The Contracting Authority reserves the right to conclude a contract with the bidder ranked second if the contract is not concluded with the winner of the procedure, provided that this is allowed under the Procurement Documentation in the bidding phase.

18. Conditions for opening the applications to participate: Date: 19.1.2018, Local time: 13:00 CET, Place: H-1095 Budapest, Máriássy u 7. 5th Floor

The list of persons authorized to be present at the opening procedure and the course of the opening procedure is defined in the Procurement Documentation.

19. Please note that the winning bidder and Organisations participating in certifying eligibility (including professional experts) of the winning bidder(s) will be required with regard to the performance of the contract to be in possession of all necessary certifications and permits for construction works in Hungary as stipulated by the relevant laws. Please also be aware of the fact that during the performance of the contract, the use of both Hungarian and English will be required. The EPC contract will contain a detailed regulation in this respect.

#### **VI.5. Date d'envoi du présent avis**

24/11/2017