

SERVICE PROCUREMENT NOTICE

Request for Expression of Interest (REOI)

**CONSULTANCY SERVICES FOR THE SUPERVISION OF CONSTRUCTION WORKS
FOR RUSTAVI-ALGETI (Lot I) and ALGETI-RED BRIDGE (Lot II)**

Location: Georgia

1. Reference code (GTC/CS/QCBS-04)

2. Procedure

The procurement process adopted by the Contracting Authority for the purpose of this contract is an international competitive bidding with pre-qualification, also referred to as the restricted tender procedure as defined by the EIB's Guide to Procurement (September 2018). The procedure will be conducted as per the EIB's Guide to Procurement version of 2018 aligned with the national law. This procedure comprises two separate stages:

- Stage 1 of this process is the pre-qualification process, which is designed to identify eligible and suitable candidates for this contract;
- Stage 2 will be a formal tender process involving only the shortlisted candidates identified and selected as eligible and suitable as a result of the prequalification.

In detail, during the first stage, any candidate may submit a request to participate in the tendering process. Once the applications are received, the ones submitted on time will be evaluated according to the exclusion, selection and shortlisting criteria established in the present notice. The shortlisting of applicants will be conducted on a non-discriminatory basis, following the application of objective criteria, as explained in the sections below. Subsequently, the Contracting Authority will then send requests for proposals (RFP) to the shortlisted applicants. All Proposals subsequently received (that are compliant i.e. submitted in accordance with the tendering instructions) will be evaluated in accordance with the evaluation (award) criteria as set out in the present notice and in the RFP document.

A candidate with the most economically advantageous proposal (80% quality & 20% price) will be awarded the contract.

3. Programme

Georgia Transport Connectivity II (GTC II) is expected to be implemented between 2024 and 2028. It will be a complimentary platform to continue supporting Georgia in reaching its international connectivity and local mobility objectives.

4. Financing

The EIB is funding to the Government of Georgia for the new construction of the section from Rustavi to the intersection at Algeti (LOT-1) being approximately 21.0 km long and Algeti to Red Bridge at the Azerbaijan border (LOT-2) being approximately 10.9 km long under the GTC II Framework Loan.

5. Contracting Authority

Roads Department of the Ministry of Regional Development and Infrastructure of Georgia
Attn: Ms. Salome Tsurtsunia – Deputy Chairperson
Address: Kazbegi ave. 12 0160, Tbilisi, Georgia
Email: info@georoad.ge
cc: n.papunidi@gmail.com ; ana.gogs@gmail.com

6. Project Description

The EIB is providing funds to the Government of Georgia for the new construction of the section from Rustavi to the intersection at Algeti (LOT-1) being approximately 21.0 km long and Algeti to Red Bridge at the Azerbaijan border (LOT-2) being approximately 10.9 km long. The road will be four lane grade separated motorway designed according to TEM standards. The road configuration is constructed with the rigid pavement width of 22~ 25m average with hard shoulder. The road drainage system is provided in the middle of the road section. The motorway is 4x3.75m width with hard shoulder of 2.5m wide. The lighting system is designed on the median. The design speed is 120 km/ph. 4m wide median with New Jersey Barriers is planned for the entire stretch of the project. Asphalt concrete pavement is used on bridges, overpasses, and access road connections. Lots 1 and 2 have 13 bridges in total and five grade separated intersections. At the end of LOT-1 is the Algeti interchange from which branches the section to Sadakhlo at the Armenian border.

CONTRACT SPECIFICATION

7. Nature of contract

Time-based

8. Scope of Contract

The Contracting Authority wishes to engage a consultant (the “Consultant”) to perform the role of Construction Supervisor and the Engineer in accordance with FIDIC Conditions of Contract (the “Assignment”). Construction works will include the section from Rustavi to Algeti (LOT-1) being approximately 21.0 km long and Algeti to Red Bridge at the Azerbaijan border (LOT-2) being approximately 10.9 km long, as described in Item 6 above.

The overall objectives of the Assignment are to:

- Undertake a Design Review prior to instructing the Contractor to commence the works;
- Ensure that the works are implemented on time, according to specifications and within the budget, in line with the Georgian legislation and regulations and as agreed with the financing authority; and
- Act as the Engineer under the FIDIC works contracts (FIDIC MDB Harmonized edition 2010 or FIDIC Construction Contract 2nd Ed (2017 Red Book)).

9. Number and titles of lots

Not applicable.

10. Maximum budget

EUR 5 000 000 NET of Taxes

11. Scope for additional services

Not applicable.

CONDITIONS OF PARTICIPATION

12. Eligibility

Participation is open to firms originating from all countries of the world in accordance with the EIB Guide to Procurement <https://www.eib.org/en/publications/guide-to-procurement.htm>.

13. Candidature

All eligible legal persons (as per item 12 above) or groupings of such persons (consortia) may apply. A consortium may be a permanent, legally-established grouping, or a grouping which has been constituted informally for a specific tender procedure. Maximum number of allowable consortium members is 3. All members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the Contracting Authority.

14. Number of applications

A firm may apply for prequalification both individually, and as part of a joint venture, or as a sub-consultant. If prequalified, it will not be permitted to bid for the same contract both as an individual firm and as a part of the joint venture or as a sub-consultant. Bids submitted in violation of this procedure will be rejected.

A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) may submit its application for prequalification either individually, as joint venture or as a sub-consultant among them for the same contract. However, if prequalified only one prequalified applicant will be allowed to bid for the same contract. All bids submitted in violation of this procedure will be rejected.

15. Shortlist alliances prohibited

Any tenders received from tenderers comprising firms other than those mentioned in the short-listed application forms will be excluded from this restricted tender procedure. Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

16. Grounds for exclusion

As part of the application form, candidates must submit a signed declaration, included in the standard application form (see item 24 below), to the effect that they are not in any of the exclusion situations listed therein.

The Grounds for Exclusion are:

Conflict of interest (please refer to EIB's definition on conflict of interest as per section 1.5 of EIB GtP);

Prohibited conduct (please refer to EIB Anti-Fraud Policy and EIB Exclusion Policy and EIB's definition of prohibited conduct as per the Covenant of Integrity).

<https://www.eib.org/en/publications/anti-fraud-policy>

<https://www.eib.org/en/about/accountability/anti-fraud/exclusion/index.htm>

EU sanctions - *Pursuant to its Sanctions Policy, the Bank shall not provide finance, 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.*

17. Sub-contracting

Subcontracting is allowed, maximum value will be determined in the tender stage (RFP).

18. Number of candidates to be short-listed

On the basis of the applications received, after undertaking the detailed evaluation as per item 19 below, 6 candidates will be invited to submit detailed tenders for this contract.

SELECTION AND AWARD CRITERIA

19. Selection criteria

1) **Economic and financial capacity of candidate** (based on item 3 of the application form). In case of applicant being a public body, equivalent information should be provided.

(a) The annual turnover of the candidate should be of at least EUR 2 500 000 for each of the last three years (2021, 2022 and 2023 for which accounts have been closed. **Note to candidates:** *In the application form, please make sure to include the actual year for which the data is provided*

- *Single entity: must meet requirement;*
- *All partners combined: must meet requirement;*
- *Each partner: must meet at least 25% of the required annual turnover (i.e. EUR 625 000) for each of the last three years;*
- *One partner: must meet at least 50% of the required annual turnover (i.e. EUR 1 250 000) for each of the last three years.*

2) **Technical capacity of candidate** (based on items 5 and 6 of the application form) Legal persons:

(a) General experience: The candidate shall show that its general experience in implementation of assignments in the supervision of road construction sector is not less than 10 years.

- *Single entity: must meet requirement;*
- *All partners combined: must meet requirement;*
- *Each partner: must meet at least 50% (must have a general experience in implementation of assignments in the supervision of road construction sector not less than 5 years);*
- *One Partner: must meet requirement.*

(b) The candidate has successfully carried out from 01 January 2014 up to the deadline for the receipt of applications indicated under item 23 below, at least 2 projects, each of a minimum value of EUR 4 000 000 equivalent, related to the Supervision of large-scale highway/motorway/expressway construction works implemented under FIDIC Conditions of Contract for Works (Red book or MDB harmonized edition) (supervision of rehabilitation and PPP projects shall not be considered). The submitted referenced should be either fully completed (the

final payments done) or the Taking-Over Certificates issued.

- *Single entity: must meet requirement;*
- *All partners combined: must meet requirement¹;*
- *Each partner: must meet at least 25% of the requirement (At least 2 projects, each of a minimum value of 25% of EUR 4 000 000 (i.e. EUR 500 000) equivalent.);*
- *One Partner: N/A.*

(c) The candidate has successfully carried out from 01 January 2014 up to the deadline for the receipt of applications indicated under item 23 below, at least 1 project for Supervision of large-scale highway/motorway/expressway construction works with a minimum construction value of EUR 80 000 000. The submitted referenced should be either fully completed (the final payments done) or the Taking-Over Certificates issued.

- *Single entity: must meet requirement;*
- *All partners combined: must meet requirement;*
- *Each partner: N/A;*
- *One Partner: must meet requirement.*

Note to candidates: The number of references, either in case of a JV or a single entity, to be provided must not exceed 15 for the entire application.

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

- 1) The number of projects brought as reference which comply with the requirements of criterion 2(b) above;
- 2) The cumulated value of projects brought as reference which comply with the requirements of criterion 2(b) above.

PROVISIONAL TIMETABLE

20. Provisional date of Request for Proposals

August 2024

21. Provisional commencement date of the contract

December 2024

22. Initial period of implementation of tasks and possible extension of the contract

The initial period of execution of the contract shall be 56 months consisting of 2 months for design review, 30 months for construction supervision and 24 months for supervision during Defects

¹ In the case of JV, 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 contributing to meeting the requirement shall satisfy the minimum value of a single contract as required for single entity. In determining whether the JV 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.

Notification Period (DNP). This period may be extended, with the prior approval of the Contracting Authority.

APPLICATION

23. Deadline for receipt of applications

The applications must be received by the Contracting Authority no later than 18:00 hrs. local Georgian time on July 5, 2024. The applications shall be opened by the Contracting Authority no later than 18:15 hrs. local Georgian time on July 5, 2024. Any application received after this deadline will not be considered.

24. Application format and details to be provided

Interested candidates shall apply to the Contracting Authority (indicated in item 5 above) with an official letter requesting the provision of an Application Form (whose format and instructions must be strictly observed). At the same time, the candidates shall include in the letter their contact details (name of a contact person, email and a phone number, as a minimum) that will be used by the Contracting Authority during the distribution of clarifications, if any.

In addition to the application form, the candidates shall provide the dated and duly signed and sealed EIB Covenant of Integrity (CoI). In case of a JV/consortium, the CoI shall be provided by each member separately.

Any additional documentation (brochure, letter, etc) sent with an application will not be taken into consideration.

25. How applications and/or requests for clarification may be submitted

Applications and/or requests for clarification must be submitted in English exclusively to the Contracting Authority:

A prospective Bidder requiring any clarification on this Document shall contact the Contracting Authority in writing through e-mail at the address indicated in the item 5. The Contracting Authority will respond to all prospective Bidders in writing within five days.

- EITHER by recorded delivery (official postal service) to:

Roads Department of the Ministry of Regional Development and Infrastructure of Georgia
Ms. Salome Tsurtsunia, Deputy Chairperson
Address Kazbegi ave. 12, 0160, Tbilisi, Georgia

- OR hand delivered (including courier services) to:

Roads Department of the Ministry of Regional Development and Infrastructure of Georgia
Ms. Salome Tsurtsunia, Deputy Chairperson
Address Kazbegi ave. 12, 0160, Tbilisi, Georgia

The Contract title and the Reference code (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.

26. Alteration or withdrawal of applications

Candidates may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No application may be altered after this deadline. Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with item 25.

The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

27. Operational language

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

28. Additional information

Opening of the Applications

The Contracting Authority shall open the Applications immediately after the deadline for their submission indicated in item 23.

Notification

The Contracting Authority shall notify those Candidates in writing, whose Applications were considered non responsive to the REOI, including a short summary of the relevant reasons for that decision.

Also, the Contracting Authority shall simultaneously notify those Candidates in writing, whose Applications were considered responsive to the REOI, including invitation to proceed with the next step of procurement, namely Request for Submission of Proposals.

EIB's Anti-Fraud policy

The Contracting Authority recommends the Candidates to pay attention to Anti-Fraud Policy, please refer to http://www.eib.org/attachments/strategies/anti_fraud_policy_20130917_en.pdf

Conflict of interest

The Bank requires that candidates, tenderers, contractors, suppliers or consultants participating in an award procedure or a contract under a Bank-financed project shall not have a conflict of interest.

Conflict of interest occurs when the impartial and objective exercise of the functions of the promoter, 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 Bank will not accept candidates or tenderers affected by a conflict of interest in the award procedure to benefit from EIB financing in relation to the contract to be awarded under the concerned procedure. 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. The individual or entity in question should be allowed to present supporting evidence which might remove all suspicion of a conflict of interest.

Covenant of Integrity

“We declare and covenant that neither we nor anyone, including any of our directors, employees, agents, joint venture partners or sub-contractors, where these exist, acting on our behalf with due authority or with our knowledge or consent, or facilitated by us, has engaged, or will engage, in any Prohibited Conduct (as defined below) in connection with the tendering process or in the execution or supply of any works, goods or services for [specify the contract or tender invitation] (the “Contract”) and covenant to so inform you if any instance of any such Prohibited Conduct shall come to the attention of any person in our organisation having responsibility for ensuring compliance with this Covenant.

We shall, for the duration of the tender process and, if we are successful in our tender, for the duration of the Contract, appoint and maintain in office an officer, who shall be a person reasonably satisfactory to you and to whom you shall have full and immediate access, having the duty, and the necessary powers, to ensure compliance with this Covenant.

If (i) we have been, or any such director, employee, agent or joint venture partner, where this exists, acting as aforesaid has been, convicted in any court of any offence involving a Prohibited Conduct in connection with any tendering process or provision of works, goods or services during the five years immediately preceding the date of this Covenant, or (ii) any such director, employee, agent or a representative of a joint venture partner, where this exists, has been dismissed or has resigned from any employment on the grounds of being implicated in any Prohibited Conduct, or (iii) we have been, or any of our directors, employees, agents or joint venture partners, where these exist, acting as aforesaid has been excluded by the EU Institutions or any major Multi-lateral Development Bank (including World Bank Group, African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development, European Investment Bank or Inter-American Development Bank) from participation in a tendering procedure on the grounds of Prohibited Conduct, we give details of that conviction, dismissal or resignation, or exclusion below, together with details of the measures that we have taken, or shall take, to ensure that neither this company nor any of our directors, employees or agents commits any Prohibited Conduct in connection with the Contract [give details if necessary].

In the event that we are awarded the Contract, we grant the Project Owner, the European Investment Bank (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, the right of inspection of our records and those of all our sub-contractors under the Contract. We accept to

preserve these records generally in accordance with applicable law but in any case for at least six years from the date of substantial performance of the Contract.”

For the purpose of this Covenant, Prohibited Conduct includes

- Corrupt Practice is the offering, giving, receiving or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party.
- Fraudulent Practice is any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation.
- Coercive Practice is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of any party to influence improperly the actions of a party.
- Collusive Practice is an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party
- Obstructive Practice is (a) deliberately destroying, falsifying, altering or concealing of evidence material to the investigation; and/or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation, or (b) acts intended to materially impede the exercise of the EIB’s contractual rights of audit or access to information or the rights that any banking, regulatory or examining authority or other equivalent body of the European Union or of its Member States may have in accordance with any law, regulation or treaty or pursuant to any agreement into which the EIB has entered in order to implement such law, regulation or treaty;
 - **Money Laundering** is defined in the Bank’s Anti-Fraud Policy
 - **Terrorist Financing** is defined in the Bank’s Anti-Fraud Policy
 - **Project Owner** means the person designated as such in the tender documents or the Contract.

Note: **This signed and dated Covenant must be submitted to the Contracting Authority as a part of the application submission.**

29. Procurement-Related Complaints and Remedy Mechanism

Candidates should alert the Contracting Authority in writing, with a copy to the European Investment Bank to procurementcomplaints@eib.org, in case they should consider that certain clauses or provisions of the REOI might limit international competition or introduce an unfair advantage to some candidates.

If a Consultant wishes to make a procurement-related complaint related to the evaluation decision made by the Client, the Consultant shall submit its complaint following these procedures, in writing (Georgian as well as English languages) to:

For the attention: **Mr. Irakli Karseladze**

Title or position: **Minister**

Entity: Ministry of Regional Development and Infrastructure of Georgia (MRDI)

Address: 12 Kazbegi ave., 0160 Tbilisi, Georgia

The Complaint shall be in writing in Georgian Language accompanied by English translation. The written confirmation, e.g. Power of Attorney, authorizing the person to sign the complaint on behalf of the Consultant is also necessary. The timeframe for reviewing the complaint by MRDI is 1 month. In case of dissatisfaction in terms of MRDI's decision, it can be appealed within 1 month at the Administrative Collegium of Tbilisi City Court.