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Projekat finansira Evropska unija

Municipal Infrastructure Support Programme

●●● Building together for the future

Program podrške razvoju infrastrukture lokalne samouprave

●●● Gradimo zajedno za budućnost





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Uvod u implementaciju projekta 16. septembar 2011., Arandjelovac

PROGRAM PODRŠKE RAZVOJU INFRASTRUKTURE LOKALNE SAMOUPRAVE (MISP)



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The Practical Guide explains the contracting procedures applying to all EU external aid contracts financed from the EU general budget (Budget) and the 10th European Development Fund (EDF)

Praktični vodič objašnjava procedure koje se primenjuju na sve ugovore pomoći Evropske unije koji se finansiraju ili iz opšteg budžeta ili iz sredstava Evropskog razvojnog fonda



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Management modes

- **Direct Centralised:**
- **Indirect Centralised:**
- **Decentralised:**
 - **Ex-ante:** decisions are taken by the Beneficiary country, and referred for approval to the European Commission.
 - **Ex-post:** decisions foreseen in the Financing Agreement are taken by the Beneficiary country without prior reference to the European Commission



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Eligibility criteria and other essentials

- The rule on nationality and origin
- Nationality
- Origin of goods
- Exceptions to the rule on nationality and origin
- Grounds for exclusion

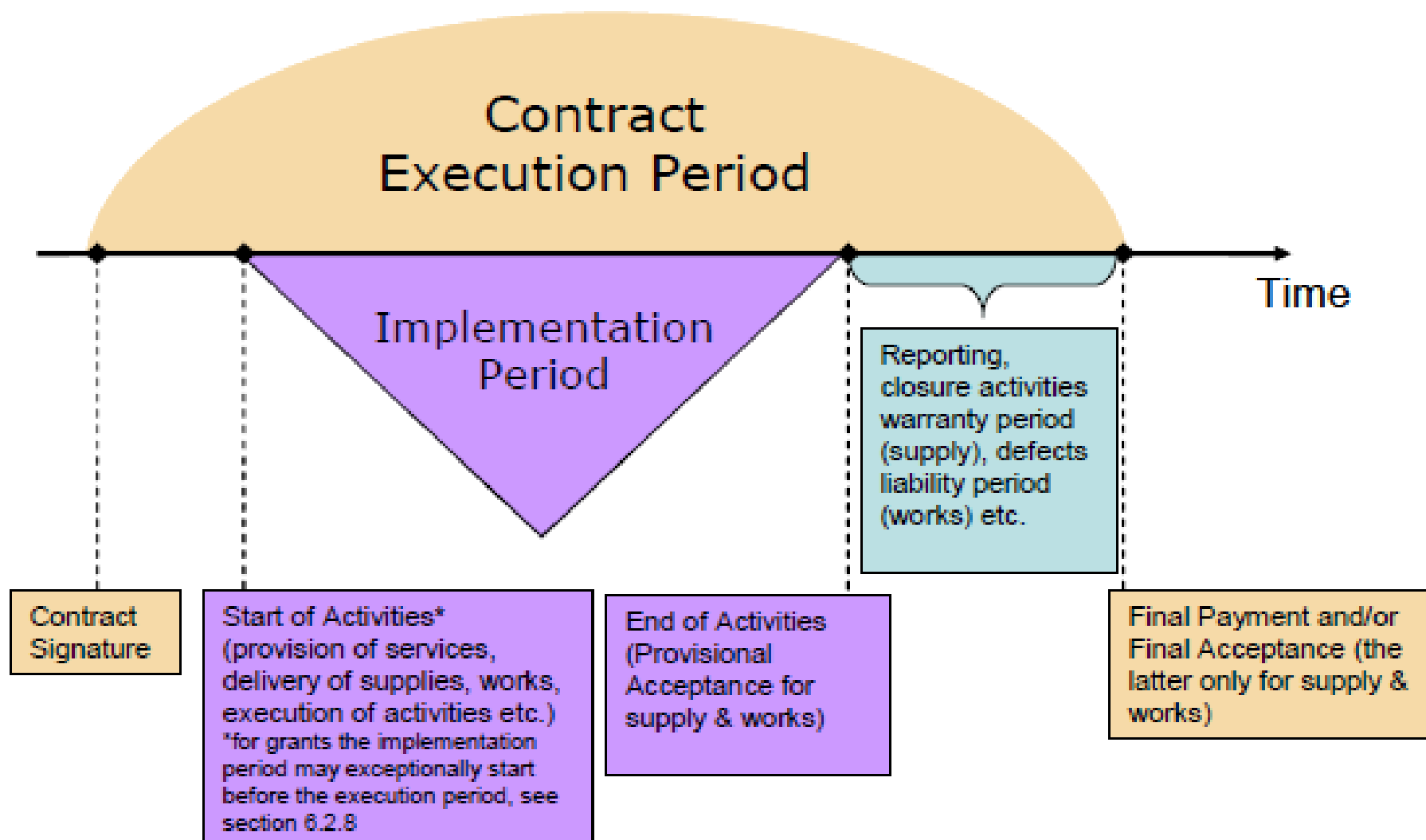


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- a) they are bankrupt or being wound up, are having their affairs administered by the courts
- b) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of res judicata; (i.e. against which no appeal is possible);
- c) they have been guilty of grave professional misconduct proven by any means which the Contracting Authority can justify;
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established
- e) they have been the subject of a judgment which has the force of res judicata for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the EU's financial interests;
- f) they are currently subject to an administrative penalty referred to in Article 96(1) of the Financial Regulation (BUDGET)/





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SERVICES	$\geq \text{€ } 200,000$ International restricted tender procedure	1. $< \text{€ } 200,000$ but $> \text{€ } 10,000$ Framework contracts 2. Competitive negotiated procedure		$\leq \text{€ } 10,000$ Single tender
SUPPLIES	$\geq \text{€ } 150,000$ International open tender procedure	$< \text{€ } 150,000$ but $\geq \text{€ } 60,000$ Local open tender procedure	$< \text{€ } 60,000$ but $> \text{€ } 10,000$ Competitive negotiated procedure	
WORKS	1. $\geq \text{€ } 5,000,000$ International open tender procedure 2. International restricted tender procedure	$< \text{€ } 5,000,000$ but $\geq \text{€ } 300,000$ Local open tender procedure	$< \text{€ } 300,000$ but $> \text{€ } 10,000$ Competitive negotiated procedure	



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TENDER DOCUMENTATION

VOLUME 1

SECTION 1: INSTRUCTIONS TO TENDERERS

SECTION 2: TENDER FORM

Appendix to the Tender

SECTION 3: TENDER GUARANTEE FORM

SECTION 4 : QUESTIONNAIRE

Additional notice to tenderers

General information about the tenderer

Organisation chart

Power of attorney

Financial statement

Financial identification form



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TENDER DOCUMENTATION

SECTION 4 : QUESTIONNAIRE (continued)

Technical qualifications:

Overview of the tenderer's personnel

Personnel to be employed on the contract

Professional experience of key personnel

Curriculum vitae

Plant

Workplan and programme

Experience as contractor

Data on joint ventures

Litigation history

Quality assurance system(s)

Accommodation for the supervisor

Further information



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TENDER DOCUMENTATION

SECTION 5: ADMINISTRATIVE COMPLIANCE GRID AND EVALUATION GRID

Administrative compliance grid
Evaluation grid

VOLUME 2

VOLUME 3

TECHNICAL SPECIFICATIONS

VOLUME 4

MODEL FINANCIAL BID

VOLUME 5

DESIGN DOCUMENTS, INCLUDING DRAWINGS



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VOLUME 2 - CONTRACT

SECTION 1:	CONTRACT FORM
SECTION 2:	GENERAL CONDITIONS FOR WORKS CONTRACTS
SECTION 3:	SPECIAL CONDITIONS
SECTION 4:	SPECIMEN PERFORMANCE GUARANTEE
SECTION 5:	SPECIMEN PREFINANCING PAYMENT GUARANTEE
SECTION 6:	SPECIMEN RETENTION GUARANTEE



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VOLUME 2 – CONTRACT FORM

Article 2. The following documents shall be deemed to form and be read and construed as part of this contract, in the following order of precedence:

- (a) the contract,
- (b) the Special Conditions,
- (c) the General Conditions,
- (d) the technical specifications,
- (e) the design documentation (drawings),
- (f) the bill of quantities (after arithmetical corrections)/breakdown,
- (g) the tender with appendix,
- (h) any other documents forming part of the contract.

Addenda shall have the order of precedence of the document they are modifying.



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GENERAL CONDITIONS OF CONTRACT

PRELIMINARY PROVISIONS

Definitions, Law and language of the contract, Order of precedence of contract documents, Communications, Supervisor and Supervisor's representative, Assignment, Sub-contracting

OBLIGATIONS OF THE CONTRACTING AUTHORITY

Supply of documents, Access to site, Assistance with local regulations, Delayed payments to the Contractor's staff

OBLIGATIONS OF THE CONTRACTOR

General obligations, Superintendence of the works, Staff, Performance guarantee, Insurance, Programme of implementation of tasks, Detailed breakdown of prices, Contractor's drawings, Sufficiency of tender prices, Exceptional risks, Safety on sites, Safeguarding adjacent properties, Interference with traffic, Cables and conduits, Setting-out, Demolished materials, Discoveries, Temporary works, Soil studies, Overlapping contracts, Patents and licenses



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GENERAL CONDITIONS OF CONTRACT

COMMENCEMENT AND DELAYS

Commencement orders, Period of implementation of tasks, Extension of the period of implementation of tasks, Delays in implementation of tasks, Modifications, Suspension

MATERIALS AND WORKMANSHIP

Work register, Origin and quality of works and materials, Inspection and testing, Rejection, Ownership of plant and materials

PAYMENTS

General principles, Provisional price contracts, Pre-financing, Retention monies, Revision of prices, Measurement, Interim payments, Final statement of account, Direct payments to sub-contractors, Delayed payments, Payments to third parties, Claims for additional payment, End date



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GENERAL CONDITIONS OF CONTRACT

ACCEPTANCE AND DEFECTS LIABILITY

General principles, Tests on completion, Partial acceptance, Provisional acceptance, Defects liability, Final acceptance

BREACH OF CONTRACT AND TERMINATION

Breach of contract, Termination by the Contracting Authority, Termination by the Contractor, Force majeure, Decease

SETTLEMENT OF DISPUTES

Settlement of disputes

FINAL PROVISIONS

Ethics clauses, Administrative and financial penalties, Checks and audits by Community bodies



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FIDIC

Federation International des Ingenieurs Conseils (International Federation of Consulting Engineers)

Međunarodna Federacija Inženjera Konsultanata

www.fidic.org



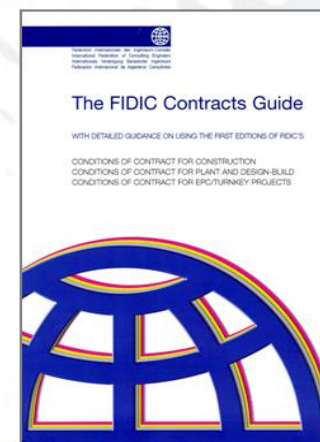
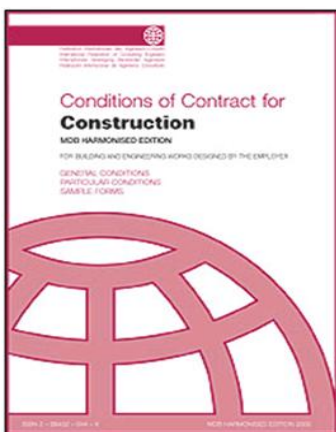
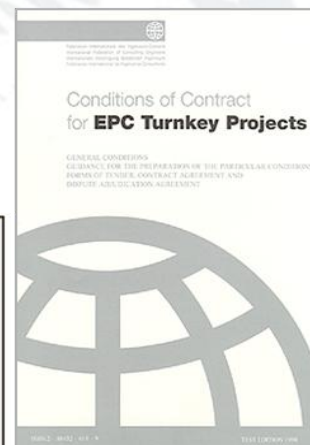
English (United States)



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eptisa
REGIONAL OFFICE FOR SEE
www.eptisaee.com

Ing van
Inde Gemeente



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FIDIC Rainbow

- **Conditions of Contracts for Construction. (CONS -the “New Red Book”)**
- **Conditions of Contract for Plant and Design - Build (P&DB -the “New Yellow Book”)**
- **Conditions of Contract for EPC Turnkey Projects (EPCT - the “Silver Book”)**
- **Short Form of Contract (the “Green Book”)**
- **Conditions of Contract for Design, Build and Operate Projects (the “Gold Book”)**



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Main differences and similarities

- Responsibility for design
- Degree of Employer involvement
- Method of measurement and payment
- Allocation of risk
- Certainty of out-turn cost

But

- Matching set of books
- Similar clause numbers
- 3 parts
 - General Conditions
 - Guidance for Preparation of Particular Conditions (GPPC)
 - Example Forms of Tender etc.



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SIMPLE PROJECT

YES



DETAILED DISCUSSION WITH THE CONTRACTOR ABOUT THE EMPLOYER'S REQUESTS

MODIFIED FIDIC CONTRACTS

NO

EMPLOYER'S DRAWINGS

YES



NO

FIXED PRICE, SMALL CONTRIBUTION OF THE EMPLOYER

NO

YES



NO

EQUIPMENT AND/OR RISKS
YES



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ROYAL HASKONING

VNG
Vereniging van
Nederlandse Gemeenten



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Q & A

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Thank you for your attention