

# Selection Guide

For the design, construction, installation works and delivery of pushers within the CEF-project Watertruck+

Negotiation procedure with prior European notification of deliveries

**Deadline for receipt of candidacies**

August 12th 2016 at 15:00

## TABLE OF CONTENTS

<b>INTRODUCTION</b> .....	<b>4</b>
<b>1 General</b> .....	<b>4</b>
<b>2 Questions about the Selection Guide</b> .....	<b>4</b>
<b>3 Definitions</b> .....	<b>4</b>
3.1 Assignment .....	4
3.2 Contracting Authority .....	5
3.3 Selection Guide .....	5
3.4 Special Specifications .....	5
3.5 Applicant.....	5
3.6 Candidates .....	5
3.7 Tenderer .....	6
3.8 Contractor .....	6
3.9 Designated Subcontractor .....	6
<b>GENERAL INFORMATION</b> .....	<b>6</b>
<b>1 Contracting Authority</b> .....	<b>6</b>
<b>2 Nature of the contract - award procedure</b> .....	<b>7</b>
<b>3 The organisation of the phased award procedure</b> .....	<b>7</b>
<b>4 Applicable regulations</b> .....	<b>8</b>
<b>5 Indicative timetable</b> .....	<b>8</b>
<b>6 Dividing into lots - possible change in amounts</b> .....	<b>9</b>
<b>THE SELECTION PROCEDURE</b> .....	<b>9</b>
<b>1 Essential terms for the candidate in the selection phase</b> .....	<b>9</b>
1.1 Possible legal status .....	9
1.2 Single participation in the selection procedure.....	10
1.3 Identification.....	10

<b>2</b>	<b>Essential terms concerning the Candidates/Tenderers in the award phase .....</b>	<b>11</b>
<b>3</b>	<b>Essential terms concerning the contractor during the implementation phase .....</b>	<b>11</b>
<b>4</b>	<b>Qualitative selection .....</b>	<b>12</b>
4.1	Grounds for exclusion .....	12
4.2	Minimum requirements with respect to financial and economic capacity .....	13
4.3	Minimum requirements related to technical competence .....	13
<b>5</b>	<b>Candidacy.....</b>	<b>14</b>
5.1	Required format and layout of the candidacy .....	14
5.2	Language .....	15
5.3	Signature.....	15
5.4	Submission of the candidacy .....	15

## INTRODUCTION

### 1 General

a)  
This Selection Guide describes the award procedure used to award the following assignment:

The design, construction, installation works and delivery of pushers within the European CEF-project Watertruck+

The Assignment consists of two lots.

b)  
The Selection Guide will only be provided under the conditions specified in this document. The Selection Guide is only issued to the interested parties who wish to submit their candidacy for this assignment. Any other use of this Selection Guide is therefore strictly prohibited without the express authorisation of the Contracting Authority.

### 2 Questions about the Selection Guide

All questions about the Selection Guide must be submitted in writing before August 1st 2016 to [info@watertruck.eu](mailto:info@watertruck.eu).

### 3 Definitions

Specific concepts in the Selection Guide and the Special Specifications have the following meaning:

#### 3.1 Assignment

The Assignment consists of two lots, namely:

##### Lot A

The design, construction, installation works and delivery of a pusher with a LOA of 16,50 meters, a WOA of 8,20 meters, a pushing capacity of 8,000 metric tons, of which the propulsion system meets at least the emission criteria of the EURO 6 norm for road transport, or equivalent, such as e.g. the EU Stage V directive

### Lot B

The design, construction, installation works and delivery of two pushers with a LOA between 10,00 meters and 12,00 meters, a WOA of 5,05 meters, a pushing capacity of approximately 4,000 metric tons, of which the propulsion systems meet at least the emission criteria of the EURO 6 norm for road transport, or equivalent, such as e.g. the EU Stage V directive

## **3.2 Contracting Authority**

Watertruck+ BVBA  
Oostdijk 110  
2830 Willebroek  
Phone: +32 11 24 60 00

## **3.3 Selection Guide**

This document contains the administrative procedure, the grounds for exclusion and the selection criteria used to select the Candidates.

## **3.4 Special Specifications**

The Special Specifications contain the administrative procedure (in particular the award criteria for each lot) used to award the Assignment as well as the terms that apply to the completion of the Assignment and the technical specifications.

## **3.5 Applicant**

The fundamental group of natural and/or legal entities submitting a candidacy pursuant to the Selection Guide.

## **3.6 Candidates**

Each selected Applicant that following his selection will have the opportunity to submit a tender based on the supplied Special Specifications.

### 3.7 Tenderer

Each Candidate that successfully submits a tender that satisfies the requirements in the Special Specifications.

### 3.8 Contractor

The Tenderer that will be charged with the completion of the Assignment after being awarded the Assignment.

### 3.9 Designated Subcontractor

The third party legal entity or natural person that is part of the candidacy but does not have a main role and that the Contractor affirms will be engaged to implement the Assignment. The third parties financial, technical and/or economic capacity may be taken into consideration during the review of the selection criteria specified in the Selection Guide.

## GENERAL INFORMATION

### 1 Contracting Authority

The Contracting Authority for the Assignment in question is:

Watertruck+ BVBA  
Oostdijk 110  
2830 Willebroek  
Phone: +32 11 24 60 00

The deliveries are made at the expense of:

Watertruck+ BVBA  
Oostdijk 110  
2830 Willebroek  
Phone: +32 11 24 60 00

Information about the Assignment can be obtained (during office hours of 09:00 to 12:00 and 13:00 to 16:00) from Johan Boonen, phone +32 11 24 60 03, e-mail [johan.boonen@watertruck.eu](mailto:johan.boonen@watertruck.eu), at the aforementioned address.

The documents may be inspected during office hours (during office hours of 09:00 to 12:00 and 13:00 to 16:00) at the offices of the contracting authority.

## **2 Nature of the contract - award procedure**

This Assignment is a contract for a delivery within the meaning of Art. 3 of the Law on public procurement and certain contracts for works, supplies and services of 15 June 2006.

The awarding of this contract occurs using a negotiation procedure with prior notification pursuant to Article 26 § 2, 1°, b) of the Law on public procurement and certain contracts for works, supplies and services from 15 June 2006. The Assignment involves the delivery of vessels where the design allows modifications according to client specific requirements.

## **3 The organisation of the phased award procedure**

### **Step 1. Selection Phase**

The official announcement is made to inform the private sector about the existence of the Assignment that invites interested parties to submit their candidacy for the Assignment in question.

As part of the selection procedure, a Selection Guide will be made available to all interested parties. In keeping with this Selection Guide, the Contracting Authority reserves the right to limit the number of Interested Parties allowed to submit a tender to a maximum of six (6) per lot, in accordance with Article 58, § 3 Placement RD.

### **Step 2. Award phase – submit tender**

After taking a decision on the selection, the award procedure continues with respect to the selected candidates, these now being the Candidates.

The Candidates will initially receive the Special Specifications.

The Candidates may then submit a tender that satisfies the specific terms in the Special Specifications.

### **Step 3. Award phase – negotiations**

The Contracting Authority will first evaluate the completeness and correctness of the submitted tenders. The tenders found to be complete and correct will then be evaluated

on the content based on the award criteria that is meticulously stipulated in the Special Specifications.

Based on this evaluation, the Contracting Authority will autonomously decide whether to:

- Offer the Tenderers the option of submitting a BAFO ('Best and Final Offer').
- Simultaneously / successively negotiate with one or more Tenderers.

#### Step 4. Effective awarding of the assignment

After the expiry of the statutory period of fifteen (15) calendar days to bring interim injunction proceedings against the motivated award decision or after the dealing with the injunction within this period, the Assignment will be effectively awarded to the Contractor and by the notification of the motivated award decision.

## 4 Applicable regulations

Among other things, the following applies to this Assignment:

- Law on public procurement and certain contracts for works, supplies and services of 15 June 2006 (hereinafter: Public Procurements Act).
- Royal Decree on the placement of public procurement contracts of 15 July 2011 (hereinafter: Placement RD).
- Royal Decree laying down the general rules for public procurement contracts and concessions for public works of 14 January 2013 (hereinafter: Implementation RD).
- Law on the motivation, information and remedies for public procurement contracts and certain contracts for works, deliverables and services of 17 June 2013.
- All amendments and supplements to the aforementioned legislation.
- The Selection Guide and the Special Specifications associated with this Assignment.

## 5 Indicative timetable

The indicative timetable for the course of the negotiation procedure is today estimated as follows:

Phase 1 of the negotiation procedure:

- Evaluation of candidates: August 25<sup>th</sup>, 2016

Phase 2 of the negotiation procedure:



- Submit tenders: September 30<sup>th</sup>, 2016
- Negotiation phase: October 2016
- Award the Assignment: November-December 2016
- Start of the Assignment: January 2017

This indicative planning is not binding for the Contracting Authority.

## 6 Dividing into lots - possible change in amounts

The Contracting Authority reserves the right to not award one or more lots. It also reserves the right to award smaller amounts within each lot than that stated in the Selection Guide and Special Specifications without being obligated to pay any form of compensation whatsoever. Each decision in this respect will be motivated and communicated to the Applicants, Candidates and Tenderers.

## THE SELECTION PROCEDURE

### 1 Essential terms for the candidate in the selection phase

#### 1.1 Possible legal status

An Applicant may put himself forward as an applicant as a Designated Subcontractor or as a temporary trading company pursuant to Article 47 of the Companies Code. The distinction between the two forms of collaboration relate to the liability obligations arising from the joint venture. In the case of a temporary trading company, all partners in the joint venture are jointly and severally liable with respect to the Contracting Authority in terms of fulfilling the Tenderer's obligations stipulated in the tender. In the case of subcontracting, the subcontractor shall not be jointly and severally liable to the Contracting Authority in terms of fulfilling all obligations stipulated in the tender, for which only the main contractor is held liable.

For each collaboration, the candidacy must explicitly report the type of collaboration that has been chosen.

##### 1.1.1 Specific terms for the use of a temporary trading company

The candidacy must explicitly report which partner of the temporary trading company will be the legal representative of the temporary trading company that acts in a legal binding way with respect to the Contracting Authority.

The Contracting Authority will send all correspondence relating to the award procedure exclusively to the relevant representative of the temporary trading company.

#### 1.1.2 Specific terms for the use of a subcontractor

Subcontractors that are specifically included in the candidacy as Designated Subcontractors must satisfy the following conditions:

- a) A Designated Subcontractor is always an individual natural person or legal entity and not a joint venture.
- b) The Applicant must attach a written declaration or agreement to the candidacy that demonstrates that he is fully cognisant of the Designated Subcontractor's knowledge and experience.
- c) The Applicant may only call upon the knowledge of the Designated Subcontractor if he will be effectively involved in the implementation of the Assignment.
- d) The Designated Subcontractor may only call upon their own competencies.
- e) Which parts of the Assignment will be handled by the Designated Subcontractor shall be stipulated in the candidacy.

Calling upon other subcontractors than the Designated Subcontractor is permitted. The third parties financial, technical and/or economic capacity may be taken into consideration during the review of the selection criteria specified in the Selection Guide.

### 1.2 Single participation in the selection procedure

Each natural person or legal entity may only register once as a partner of an Applicant in this negotiation procedure. If the Contracting Authority determines that a natural person or legal entity is included in multiple candidacies, all candidacies in which one and the same natural person or legal entity is part of will be rejected as a substantial irregularity. It is permitted for a subcontractor to be aligned with multiple Applicants.

### 1.3 Identification

With a view to the transparency of candidacies, each Applicant in his candidacy shall provide the following identification information related to each natural person or legal entity that is part of the candidacy:

1. Name of the natural person/legal entity (according to the company name listed at the Crossroad Bank for Enterprises or comparable register in the country of residence).
2. Business address of the natural person/legal entity (according to the current information at the Crossroad Bank for Enterprises or comparable register in the country of residence).
3. Phone number, fax number, e-mail address of the natural person/legal entity.

4. Correspondence address for purposes of the award procedure.
5. Legal status of the legal entity.
6. VAT – registration number and/or national tax reference number in accordance with the national legislation of the country of incorporation.
7. Statement listing the contacting information for the person/persons who may legally represent the company: full name, position within the company, postal address, phone number, fax number and e-mail address.

In addition, a memorandum must be attached to the candidacy in which the essential principles about the underlying administrative, control and financial relations with the team are summarised but clearly described.

## **2 Essential terms concerning the Candidates/Tenderers in the award phase**

After submitting the candidacy, the combination of Candidate/Tenderer may not change during the award procedure. It is explicitly prohibited to set up a collaboration between multiple Candidates with the intent of submitting a tender. There is only one exception to the above principle.

A change in the partners for a Candidate/Tenderer is permitted if this change is compelled due to serious circumstances related to corporate law, for example, merger, acquisition, division or bankruptcy of one or more partners in the collaboration.

The Candidate/Tenderer shall immediately inform the Contracting Authority of each instance of changes due to corporate law as described above.

Upon receipt of the relevant information, the Contracting Authority will consider whether, given the corporate change, the Candidate still satisfies the essential terms concerning the required composition of the team, does not fulfil a criteria that is grounds for exclusion and that they still satisfy the proposed minimum qualification requirements.

If this is not the case, the Contracting Authority shall notify the relevant Candidate/Tenderer in writing of the fact that their part in the selection procedure has been terminated due to the change in the form of corporation, with a statement of the motivated reasons giving rise to this decision.

## **3 Essential terms concerning the contractor during the implementation phase**

The team that is part of the candidacy must also be effectively involved in the implementation of the Assignment, in conformance with the stipulations of the candidacy/tender and the nature of the collaboration.

However, for the implementation of the Assignment, other subcontractors may be called upon insofar it is precisely stated in the tender what exactly the other subcontractors will be called upon to undertake. The introduction of new team members due to the setting up of a new temporary trading company during the implementation phase is explicitly prohibited.

## 4 Qualitative selection

### 4.1 Grounds for exclusion

By tendering for this Assignment, the Tenderer declares that he is not in a state that is grounds for exclusion, as stipulated in Art. 61 Placement RD.

The following documents must be attached to the candidacy:

- for all Tenderers: an extract from the criminal records or an equivalent document issued by a judicial or government body of the country of origin and that demonstrates that the involved part has not been convicted of a crime stipulated in Article 61, §1 and §2 Placement RD.
- for the Belgian Tenderer that employs staff subject to the social security legislation of another member state of the European Union: an attestation issued by the authorised body that confirms that he, according to the account that was drawn up at the latest on the ultimate day for the receipt of the tender, on that date satisfied the provisions regarding payment of the social security contributions in accordance with the statutory provisions of the country where he is established.

and additionally for foreign Tenderers:

- An original attestation issued by the authorised government body of the country where he is established and that demonstrates that he satisfies the provisions concerning social security contributions in accordance with Article 62, §1 and 2 Placement RD.
- A certificate of non-bankruptcy issued by the authorised government body of the pertinent country.
- A certificate issued by the authorised government body demonstrating that the involved is up to date with respect to the payment of taxes (direct taxes and VAT). The certificates must not be older than three months from the date of opening of the tenders.

The documents listed above must be attached for all partners of a temporary trading company and for each Designated Subcontractor.

#### 4.2 Minimum requirements with respect to financial and economic capacity

Tenderers of foreign nationality must submit the necessary supporting documents concerning the acknowledgement of their Candidacy if they must have such an acknowledgement in accordance with their national legislation.

The Tenderers must demonstrate their financial and economic capacity for each lot for which they want to tender by providing one or more of the following documents:

- 1) appropriate statements from banks.
- 2) the balance sheets, extracts from balance sheets or annual accounts of the company, if the legislation of the country where the Contractor requires the balance sheets to be disclosed.
- 3) a declaration of the total turnover and the turnover for the business activities directly related to the subject of the contract for the last three available financial years, depending on the formation date or the date on which the Tenderer started activities, insofar the pertinent turnover figures are available.
- 4) a statement from the financial institution that attests that the Tenderer must be deemed capable of implementing the Assignment that he has put himself forward as an Applicant.

The Contracting Authority reserves the right to assess the financial capacity of the Tenderer and is therefore not bound by the documents provided by the Tenderer.

Indicative financial capacity required for each lot:

- Lot A: 2,000,000 euro
- Lot B: 2,000,000 euro

#### 4.3 Minimum requirements related to technical competence

Tenderers of foreign nationality must submit the necessary supporting documents concerning the acknowledgement of their Tender.

The Tenderers shall demonstrate their technical competence by providing the following:

- 1) An overview of whether or not technical experts or teams involved belong to the company, especially those responsible for quality control, and who will be available to the Contractor to implement the Assignment.
- 2) A statement listing the average annual employee headcount for the company and that lists the magnitude of the headcount in the last three years.
- 3) A statement that lists the work places, tools, materials and technical equipment available to the Tenderer that will be used during the implementation of the Assignment.
- 4) A list of the most significant assignments and 'reference assignments' carried out in the five years prior to the announcement of this Assignment, which demonstrate experience in the intended subject matter and that are substantiated by testimonials of satisfactory performance. These testimonials shall list:

- a. the substance of the assignment
- b. the amount for the assignment
- c. the implementation period for the assignment
- d. the name and contact details of a contact person at the company, institution or organisation where the assignment was carried out.
- e. whether the assignments were carried according to the highest standards and/or were brought to a successful conclusion in a regular manner.

In the case of Assignments for private individuals, the references, in the absence of a testimonial from the principal, shall be substantiated by a declaration from the Tenderer himself.

The Contracting Authority reserves the right with respect to the provided reference list to take into account its own experience with the involved Applicant/Tenderer as well as investigate the assignments that the Applicant/Tenderer carried out at other organisations.

**Based on the 'reference assignments' submitted by the Applicant, the Contracting Authority can draw up a ranking for each lot where the first six selected will be invited to submit a tender for the pertinent lot, in conformance with Article 58, § 3 Placement RD.**

## 5 Candidacy

### 5.1 Required format and layout of the candidacy

In his candidacy, the Applicant must format and follow the order of the selection criteria according to that used in the Selection Guide and in conformance with the following order:

- a) Identification details for all team members named in the candidacy, including the Designated Subcontractors.
- b) A clear indication of the lots for which the Applicant put themselves forward
- c) Supporting evidence for all team members named in the candidacy including the Designated Subcontractor that exclude them from the grounds for exclusion.
- d) Minimum requirements with respect to financial and economic capacity.
- e) Minimum requirements related to technical competence.
- f) Reference assignments.
- g) Signature (municipality/ date/ signature of the Applicant's legal representative(s)).

The above categories for credentials must be included in the candidacy using tabbed pages so as they are distinguishable from each other. The specified information, references and so forth must be structured in a concise and clear manner.

The Applicant is free to provide additional information at the end of the candidacy that he believes is useful.

The Contracting Authority reserves the right to disregard candidacies that are not clearly structured and laid out in accordance with the above mentioned overview and/or does not satisfy the requirements of the Selection Guide or the notification.

The Contracting Authority reserves the right to require an Applicant to provide supplemental information or clarification regarding the candidacy submitted by him.

The Contracting Authority also reserves the right to disregard candidacies that have terms attached.

## 5.2 Language

The request to participate must be written in Dutch. All appendices and supporting documents must be written in Dutch or English. Non-native attachments must be accompanied by a Dutch or English translation. All notifications and announcements (both oral and written) by the Contracting Authority communicated to the Applicants/Tenderers will be in Dutch. All notifications and announcements from the Applicants/Tenderers communicated to the Contracting Authority must be in Dutch or English.

The Contracting Authority can require that a translation, if necessary a sworn translation, be provided for a document that is only available in another language

## 5.3 Signature

The candidacy must be signed at least by the Tenderer. In the case that a tender is submitted by a temporary trading company, each member of the temporary trading company must sign the candidacy.

Signing must always be in conjunction with the reporting of the municipality, date and signature of the legal representative of the Applicant.

## 5.4 Submission of the candidacy

The candidacy with attachments required by the Selection Guide shall be sent by registered mail in a sealed envelope or delivered with proof of receipt to the Contracting Authority at the following address:

Watertruck+ BVBA  
Attention: Johan Boonen  
Oostdijk 110  
2830 Willebroek

Candidacies must be submitted no later than August 12<sup>th</sup> 2016, 15:00 CEST, to the Contracting Authority at the above address.

The candidacy must be submitted in triplicate (one original and two certified true copies) to the Contracting Authority.

A candidacy that is submitted late will be considered insofar:

- 1° the Contracting Authority did not communicate its decision to the Candidate.
- 2° and the candidacy was submitted by certified mail at the latest four calendar days before the day specified for the receipt of the candidacies.