



Hungary-Slovakia-Romania-Ukraine
ENPI Cross-border Cooperation Programme



CALL FOR LSP EXPERTS

published in the frame of

Hungary-Slovakia-Romania-Ukraine ENPI CBC Programme 2007-2013

On behalf of the National Development Agency acting as the Joint Managing Authority, VÁTI Nonprofit Kft. hosting the Joint Technical Secretariat (hereinafter JTS) of the Hungary-Slovakia-Romania-Ukraine ENPI Cross-border Cooperation (HU-SK-RO-UA ENPI CBC) Programme 2007-2013 is launching the Call for experts for supervision activities of the **Large Scale Projects (LSP)** in the frame of the Programme. The experts selected within the framework of this Call will be involved in the implementation of the Large Scale Projects awarded within the HU-SK-RO-UA ENPI CBC Programme 2007-2013. The period of execution of the contract will be 24 months.

In order to be eligible, applications and applicants have to comply with the criteria listed in the **Terms of Reference** annexed to this call that also contains other important details related to the tasks to be performed.

Interested candidates have to submit their applications in one original paper version as well as via email to info@huskroua-cbc.net. The paper version comprising of:

- Curriculum Vitae in English (in EU format)
- Application form filled in English
- Copies of diplomas, certificates and references in national languages (the translation of these documents might be requested before the contracting)

must be submitted by the **10 June 2013** by post or courier to the following address:

JTS of HU-SK-RO-UA ENPI CBC Programme
VÁTI Nonprofit Kft.
Gellértheagy u. 30-32., H-1016 Budapest

Each envelope, besides the name and address of the applicant, must contain the following wording: “**Call for LSP Experts** – HU-SK-RO-UA ENPI CBC Programme 2007-2013” and “Not to be opened before the opening session!”.

The above mentioned document and the present call can be downloaded from:
<http://www.huskroua-cbc.net/en/news/call-for-LSP-experts/192>

More information on the HU-SK-RO-UA ENPI CBC Programme can be found at:
www.huskroua-cbc.net

Terms of the Reference
for supervision activity of the Large Scale Projects in the frame of
Hungary-Slovakia-Romania-Ukraine ENPI Cross-border Cooperation
Programme 2007-2013

1. Introduction

- 1.1. These Terms of Reference (TOR) intend to provide all necessary information to the tenderers for a service contract with the Joint Technical Secretariat (JTS) of the Hungary-Slovakia-Romania-Ukraine ENPI Cross-border Cooperation Programme 2007-2013.
- 1.2. The purpose of the public procurement procedure is to select (a) qualified expert(s) or company having the administrative and technical capacity and the necessary experience to deliver the work described in this ToR, especially in Article 6 (Scope of work).
- 1.3. Joint Technical Secretariat of the Hungary-Slovakia-Romania-Ukraine ENPI Cross-border Cooperation Programme 2007-2013 represented by the VÁTI Nonprofit Kft is Contracting Authority of this Service Contract and is responsible for managing the Contract.

2. Legal Basis

- 2.1. Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument

Commission Regulation (EC) No 951/2007 of 9 August 2007 laying down implementing rules for cross-border cooperation programmes financed under Regulation (EC) No 1638/2006 of the European Parliament and of the Council laying down general provisions establishing a European Neighbourhood and Partnership Instrument

Corrigendum to Commission Regulation (EC) No 951/2007 of 9 August 2007 laying down implementing rules for cross-border cooperation programmes financed under Regulation (EC) No 1638/2006 of the European Parliament and of the Council laying down general provisions establishing a European Neighbourhood and Partnership Instrument (OJ L 210 of 10 August 2007) Programme Documents

The Joint Operational Programme (JOP) of the Hungary-Slovakia-Romania-Ukraine ENPI Cross-border Cooperation Programme 2007-2013.

3. Overview on Hungary-Slovakia-Romania-Ukraine ENPI Cross-border Cooperation Programme 2007-2013

- 3.1. The Hungary-Slovakia-Romania-Ukraine ENPI Cross-border Cooperation Programme 2007-2013 was established in order to provide assistance for the development of an area of prosperity and good neighborliness involving the European Union and eligible areas of Ukraine.

Joint operational programme is implemented through shared management by a Joint Managing Authority, usually located in a Member State, which is responsible for managing and implementing the joint operational programme in accordance with the principle of sound technical and financial management, and for ensuring the legality and regularity of its operations¹.

¹ Articles 6, 9, 10 Reg (EC) No 1638/2006.

The Hungary-Slovakia-Romania-Ukraine ENPI Cross-border Cooperation Programme 2007-2013 uses an approach based on principles such as multiannual programming, partnership and co-financing, adapted to take into account the specificities of the EC's external relations rules and regulation. The programme - involving regions on both sides of the EU's border - share one single budget, common management structures, a common legal framework and implementation rules giving the programmes a fully balanced partnership between the participating countries².

The core policy objectives of The Hungary-Slovakia-Romania-Ukraine ENPI Cross-border Cooperation Programme 2007-2013 is to support sustainable development along both sides of the EU's external borders, to help ameliorate differences in living standards across these borders, and to address the challenges and opportunities following on EU enlargement or otherwise arising from the proximity between regions across land borders. In particular, Programme is intended to help:

- Promote economic and social development
- Enhance environmental quality
- Increase border efficiency
- Support people to people cooperation

3.2. Definition of the Large Scale Projects

According to article 2 (7) of Commission Regulation (EC) No 951/2007 of 9 August 2007 laying down implementing rules for cross-border cooperation programmes financed under Regulation (EC) No 1638/2006 of the European Parliament and of the Council laying down general provisions establishing a European Neighborhood and Partnership Instrument (Implementing Rules) Large Scale (strategic) Projects (hereinafter – LSP) are *'projects comprising a set of works, activities or services intended to fulfill an indivisible function of a precise nature pursuing clearly identified objectives of common interest for the purposes of implementing cross-border investments'*.

According to article 4 of Implementing Rules large-scale cross-border investment projects are not selected through calls for proposals, but are identified jointly by participating countries, in agreement with the European Commission. Article 4 provides that these projects shall be specifically mentioned in the programme or be selected at a later stage by the Joint Monitoring Committee provided that they are consistent with the programme's priorities and measures and that there is a budget specifically for this purpose.

By the decision of the Joint Monitoring Committee of the Hungary-Slovakia-Romania-Ukraine ENPI Cross-border Cooperation Programme 2007-2013 the funds allocated for the Priority 3 *Increase border efficiency* were directed for the implementation of the Large Scale Projects under the direct award procedure. Within the Priority 3 there were defined the following Large Scale Projects:

- Modernization and reconstruction of border crossing points at the Slovak-Ukrainian border
 - Beneficiary: Financial Directorate of the Slovak Republic
 - Partner 1: Ministry of Finance of the Slovak Republic
 - Partner 2: State Customs Service of Ukraine
 - Partner 3: Chop Customs Office of Ukraine
 - Location: Region Kosice, Presov, Slovakia / Zakarpatska Oblast, Ukraine (Vysne Nemecke - Uzhgorod, Velke Slemence, Cierna nad Tisou, Ubla, Matovce)

² European Neighbourhood & Partnership Instrument, Cross-Border Cooperation Strategy Paper 2007-2013 Indicative Programme 2007-2010 download available at: http://ec.europa.eu/europeaid/where/neighbourhood/regional-cooperation/enpi-cross-border/documents/summary_of_strategy_paper_en.pdf

- Efficient and secure borders between Romania and Ukraine
 - Beneficiary: National Customs Authority of Romania
 - Partner 1: Romanian National Company of Motorways and National Roads
 - Partner 2: State Customs Service of Ukraine
 - Partner 3: Administration of the State Border Guard Service of Ukraine
 - Partner 4: Chop Customs Office of Ukraine
 - Location: Satu Mare County, Romania / Zakarpatska Oblast, Ukraine (Halmeu, Diakove)

- Efficient and secure border between Hungary and Ukraine
 - Beneficiary: Hungarian National Police Headquarters
 - Partner 1: National Tax and Customs Administration of Hungary
 - Partner 2: Administration of the State Border Guard Service of Ukraine
 - Partner 3: The State Customs Service of Ukraine
 - Partner 4: The Chop Customs Office of Ukraine
 - Location: Szabolcs-Szatmár-Bereg County, Hungary / Zakarpatska Oblast, Ukraine (Beregsurány, Luzhanka, Tiszabecs, Vylok, Záhony, Chop)

The overall aim of the Large Scale Projects is to increase border efficiency and to enhance cross-border cooperation through the development of the supporting infrastructure at border crossing points and strengthening cooperation between authorities responsible for border management at management and executive levels. The specific actions are described in the relevant Annex I Action to the Special Conditions.

4. Objective, purpose & expected results of the Project Supervision Unit

4.1. Definition and Overall objective

Project supervision activity is the temporary task performed in the frame of the Service Contract solely for the tender and procurement supervision, construction supervision, inspection of the quality of the used materials and correspondence of the construction to the Action plan and time schedule of the Large Scale projects. The project supervision activity will consist of the several service experts selected via open call. The project supervision activities will be accomplished during the entire LSPs implementation period and may act during the maintenance/defects periods as well.

The selected experts will work under the supervision of Contracting Authority and has to be in regular contact with the JTS. The experts will perform their tasks for the benefit of the Contracting Authority, Beneficiaries and Partners of the LSPs and be in regular contact with them.

The Contractor will work in the close cooperation with the resident operating personal of the LSP Beneficiaries/Partners as well as with the design engineers, contractor Companies and technical inspections or supervisions. The Contract will provide his/her opinion and recommendations in the regular *reports to the Contracting Authority*. Based on the delivered reports the Contracting Authority will undertake the relevant interventions.

4.2. Results to be achieved by the Contractor

- LSP Beneficiaries/Partners have been assisted in the preparation and evaluation of tenders
- Construction and engineering works development including post completion defects liability management supervised
- Performed continuous operational follow up and regular reporting to the Contracting Authority on the progress implementation, achievements and possible delays of the construction of the LSPs objectives and quality of the used materials

- Contracting Authority got recommendations, possible solutions and mitigation measures for the potential problems or problems detected during the construction process

5. Assumption and Risks

5.1. Assumptions underlying the project intervention

- Make all land and access facilities required for the temporary and permanent work at the of the construction in a timely manner
- Make available all authorities, permissions and approvals necessary for carrying out work contracts
- A high level of involvement, cooperation and participation of the Contractor with all the stakeholders of the LSPs
- A high level of the qualification and experience and knowledge of the Contractor
- Follow the procurement rules (EC and local ones)
- Ensure if needed any other than EC funds required for the completion of works
- Receive all full cooperation from the LSP Beneficiaries/Partners and local authorities

5.2. Risks

- Overlap of activities between different on-going activities related to project implementation
- Lack of cooperation between the Contractor and LSP stakeholders
- Lack of the experience and knowledge by the Contractor
- Tight time schedule. Adverse weather conditions may affect the construction schedule
- Access to the land and facilities required may be difficult due to the remote location and bad existing connections
- Permissions and approvals may be difficult to obtain
- Consistence of the EC procurement rules with national regulations

If any of the above assumptions are not met they will become risks to the implementation of the contract

6. Scope of Work

6.1. General description and duties

The key activity of the Contractor will be to provide JTS with appropriate technical support and advisory service for the procurement and implementation of construction works.

The Contractor is required to perform the following tasks:

- provide technical expertise for the preparation of the tender dossiers and tenders evaluation assuring the correct application of the EC and national regulations
- provide technical expertise of the subcontracts to be contracted by the LSP Beneficiaries/Partners
- provide supervision of construction works and ensure compliance of construction works with Action plans, time schedules, agreed costs, design and applicable regulations on all LSPs construction objectives
- provide quality control and construction safety assurance of the LSPs construction objectives in accordance with the Technical Specifications and requirements
- identify and inform the Contracting Authority about the construction problems including delays, deviations and advise to the Contracting Authority/ resident

operating personal of the LSP Beneficiaries/Partners on the possible problem solutions and mitigations measures;

- supervise and inspect progress of construction works are to be undertaken by making regular follow up visits to construction sites in order to ensure that construction works are performed within the agreed deadlines and with high quality
- assist within the construction process Contracting Authority/ resident operating personal of the LSP Beneficiaries/Partners checking, measure and assessing quality of work and materials used
- give special attention to the eligibility of the goods, equipment and materials to be used for construction in accordance with the rule of origin and nationality as set in the Annex IV to the LSP Grant Contracts. The Contracting Authority must be informed in case ineligible goods, equipment and materials were procured or used.
- Inform Contracting Authority in case the amount of the supply/service/works contracts significantly differs from approved Budget annexed to the LSP Grant Contract or the quality of the procured services, works and goods is poor or not in line with the Technical Specifications and requirements
- provide technical support and recommendations to Contracting Authority/ resident operating personal of the resident operating personal of the LSP Beneficiaries/Partners in any contractual problems, possible extension of the time, required additional construction work that might incur in extra costs;
- assist the Contracting Authority / resident operating personal of the LSP Beneficiaries/Partners in the commissioning, final inspection and final acceptance of all new constructions along with any rehabilitated facilities
- perform any other duties related to the scope of service that might arise from the performance of its tasks and that are delegated by the Contracting Authority

6.2. Specific tasks

- Contractor will work in close collaboration with resident operating personal of the LSP Beneficiaries/Partners and other stakeholders such as design engineers, technical supervisors and subcontractor companies.
- In the inception phase Contractor will visit LSP Beneficiary/Partner to assess their construction works in order to
- Based on this assessment Contractor will develop a **tailor-made Work plan** and on site visit plan needed to be done to realize the interface agreed with the Contracting Authority.
- Maintain full and detailed permanent site records and reports, which will include site correspondence, survey data, assessment minutes, quality acceptance data etc
- In the second phase the Contractor will, in close collaboration the Contracting Authority/ resident operating personal of the LSPs Beneficiaries/Partners and other stakeholders, undertake the tasks assigned to him/her
- In the third phase the work performed by the Contractor will be evaluated by the Contracting Authority
- For the purpose of the procurement supervision the Contractor shall participate meetings of the Selection Committees and relevant Working groups created by the LSP Beneficiary/Partners as an observer

7. Logistic and Timing

7.1. Location

The locations of the action are the following LSP countries and counties:

Hungary, Szabolcs-Szatmár-Bereg County
Slovakia, Kosice, Presov County
Romania, Satu Mare County
Ukraine, Zakarpatska Oblast

7.2. Commencement date & period of execution (number of working days)

The intended commencement date is 15 May 2013 and the period of execution of the contract will be 24 months from this date and may be prolonged for the maintenance/defects period. Please refer to relevant Articles Service Contract Special Conditions for the actual commencement date and period of execution. The key expert(s) will be a position of at least 150 working days over the 24 months contract duration. A significant part of these working days should be spent in the LSP Beneficiary countries as defined in the point 7.1

8. Requirements

8.1. Key experts – qualifications and experience

Expert(s) who have a crucial role in implementing the contract are referred to as key experts. The key expert will be responsible for overall delivery of contract outputs and the quality control of contract implementation. He/she is expected to have a key role in all technical aspects of the contract. The profiles of the key experts for this contract are as follows:

Qualifications and skills

- Degree in Civil Engineering or any other relevant specialty in engineering
- At least 5 years experience in supervision of construction works experience working on projects related to buildings and roads construction
- At least 5 years of relevant professional experience in the preparation, management and operation of construction project
- Work experience in construction projects
- Knowledge of the procurement EC regulations
- Excellent communication skills with stakeholders;
- Excellent communications skills in oral and written English and in one language of the Programme area (more is an advantage);
- High quality analytical and document drafting skills
- Driving license and its own car

8.2. Special requirements

- Familiarity with European/international construction standards and best practices
- Experience in supervision of construction within the EU funded projects

8.3. Office accommodation and equipment, travel costs

Office accommodation, equipment and travel costs are to be covered by the fee rates of the expert(s). No equipment is to be purchased on behalf of the Contracting Authority as part of the Service contract or transferred to the Contracting Authority at the end of this contract.

Expert(s) shall be selected on the basis of their professional and technical ability to perform the supervision activity of the Large Scale Projects. In the submitted documents, applicants must provide evidence that they possess the required skills, sufficient professional experience and expertise in the areas defined in these ToR.

The Contracting Authority reserves the right to declare the tendering procedure as invalid therefore contracting any of the applicants is not obligatory. In case all the offers exceed the Hungarian public procurement threshold, the winning tender will be selected in a new procedure in line with the Hungarian public procurement legislation.

9. Reporting

9.1. Reporting requirements

Inception report will be prepared by the Contractor in 5 working days after the first site visit of the LSP objectives. Together with the Inception Report Contractor shall prepare and submit to the JTS for the approval the detailed Work plan for the supervision of the LSP objectives. The Work plan shall consist of the schedule of on site visits. Site visits have to be plan in a way to provide detailed and full supervision and support to the LSP objectives.

Interim progress reports must be prepared and submitted to the JTS after each on site visit within 5 working days. Interim progress reports should contain analysis of the progress, detected problems, recommendations and mitigation measures

The final report must be submitted at least one month before the end of the period of implementation of the Service Contract. The Contractor must submit a final report regarding the construction projects, in which summarizes all activities in the projects

Each report must consist of a narrative section and a financial section. The financial section must contain details of the time inputs of the experts. The reports must be written in English.

Name of report	Content	Time of submission
Inception Report	Analysis of existing situation and developed Work plan;	No later than 1 month after the signature of the Service Contract;
Interim Progress Report	Short description of progress including problems encountered; planned work for the next period;	No later than 5 working days after the end of each on site visit;
Final Report	Short description of achievements including problems encountered and recommendations;	No later than 1 month before the end of the Service Contract;

9.2. Submission & approval of reports

The JTS is responsible for approving the reports. Inception, interim progress and final reports should first be submitted to the JTS by email in the frame of the set deadline.

10. Payments

The payments will be done according to the fee based Service Contract.

11. Monitoring and evaluation

Project will be monitored according to the standard procedures. Project monitoring and evaluation will be based on the periodic assessment of progress on delivery of the specific project results and towards the achievement of project objectives bases on the reports.

12. Conflict of interest

In order to ensure the impartiality of experts, they should be independent from the institutional structure of the HU-SK-RO-UA ENPI CBC Programme. During performing the duties of expert the selected person(s) must demonstrate appropriate ethical conduct and must respect the confidentiality of the information and documents to which they will have access. Furthermore, experts may not be personally involved in project elaboration or co-ordination or linked to another projects or activities implemented by the entities submitting project application under HU-SK-RO-UA ENPI CBC Programme.