

AMENDMENTS OF THE PUBLIC NOTICE FOR AWARDING A CONTRACT FOR PUBLIC PRIVATE PARTNERSHIP FOR FINANCING, DESIGNING, CONSTRUCTION, MANAGEMENT, MAINTENANCE AND DEVELOPMENT OF THE NATURAL GAS DISTRIBUTION SYSTEM IN THE REPUBLIC OF NORTH MACEDONIA IN THE FIRST PHASE OF THE COMPETITIVE DIALOGUE

Notice number 01/2020

SECTION I: CONTRACTING AUTHORITY

I.1) Details on the contracting authority

I.1.1) Name of the contracting authority: Ministry of economy of the Republic of North Macedonia

I.1.2) Address of the contracting authority: str.Jurij Gagarin, no.15

Town: Skopje

Postal code:1000

I.1.3) Contact: Goran Nikolovski and Ismail Luma **Telephone:** +389 2 30 93 517; +389 2 30 93 430

E-mail: goran.nikolovski@economy.gov.mk, ismail.luma@economy.gov.mk

Website: www.economy.gov.mk

I.2) Type of contracting authority, its main activity:

State authorities – Ministry of economy and Ministry of finance

SECTION II: SUBJECT MATTER OF CONTRACT

II.1. Subject matter of contract: Awarding a contract for public private partnership for financing, designing, construction, management, maintenance and development of the natural gas distribution system in the Republic of North Macedonia.

II.2. Type of contract: The contract for public private partnership shall be awarded by applying the procedure for competitive dialogue which shall be conducted in three phases. This call for request to participate refers to the first phase of the competitive dialogue. The duration of the contract for public private partnership is maximum 35 years, from the date of entry into force of the contract for public private partnership.

II.3 Explanation regarding the justification of the awarding of the contract and objectives: The main objective of the contract for establishment of a public private partnership is the provision of quality, optimal conditions in the operation of the public institutions in terms of quality heating of the public buildings by receiving heat energy from the system that uses energy fuel which is more economical, environmentally friendly and low-budget, that is, which reduces the cost of the existing manner of heating and a system that is maintainable at long-term as well as providing cheap energy to the commercial sector in order to increase the competitiveness, that is, lower product prices for the products and services offered on the market, and raising the level of quality performance of public activities, raising environmental standards, raising environmental awareness in the Republic of Macedonia, providing funds for new investments from savings and CO2 reduction in the atmosphere and greater environmental protection.

II.4 Detailed description of the subject matter of contract:

The subject matter of the contract for public private partnership is the construction of new natural gas distribution system on the territory of the Republic of North Macedonia and it covers:

- construction of natural gas distribution network in accordance with the Law on Energy and the Law on Construction;
- investments in connections to end users (public institutions, residential and commercial users) including measuring and regulating equipment;
- distribution of natural gas;
- maintenance and development of the distribution system; and
- investment in adaptation/procurement of heat generation equipment at existing facilities.

II.5 Subject matter of contract divided in lots: NO.

II.6 Place/location of performance of the contract: The private partner is obliged within four years from the obtaining of each separate building permit to build at least 50% in the urban municipalities and at least 20% in the rural municipalities of the envisaged primary natural gas distribution network, as follows:

- In I phase (Municipalities through which the built main gas pipeline passes)

- Urban municipalities

Aerodrom, Butel, Gazi Baba, Gjorche Petrov, Karpos, Kisela Voda, Centar, Cair, Gradsko, Demir Kapija, Kavadarci, Kriva Palanka, Kumanovo, Negotino, Prilep, Sveti Nikole, Stip, Bitola, Gostivar, Tetovo, Kratovo.

- Rural municipalities

Saraj, Suto Orizari, Aracinovo, Zelenikovo, Ilinden, Petrovec, Sopiste, Studenicani, Cucer Sandevo, Bogovinje, Brvenica, Zelino, Mogila, Novaci, Jegunovce, Tearce, Lipkovo, Staro Nagoricane

- In II phase (Municipalities through which construction of main gas pipeline is planned in the next 2 (two) years)

- Urban municipalities

Gevgelija, Bogdanci, Valandovo, Veles, Dojran and Kicevo.

- Rural municipalities

Lozovo and Makedonski Brod.

- In III phase (Municipalities through which the year of construction of the main gas pipeline has not been defined yet)

- Urban municipalities

Debar, Krusevo, Ohrid, Resen, Struga, Vinica, Delcevo, Kocani, Pehcevo, Probistip, Radovis and Strumica

- Rural municipalities

Demir Hisar, Vevcani, Debarca, Dolneni, Krivogastani, Mavrovo and Rostuse, Makedonski Brod, Plasnica, Centar Zupa, Berovo, Bosilovo, Vasilevo, Zrnovce, Karbinci, Konce, Makedonska Kamenica, Novo Selo, Rankovce, Rosoman, Caska and Cesinovo Oblesevo.

II.7 Duration of the concession contract:

Period in years: Maximum 35 years, from the day of entry into force of the contract for public private partnership.

SECTION III: SUBMITTING TENDERS

III. 1. Deadline for submitting tenders Date: 10.08.2020 at 12 hours local time	
III.2. Address for submitting the tender: str. Jurij Gagarin no.15	
III.1.2) Address of the contracting authority: str. Jurij Gagarin no.15	
Town: Skopje	Postal code: 1000
III.3. Language in which the tender must be written: <input checked="" type="checkbox"/> Macedonian <input type="checkbox"/> English <input type="checkbox"/> Other	

SECTION IV: PROCEDURE

IV.1) Type of procedure: Competitive dialogue
IV.2) Criterion for selection of the most favourable tender: <ul style="list-style-type: none">- the amount of the fee for connection to the distribution network which will be paid by the end users (connection charge);- the amount of the concession allowance/fee; and- the duration of construction of the distribution system in the Republic of North Macedonia.
IV.3) Electronic procedure? NO
IV.4) Electronic auction: YES, in the last phase of the procedure through the e-concession system.

SECTION V: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION

V.1) Guarantees and advance payment
V.1.1) Tender guarantee: Yes, in the upcoming phases of the procedure.
V.1.2) Performance guarantee: The participation in the procedure for submitting tenders in the third phase (following the conducted selection of candidates that will participate in the competitive dialogue and following the submission of the tender documentation for collecting tenders), will be conditioned by providing bank guarantees, the type and amount of which will be defined in the tender documentation in the third phase.
V.1.3) Advance payment: No
V.1.4) Participation of domestic and foreign legal entity in the procedure: Yes
V.1.5) Association in a group of economic operators for the purpose of joint participation in this procedure: Yes
V.1.6) Establishment and registration in the Central Registry of the Republic of North Macedonia of a company in case when the economic operator that is a foreign legal entity and/or when the group of tenderers are selected as the most favourable tenderer: Yes

SECTION VI: TERMS AND CONDITIONS FOR ESTABLISHING TENDERERS' CAPABILITY

VI.1. Personal standing

The contracting authority shall exclude from the procedure for awarding a contract for the establishment of a public private partnership for the economic operator from the public procurement procedure for financing, designing, construction, management, maintenance and development of the natural gas distribution system in the Republic of North Macedonia in the first phase of the competitive dialogue any economic operator that:

- within the last 5 (five) years, has had a legally effective judgment pronounced against it for participation in a criminal organization, corruption, fraud or money laundering;
- is subject to a bankruptcy procedure and liquidation procedure;
- has unpaid taxes, contributions or other public dues, except if the economic operator was granted deferred payment of taxes, contributions or other public dues in accordance with the special regulations and is paying the same on a regular basis
- has been pronounced with a second penalty prohibiting the participation in public procedures, public procurement contract awarding and public private partnership contracts
- has been pronounced with a second penalty for temporary or permanent prohibition for performing of a certain activity,
- has a misdemeanour sanction involving prohibition to perform a profession, activity or duty, that is, a temporary prohibition to perform a certain activity and
- gives false information or fails to submit the data requested by the contracting authority

In order to prove its personal standing, the economic operator should provide the following documents:

- statement of the economic operator that, within the last five years, it has not had any legally effective judgment for participation in a criminal organization, corruption, fraud or money laundering, pronounced against it;
- confirmation that it is not subject to an open bankruptcy procedure by a competent authority;
- confirmation that it is not subject to an open liquidation procedure by a competent authority;
- confirmation for paid taxes, contributions and other public dues issued by a competent authority in the country where the economic operator is registered;
- confirmation from the Registry of penalties for committed criminal acts of the legal entities that it was not pronounced with a second penalty prohibiting the participation in the public procedures, the public procurement contract award procedures and the public private partnership procedures;
- confirmation from the Registry of penalties for committed criminal acts of the legal entities that they were not pronounced with a second penalty for temporary or permanent prohibiting for performing certain activity;
- confirmation that there is no legally effective judgment imposing a misdemeanor sanction involving prohibition to perform a profession, activity or duty, or prohibition to perform a specific activity.

VI.2. Capability to perform a professional activity

To prove the capability to perform the professional activity, the economic operator shall submit a document that it is registered as a domestic trade company in the Central registry of the RNM or a proof of entry in the relevant registry in the country where the company is established if the economic operator is a foreign legal entity.

VI.3. Economic and financial capability

<p>Proofs for determining the capability:</p> <ul style="list-style-type: none"> - a balance sheet report certified by a competent body, that is, a revised balance sheet, or excerpts from the balance sheet report in cases where the publication of the balance sheet is prescribed by law in the country where the economic operator is registered for the last three years (2018, 2017 and 2016) - a statement of the total turnover of the company (data from the income statement issued by the competent body, that is, revised income statement) and, where appropriate, of the turnover in the area covered by the contract in question, for at most the last three financial years (2018, 2017 and 2016) - a statement from a financial institution or bank based in the Republic of Macedonia or a foreign bank with at least BBB long-term credit rating according to Moody's Investor Service, Standard and Poors I Fitch Raitings, for the last year, or equivalent rating 	<p>Minimum requirements:</p> <ul style="list-style-type: none"> - a minimum total annual income of EUR 150 million for the last 3 years (2018, 2017, 2016), for each year individually; - ability to close the entire financial structure for the realization of the contract
<p>VI.4. Technical and professional capability</p>	
<p>Proofs for determining the capability</p> <ul style="list-style-type: none"> - List of works that have been completed in urban areas in the last five (5) years; - An excerpt from the list regarding the number of consumers that have been served in the last 5 years or a report by the regulatory body or other institution in the country where the economic operator performs distribution of natural gas to minimum 100.000 consumers, by which he will confirm that he serves minimum 100.000 consumers in the last 5 years; - An excerpt from the relevant official document issued by the Energy Regulatory Commission in the country of the economic operator or other relevant institution by which the economic operator will prove the transported volumes in the last three (3) years cumulatively. 	<p>Minimum requirements:</p> <ul style="list-style-type: none"> - to have experience in construction and operation with natural gas distribution systems in urban areas continuously in the last 5 years, counting from the day of publishing of the tender; - the natural gas distribution systems the economic operator operates with, should have at least 100.000 consumers; - to have transported at least 3 billion m3 natural gas through the systems for distribution of natural gas with which the economic operator operates in the last three (3) years
<p>VI.5. Environmental standards</p>	
<p>Proof for meeting the environmental management standards</p> <ul style="list-style-type: none"> - the environmental management standards based on the relevant European or international standards certified by the accreditation or conformity assessment institutions or by relevant European or international accredited certification bodies. 	

SECTION VII: CRITERIA FOR SELECTION OF THE MOST FAVORABLE TENDER

Criterion for selection of the most favorable tender:

- the amount of the fee for connection to the distribution network which will be paid by the end users (connection charge);
- the amount of the concession allowance/fee; and
- the duration of construction of the distribution system in the Republic of North Macedonia.

SECTION VIII: ADMINISTRATIVE INFORMATION

VIII.1) Conditions for obtaining tender documentation and additional documents:

The obtaining of the tender documentation is possible upon submission of a written request from the economic operator with submitted proof of paid non-refundable fee of EUR 5,000 in Denar equivalent, at the middle exchange rate of the National Bank of the Republic of North Macedonia, calculated on the day of obtaining the tender documentation.

The payment by the economic operators should be made at the following bank account of the Ministry of economy:

- for domestic natural and legal entities
 - Treasury account: 100000000063095
 - Budget user account: 100011554763128
 - Revenue code and program: 724125 32
 - Deponent: National Bank of the Republic of Macedonia
 - Tax number:4030000392597

- for foreign natural and legal entities - Correspondent Bank: DEUTSCHE BUNDESBANK ZENTRALE, SWIFT BIC: MARK DE FF,

Bank details: NATIONAL BANK OF THE REPUBLIC OF NORTH MACEDONIA; SWIFT BIC: NBRM MK 2X;

End user IBAN: MK07 1007 0100 0028 009, Ministry of economy

The request must be accompanied by an authorization for the person requesting the tender documentation with mandatory contact details, telephone and e-mail. The tender documentation is obtained from the Ministry of economy at electronic portable device (CD).

NOTE: Only the economic operators that have obtained the tender documentation from the Ministry of economy shall have the right to participate.

VIII.2) Conditions for submitting tenders

VIII.2.1) The tenders shall be submitted not later than: 10.08.2020, at 12:00 hours local time.

VIII.2.2) Deadline for questioning: 02.08.2020, at 12:00 hours local time

VIII.2.3) Deadline for answer: 04.08.2020, at 12:00 hours local time

VIII.3) The tender must be valid until: /

VIII.4) Requirements for tender opening: /

VIII.5) Modification publication date: 19.05.2020

SECTION IX: PROCEDURE FOR APPEAL

IX.1) AUTHORITY RESPONSIBLE FOR DECISION MAKING IN CASE OF APPEALS

IX.1.1) Name of the authority: State appeal commission for public procurements	
IX.1.2) Address of the authority: 63a Ilinden blvd.	
Town/municipality: Skopje	Postal code: 1000
IX.1.3) Contact: Marjan Vitanov	Telephone: +389 (0) 2 3251 251 +389 (0) 2 3251 259
E-mail: dkzjn@gs.gov.mk, marjan.vitanov@gs.gov.mk Fax: +389 (0)2 3251 250	
Website: www.dkzjn.gov.mk	

XI.2) RIGHT TO APPEAL

Any economic operator having legal interest in the procedure for awarding a public private partnership contract and which has suffered or could suffer damage by possible violation of the provisions of the Law on public procurement, can require legal protection against the decisions, actions and omissions to undertake actions by the contracting body in the procedure for awarding a contract, in accordance with the terms and the procedure prescribed in the Law on public procurement. The right to appeal shall be exercised following the decision on the selection of the most favorable tenderer or annulment of the procedure.

ANNEX A

ADDITIONAL ADDRESSES AND CONTACT POINTS

I. ADDRESS AND CONTACT POINTS FROM WHICH FURTHER INFORMATION CAN BE OBTAINED:

Name: Ministry of economy of the Republic of North Macedonia		
Address: str.Jurij Gagrin, no.15		
Town: Skopje	Postal code: 1000	Country: Republic of North Macedonia
Office/contact point: Contact person: Goran Nikolovski, Ismail Ljuma		Telephone: +389 (0)2 3093 517
E-mail: goran.nikolovski@economy.gov.mk , ismail.luma@economy.gov.mk		Fax:
Website: www.economy.gov.mk		

II. ADDRESS AND CONTACT POINTS FROM WHICH SUPPLEMENTS/AMENDMENTS TO THE TENDER DOCUMENTATION CAN BE OBTAINED:

Name: Ministry of economy of the Republic of North Macedonia		
Address: str.Jurij Gagrin, no.15		
Town: Skopje	Postal code: 1000	Country: Republic of North Macedonia
Office/contact point: Contact person: Goran Nikolovski, Ismail Luma		Telephone: +389 (0)2 3093 517; +389 (0)2 30 93 430
E-mail: goran.nikolovski@economy.gov.mk , ismail.luma@economy.gov.mk		Fax:
Website: www.economy.gov.mk		

III. ADDRESS AND CONTACT POINTS TO WHICH TENDERS MUST BE SENT:

Name: Ministry of economy		
Address: str.Jurij Gagrin, no.15		
Town: Skopje	Postal code: 1000	Country: Republic of North Macedonia
Office/contact point: Contact person:		Telephone: +389 (0)2 3093 517; +389 (0)2 30 93 430
E-mail: goran.nikolovski@economy.gov.mk , ismail.luma@economy.gov.mk		Fax:
Website: www.economy.gov.mk		