

H.M. Government of Gibraltar



6 CONVENT PLACE

OFFICIAL NOTICE

TENDER FOR DESIGN AND BUILD OF A SMALL BOATS MARINA, PROMENADE, LARGE VESSEL MOORING OUTER WHARF AND A DETACHED REVETMENT.

OPEN PROCEDURE NOTICE

1. Contracting Authority:
H.M. Government of Gibraltar
No 6 Convent Place
GIBRALTAR

Tel: +350 20051631 Fax: +350 20051630 e-mail: procurement@gibraltar.gov.gi

2. Economic operators are required to provide:

- (a) the design and build of; and
- (b) the provision of long term warranties for:

a 700 berth boat marina with a surrounding outer wharf for the berthing of large vessels and super yachts with full public access to the wharf together with a standalone island revetment.

The marina is to be constructed in the Gibraltar mid-harbour area and must incorporate 400 six-metre and 300 eight-metre finger pontoon berths. The wharf construction is to be a vertical sea wall design to allow the alongside berthing of vessels with large displacement and deep draft (8-9m). The wharf sides are to be constructed in concrete or reinforced concrete (not steel). The wharf is to support vehicular and pedestrian traffic, together with parking. The wharf must safely sustain, without damage to the wharf and fittings thereon, the combined effect of mooring loads and moored vessel impact together with a wave action (including wind effects) of a 1 in 200 year return period storm/wave/wind action.

The enclosed marina is to safely survive and keep safe all the boats properly berthed within it during any 1 in 200 year return period storm/wave/wind action. The wharf (top, inside and outer parts plus all the fittings thereon), the marina together with all the fittings thereon and all the boats properly berthed within the marina must all survive the same 1 in 200 return period storm/ wave/wind action in full functional order and free of any damage whatsoever. Wave attenuation measures in particular to minimise reflections to other port waters are to be incorporated. Environmental measures must be incorporated into the design and adopted throughout the build. Any submission must incorporate all aspects of the above requirements.

The project and the building thereof must comply with the Laws of Gibraltar.

3. Completion Date: July 2015.

4. (a) Contract documents may be requested from: Mr Paul Martinez,
Head of Procurement,
Procurement Office,
Unit 93 New Harbours,
Rosia Road,
Gibraltar.
5. (a) The final date for the receipt of tender is **12 noon on Monday 9th December 2013.**
- (b) Tenders should be drawn up exclusively in English and delivered to No 6 Convent Place, Gibraltar and placed in the Tender Box situated on the ground floor of the building.
6. Terms and payments will be strictly in pounds Sterling (GBP) and as contained in the Tender documents
7. Qualifications: Details must be provided in relation to:

7.1 Economic and financial ability:

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

The Economic Operator may provide as many of the following together with any other information it deems appropriate to enable the contracting authority to assess whether the economic operator meets the requirements in 2.1 to 2.7 of this section below.

1.1 The economic operator's audited balance sheets and profit and loss accounts for the last three years should be submitted and must demonstrate the soundness of the economic operators' financial position. Where necessary, the Employer will make inquiries with the economic operators bankers and auditors and the economic operator will facilitate the same. The net asset value of the economic operator must be provided by the economic operator's auditors together with evidence to support that they can meet up to GBP 4 Million cash flow requirement in 2.1.

Examples of other information that may demonstrate the potential provider's economic and financial standing can include but is not limited to:

- Parent company accounts (if applicable)
- Deeds of guarantee
- Bankers statements and references
- Accountants' references
- Management accounts
- Financial projections, including cash flow forecasts
- Details and evidence of previous contracts, including contract values
- Capital availability.

1.2. The economic operator shall furnish as proof of their economic and financial standing one or more of the following references:

(a) appropriate statements from banks or, where appropriate, evidence of relevant professional risk indemnity insurance;

(b) the presentation of balance-sheets or extracts from the balance-sheets, where publication of the balance-sheet is required under the law of the country in which the economic operator is established;

(c) a statement of the undertaking's overall turnover and, where appropriate, of turnover in the area covered by the contract for a maximum of the last three financial years available, depending on the date on which the undertaking was set up or the economic operator started trading, as far as the information on these turnovers is available.

1.3 Certificate(s) issued by the relevant competent authorities attesting that the economic operator has fulfilled its obligations relating to the payment of social security contributions and taxes under the law of the relevant state in which the economic operator is established shall be submitted.

1.4 The economic operator shall provide all and any information relating to any criminal convictions as set out in Regulation 23 of the Procurement (Public Contract) Regulations 2012 of the laws of Gibraltar, as amended from time to time, against it or its directors or any other person who has powers of representation, decision or control of the economic operator.

1.5 The economic operator and any partner of a joint venture and their sub-contractor(s), including key designer(s), shall provide accurate information on any litigation or arbitration resulting from assignments completed or under execution by the economic operator over the last five years. A consistent history of awards against the the economic operator and any partner of a joint venture and their sub-contractor(s), including key designer(s), may result in the tender submission not being considered.

1.6 Where an economic operator is unable for a valid reason to provide the information which the contracting authority has required, the contracting authority shall accept such other information provided by the economic operator as the contracting authority considers appropriate.

(B) Minimum level(s) of standards required:

2.1 The economic operator shall demonstrate that it has access to, or has available, cash, and/or credit facilities sufficient to meet the highest construction cash flow throughout the duration of the project for any period of three (3) months, estimated at GBP 4 million, net of the economic operators commitments for other assignments.

2.2 Professional Indemnity insurance on the Design of no less than GBP 5 million.

2.3 An on demand Performance Security (Bond) in the form contained in the contract documents shall be required to the value of ten per cent (10%) of the contract bid and to run from the start of the Works to one year post takeover.

2.4 Parent company guarantees as set out in the contract documents shall be required. If these are not possible, the economic operator(s) shall provide shareholder or other suitable guarantees, substantially in the same terms, to the reasonable satisfaction of the contracting authority.

2.5 Evidence that there are no outstanding social security contributions and taxes under the laws of the relevant state in which the economic operator is established needs to be provided. Should there be any outstanding Social Security Contributions and Taxes these should be disclosed and if they are material and unwarranted in relation to the business conducted by the Economic Operator, this may result in the submission not being considered.

2.6 Evidence that there are no criminal convictions as set out in Regulation 23 of the Procurement (Public Contract) Regulations 2012 of the laws of Gibraltar (the Regulations), as amended from time to time, against it or its directors or any other person who has powers of representation, decision or control of the economic operator. Should there be any such conviction this must be disclosed and this may, in line with the Regulations, result in the tender submission not being considered.

2.7 The economic operator and any partner of a joint venture and their sub-contractor(s), including key designer(s), shall provide accurate information on any litigation or arbitration, if any, resulting from assignments completed or under execution by them over the last five years. A consistent history of awards against the economic operator and any partner of a joint venture and their sub-contractor(s) including key designer(s) may, in line with the Regulations, result in the tender submission not being considered.

The criterion stipulated in 2.1, 2.2, 2.3 and 2.4 will have to be met and failure to meet any of them will result in the tender not being considered. Failure to meet criterion 2.5, 2.6 and 2.7 may result in the tender not being considered.

7.2 Technical Capacity

(A) The economic operator shall supply the following information:

1.1 Details of the proposed manpower for this contract (organisation chart) with names and detailed CV's and qualifications and accreditations of the key personnel who will be responsible for its execution must be supplied (to include those listed in 2.3 and in which case clearly demonstrating five years experience of performing works assignments of a nature and complexity comparable to the proposed project activity). This will be used to assess 2.1 and 2.3.

1.2 The economic operator is to provide up to 10 project references of similar nature and complexity within the last 15 years (including the 3 projects required as a minimum criterion). In relation to works over the last five years, certificates of satisfactory completion for those works, indicating in each case:

- i) the value of the consideration;
 - ii) when and where the works were carried out; and
 - iii) specifying whether they were carried out according to the rules of the trade or profession and properly completed
- shall be submitted. This will be used to assess 2.2

1.3 A statement of the technicians or technical services available to the economic operator to—

- (i) carry out the work under the contract; or
- (ii) the production/manufacture of components (in particular in relation to the marina pontoon installations and electrical components), particularly those responsible for quality control, whether or not they are independent of the economic operator. This will be used to assess 2.4.

1.4 The economic operator must prove that its design manager has had successful experience as a lead designer in at least three marine works assignments of similar nature and complexity to the proposed project activity. This will be used to assess 2.5.

1.5 The economic operator must demonstrate that, based on known commitments, that they have readily available all key items of equipment (tools, plant and technical equipment) in full working order, estimated as essential for carrying out the project activity. The economic operator has to include a list of all the equipment which he would use for the project activity; in particular in relation to any equipment required for the manufacture of caisson or other concrete structures. This will be used to assess 2.6.

1.6 The economic operator must provide detailed documentation setting out the manufacturing processes (method statement(s)) to be used for all key components in particular reinforced concrete and concrete structures. This will be used to assess 2.7.

1.7 The economic operator will provide any certificates of enrolment on the professional or trade register as required under the conditions laid down by the laws of the Member State in which the economic operator and its designers are established. This will be used to assess 2.7

1.8 The economic operator's health, environment and safety policies, including copies of any relevant documentation such as recent audits need to be supplied along with detail of any prosecutions or prohibitions against the economic operator in the last 5 years. This shall be used to assess 2.9.

1.9 Details of measures to be taken to ensure the quality standards in the contract documents are met (especially in relation to any reinforced concrete works) must be supplied. This will be used to assess 2.10.

1.10 The economic operator shall provide a proposed programme of works with detailed supporting evidence to prove the ability to deliver the works on time. This will be used to assess 2.11.

1.11 A certificate—

- (i) attesting conformity to quality assurance standards based on the relevant British or European standard; and
- (ii) from an independent body established in any relevant State conforming to the relevant standard concerning certification; or

any other evidence of conformity to quality assurance measures which are equivalent to the standards referred to in paragraph (1.11)(i).

1.12 The economic operator shall provide the environmental management measures that the economic operator is to apply when performing the contract.

1.13 A statement of any proportion of the contract which the economic operator intends to sub-contract. In the case that a material element of the works shall be sub-contracted; all the above information in relation to the sub-contractor is required.

1.14 Where appropriate—

- (a) an economic operator or a group of economic operators which operates as a consortium (meaning two or more persons, at least one of whom is an economic operator, acting jointly for the purposes of being awarded the contract) may rely on the capacities of other entities or participants in the group, regardless of the legal nature of the link between the economic operator or group of economic operators and the other entities;
- (b) the economic operator or the group of economic operators shall prove to the contracting authority that the resources necessary to perform the contract will be available and the contracting authority may, in particular, require the economic operator to provide an undertaking from the other entities to that effect; and
- (c) the contracting authority may require the consortium to form a satisfactory legal entity before entering into the contract.

(B) Minimum level(s) of standards required:

2. Economic operators are required to meet the following criteria and failure to do so will entitle the contracting authority to reject the Tender.

2.1 The key employees of the economic operator(s) must have the necessary technical, professional, organisational and administrative competence to perform the design and the works.

2.2 The economic operator shall need to have had successful experience as main contractor in the execution of at least three marine works assignments of a nature and complexity comparable to the proposed project activity completed within the last fifteen years.

2.3 The economic operator will supply information on a prime candidate and an alternative for the positions mentioned below, both of whom should have a minimum of 5 year's experience in performing works assignments of a nature and complexity comparable to the proposed project activity.

Project Director

Project Manager

Site Manager
Design Manager
Key Designers
Site Engineer
Works Supervisors
Quality Control Manager/Supervisor

2.4 The economic operator shall possess sufficient technicians or have access to technical services to ensure the relevant technical specifications are met and that Quality Control for all aspects of the works are met throughout the performance of the contract.

2.5 The design manager needs to have had successful experience as a lead designer in at least three marine works assignments of a nature and complexity comparable to the proposed project activity.

2.6 In relation to construction equipment and resources available, the economic operator should own, or have assured access to (through hire, lease, purchase agreement, availability of manufacturing capacity, or other means), all key items of equipment in full working order, estimated as essential for carrying out the project activity for as long as is required to carry out the project activity. The economic operator must provide evidence, including but not limited to 3rd party statements if applicable, on the working order and availability of the same.

2.7 The Economic operator must demonstrate that the manufacturing process (method statement) to be used will be fit for purpose to meet the Employer's Requirements.

2.8 The economic operator and its sub-contractors including employed designers must possess any required certificate of enrolment on the professional or trade register under the conditions laid down by the laws of the Member State in which the economic operator, sub-contractors and its designers are established.

2.9 The economic operator must prove a good 5 year past record in relation to health, environment and safety matters.

2.10 The economic operator must prove that it has the necessary quality assurance procedures in place; in particular in relation to concrete structures.

2.11 The economic operator must prove that it can complete the project on time, including a programme of works.

2.12 A certificate must be supplied–

- (i) attesting conformity to quality assurance standards based on the relevant British or European standard; and
- (ii) from an independent body established in any relevant State conforming to the relevant standard concerning certification; or

any other evidence of conformity to quality assurance measures which are equivalent to the standards referred to in paragraph (1.11)(i).

2.13 The economic operator shall provide an environmental management plan setting out the measures that the economic operator is to apply when performing the contract.

2.14 The economic operator shall provide a statement of any proportion of the contract which he intends to sub-contract, or is going to be carried out by another economic operator(s) as a joint-venture. In this case, all the above information in relation to the sub-contractor(s) or the other economic operator(s) in the joint venture is/are required.

Section	Information	Scoring
2.1	Technical, Professional, Organisational and Administrative Competence of the Key Employees.	10
2.2	Successful experience of the Economic Operator as Main Contractor in the execution of at least 3 marine works.	12
2.3	Key Employee and substitutes, minimum 5 years' experience in performing works of a similar nature and complexity.	10
2.4	Sufficiency of Technical Capability.	5
2.5	Evidence that the intended Design Manager has the relevant experience.	5
2.6	Proof that the economic operator has access to the necessary equipment and resources.	10
2.7	Method Statement including manufacturing process to meet Employers requirements.	13
2.8	Evidence of the economic operator and its designers possessing appropriate certificates of enrolment on the relevant professional or trade registers.	2.5Economic Operator 2.5- Designers.
2.9	Prove a good 5 year past record in relation to health, environment and safety matters.	10
2.10	Proof that it has the necessary quality assurance procedures in place; in particular in relation to concrete structures.	Yes/No
2.11	Proper analysis to demonstrate that the economic operator can complete the project on time including Programme of Works.	5
2.12	Provision of Quality Standards certificate(s).	5
2.13	Environmental Management Plan	10

Economic Operators need to attain a minimum score of 60/100 and a Yes for 2.10, failure to do so will result in the tender not being considered.

8. Tenders may lapse: 3 months from the date specified in 5. (a) above.
9. Award criteria: The most economically advantageous offer in terms of the criteria stated in the tender document.
10. Variants will not be accepted.