

The request for clarification of the Bidding documents

Subject: The answer to this question for IOP/3 - 2014 whose subject is Execution of works on the construction of "Sciences and Technology park" in Novi Sad (Phase II/1)

1. Question:

Is it appropriate the second, revised edition of the Red Book ISBN 978-86-7149-033-7 (ISBN 2-88432-022-9, FIRST EDITION 1999)?

Response:

Yes, it is appropriate.

2. Question:

Does the letter of intent on the good performance must have the specified validity period of the letter and, if must, what is the deadline?

Response:

Tender documentation does not foresee the validity period of the letter of intent for the delivery of the bank guarantee for good performance. Employer recommends that letter of intent include a note about the unlimited validity, or, if Bidder and commercial bank want to put a limited period of validity of the letter, as the period of validity of the letter should state at least 35 days beyond the validity of the offer.

3. Question:

Will you consider an offer as proper and acceptable if for all time of the procurement we takeover workers from other companies under contracts for taking over the workers? This implies that those workers will be registered in our company under the same conditions under which they were registered with the parent company.

Response:

It is necessary that the bidder at the time of submission of the bid meets the requirements pursuant to the tender documentation for the personnel capacity - 150 permanently employed, and during the execution of the contract the contractor shall inform the Employer about changes in their staffing capacity in accordance with the contract (decrease or increase of the number of permanently engaged). In addition, during the realization of the contract for the Employer is acceptable that the contractor hires additional staff in any manner provided by law..

4. Question:

Whether the financial capacity of 2.4 million Euros over 14 months must meet each member of the group and each subcontractor?

Response:

In the form 3.5.7, Tender documentation, is defined that each bidder, including each partner in the joint venture, should provide the financial information to demonstrate that they meet the requirements specified in the Prequalification data.

5. Question:

Bid Currency is EUR for residents of the Republic of Serbia?

Response:

Yes, the bid currency is in EUR, payable in dinars at the average exchange rate of the National Bank of Serbia on the payment date for bidders who are residents of the Republic of Serbia.

6. Question:

Operating revenue of 15 million Euro for the last three years refers to 2012-2013-2014.?

Response:

In the Table - Financial information equivalent in EUR, within the Form 3.5.7 of Tender documents are listed the years for which it is necessary to briefly present the assets and liabilities of the equivalent in EUR and refer to 2011-2012-2103. If the bidder has data for 2014, it can also be submitted. In doing so, we point out that in the context of the evaluation process of fulfilment of the qualification requirements, we will took into consideration the last three years for which the bidder has submitted certified financial statements.

7. Question:

How to prove the following conditions?

- if they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- if 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);
- if they have been guilty of grave professional misconduct proven by any means which the Contracting Authority can justify;
- if 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;

- if under another procurement procedure or grant award procedure financed by the Community budget, it proved to be in serious breach of contract because it did not fulfil its contractual obligations
- if 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 or with those of the country of the Contracting Authority or those of the country where the contract is to be performed;

Response:

Bidders who are residents of the Republic of Serbia can prove compliance with the conditions as follows:

- if they are not in bankruptcy or liquidation, are not having their affairs administered by the courts, are not entered into an arrangement with creditors, if they have not suspended business activities, are not the subject of proceedings concerning those matters, or are not in any analogous situation arising from a similar procedure provided in the national legislation or regulations, **certificate of the competent court;**
- if they have not been convicted of an act concerning their professional conduct by a judgment which has the force of *res judicata*; (i.e. against which no appeal is possible), **an extract from the Register of bidders;**
- if they have been not guilty of grave professional misconduct proven by any means which the Contracting Authority can justify, **a confirmation issued by the Serbian Chamber of Engineers;**
- if they have not 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, **an extract from the Register of bidders ;**
- if it is shown, under the other procurement procedure or grant award procedure financed by the Community budget, that they are seriously violated a contract because they did not fulfil its contractual obligations, **the submission of the proof is not required (if the Purchaser obtains such knowledge, he will refuse an offer such Bidder) ;**
- if they have 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 or of the country of the Contracting Authority or of the country where the contract is to be performed, **an extract from the Register of bidders.**

If the bidder is not registered in the Register of bidders, it is necessary to submit the following:

1. Excerpt from the the Serbian Business Registers Agency (SBRA),
2. Confirmation from the SBRA or the confirmation of the relevant court that a bidder has not been convicted or that he was not uttered prohibition of activities, as well as
3. Confirmation of the Tax Administration (Ministry of finance), and
4. Confirmation of The Administration of the local government.

Non-residents shall submit evidence regular or prescribed in their country. If Employer from the submitted evidence cannot establish with certainty the fulfilment of the underlying conditions, he will, in an appropriate manner, ask for additional clarification and information from the non-resident bidder, as well as from the institutions of the country of the company headquarter.

8. Question:

You are asking for a confirmation of the competent institutions (tax administration, commercial banks) that the bidder regularly performs its obligations in respect of payment of wages including taxes and contributions. Certificate of salaries should refer to one of the two months preceding the publication of the public invitation, and delay in the payment of salaries should not be longer than one month. Such certificates can be issued only by the Tax Administration, not by the bank. Do we need to submit a tax certificate or it is sufficient to supply a statement from the Register of bidder which provides proof of this condition?

Response:

As evidence that the bidder regularly performs its obligations in respect of payment of taxes and contributions, it is acceptable to deliver the excerpt from the Register of bidders, and as evidence that the bidder regularly performs its obligations in respect of payment of wages it is necessary to provide a certificate of the Tax Administration or of a commercial bank.

9. Question:

Is it necessary to submit the Form 3.4.3 verified by the judicial authority if the signer of the bid is a company director i.e. his legal representative?

Response:

If the bidder is not a resident of the Republic of Serbia, it is necessary to submit a notarized authorization specified in the Form 3.4.3.

10. Question:

Whether the Form 3.5.3 refers to Experience in performing construction works as lead contractor on **at least two (2) projects** of similar nature and/or complexity as this contract – construction, upgrading or reconstruction until complete functionality of business, business-housing, housing-business, public facilities or industry (administration, education, health, judiciary, army, police), with the exception of the facilities of the following type: halls, hangars, roofed areas, garage, all involving a minimum construction area of 5,000m² (five thousand square meters) of newly-built or reconstructed area **within the past 5 (five) years?**

Response:

Yes, it is related to the described situation.

11. Question:

Does the form 3.5.3 corroborate the form 3.5.3?

Response:

Yes, it does.

12. Question:

Whether the prices in the Form of Contract Agreement 4.1 should really not be entered?

Response:

Prices are not included considering that the Form of Contract Agreement is a part of the technical offer that need to be packaged separately from the financial offer.

13. Question:

We did not obtain the English version of the documentation.

Response:

Please specify the precise documentation that is covered by this statement.

14. Question:

Do you have any information on when there will be organized meeting and site visit?

Response:

You will be informed in due time.

15. Question:

Based on the General and Particular conditions of the Agreement it can be concluded that contract is by unit prices. Please confirm this.

Response:

Yes, it is a contract by which the payment will be made by really derived and measured amounts of work on the basis of quantities of work. The Model is the FIDIC General Conditions for construction and other technical works under the project of the Employer (Red Book) and particular conditions given in the tender documents.

16. Question:

In the Tender documents on page 24 (Qualification Data, item 2 Personnel Capabilities) in the framework of key personnel is required a Coordinator at the design stage for OHS. According to the Regulation for OHS at temporary or mobile construction sites, the job of coordinator for

OHS in the design phase is the development of the plan of preventive measures. This position is not required in the Bill of quantities, and in addition, it is part of the technical documentation. Please clarify what are the responsibilities of the Coordinator at the design stage for OHS in the context of the works on this project?

Response:

The practitioner trained in drafting a plan of preventive measures with appropriate specialization exam is required to cooperate in drafting the Plan of preventive measures and provides the necessary information about the chosen technology of the contractor during the all necessary changes of the plan due to changed circumstances in the course of the works that affect the prevention and enforcement of safety and health at work. Development of the Plan of preventive measures is not the obligation of contractor nor will anyone from the contractor's personnel be appointed as a coordinator for OHS in the design phase, responsible for drafting a plan of preventive measures.

17. Question:

Since the Daikin air conditioning are no longer manufactured, please reply us which air conditioning would be replacement?

tip/type	FWC 02	FWC 02	kom./pcs	58
tip/type	FWC 03	FWC 03	kom./pcs	21
tip/type	FWC 04	FWC 04	kom./pcs	7
tip/type	FWC 05	FWC 05	kom./pcs	41

Response:

Bill of Quantities for heating and air conditioning has been corrected and the current version is "012 8.1 Heating and Air-Conditioning_BoQ + CE srb eng ispravka br1 20150323.xls".

Adequate replacement is included in the corrected bill of quantities.

18. Question:

In the tender documents is stated that along with the offer, among other things, is required to submit a bank's letter of intent for the delivery of a Performance guarantee issued in the amount of 10% of the Contract Price. The question is whether this bank letter of intent should be obligatory or non-obligatory?

Response:

A bank's letter of intent should be obligatory.

19. Question:

In the tender documents – **Qualification Data, item 4. Financial Position** is stated that the Tenderer shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means sufficient to meet the construction cash flow for the contract for a period of **min. 14 (fourteen) months and not less than EUR 2,4 Million equivalent, taking into account the applicant's commitments for other contracts. The Tenderer must perform its liabilities towards its employees regularly - the delay in the payment of salaries must not be longer than a month.**

Based on the demonstration of all these documents in accordance with the form 3.5.7 our joint venture fulfils this requirement (e.g. a leading partner - one million, one member 1 million and the second member 400,000 euros). **The question is:** Is this a way to satisfy the requirement of financial capacity, item 4 - qualification data or is it necessary that each member individually demonstrate that has available 2.4 million during 14 months?

Response:

It is necessary that each member individually demonstrate that he has available / necessary funds or to submit financial information to demonstrate that they meet the requirements specified in the qualification data.

20. Question:

In the tender documents says that alongside the form 3.5.7 must be submitted the data from the register of scoring in the last 3 (three) years. **Please specify the minimum score acceptable to the leading partner of a joint venture?**

Response:

Tender Documentation does not request a certain level of scoring, but only to submit a report which includes the scoring for the last 3 (three) years.

21. Question:

Question regarding the execution of electrical installations:

How to fill the prices for the chapter 003 4.1 EE-RO SD?

Whether to give a unit price complete per rack or for each element of rack separately?

Response:

Prices should be filled in every field which specifies the quantity and unit of measure (piece, set, etc.).

22. Question:

In the section of concrete work is required that each unit cost includes the purchase and installation of reinforcement and separately there are reinforcement work where the price

should be enrolled for the value of the procurement and installation of reinforcement, (duplicated the amount of reinforcement).

Is it enough to give the unit price for reinforcement through the reinforcement work and not through the concrete works?

Response:

In the section of concrete works "price should include installation of reinforcement, necessary formwork, props and auxiliary scaffolding", which means that work includes embedding of reinforcement, and not its acquisition. In the reinforcement works reinforcement is expressed in kg and the price covers procurement, delivery, processing and assembly of reinforcement without embedding.

23. Question:

In the bill of facade:

In the Pos 1 is required "production, delivery and installation of the substructure for mounting facade cladding of SWISSPEARL façade panels (consoles, verticals and fasteners) or equivalent" in the total amount of 4,881.63m².

In the Pos 2 is required "Creating a ventilated facade with stone. This position includes procurement, transport and installation of all the material (**including the supporting substructure and lining of ventilated facades**, all in accordance with the manufacturer's instructions for ventilated facades), as well as the use of lightweight aluminum scaffolding" in the total amount of 5,147.56m².

Whether the substructure is requested twice by mistake or the wool in position 2 is for some other facade given that both substructure and cladding facade were requested?

24. Question:

The facade work:

In the Pos 1. Ventilated facade is requested:

- production, delivery and installation of the substructure for mounting facade cladding of SWISSPEARL façade panels (consoles, verticals and fasteners) or equivalent.

Pos 2. Production of Ventilated facades by stone wool:

This position includes procurement, transport and installation of all the material (including the supporting substructure and lining ventilated facades, all in accordance with the manufacturer's instructions for ventilated facades), as well as the use of lightweight aluminum scaffolding.

Response to 23. and 24.:

File Bill of quantities for AC works has been corrected and the current version is "001 2-3 AG srb eng ispravka br1 20150323.xls".

The following part in brackets is deleted from the position 2 "(including the supporting substructure and lining of ventilated facades, all in accordance with instructions of the manufacturer for ventilated facades)," because the substructure is included in the position 1 Facade works.

25. Question:

Could you provide us with the project of providing the foundation pit?

Response:

In the bill of quantities for AC works, Land works, position 3, is stated:

"Mechanical excavation of land II class with the time of departure of the land to the landfill. Excavation must be carried out and levelled according to the project and given elevations. The protection of foundation pit must be executed by steel planks, length of 8m, as recommended in the Geo-mechanical study, or in other design solutions defined in the Project of foundation pits securing. Part of the excavated soil should be deposited in landfill of the construction site for easier filling up. All the details of excavation securing according to the Project of the Contractor. Calculation per m³ of excavation and m² of the slain piles".

This means that the project of the foundation pit securing will be prepared by the Contractor. The Geo-mechanical study will be available to Bidders.

President of the Commission


Strahinja Djuricanin