

CLARIFICATION no. 14

Procurement number N/R/02/16

Published on November 14th 2016

Regarding the request for additional clarifications of the tender documents for the procurement no. N/R/02/16 - Performing construction, reconstruction and renovation works for the third group of schools within School Modernisation Programme – Component 3, we submit the following answers:

1. BIDDER'S QUESTION:

Does requirement regarding qualified individuals who will be involved in the project full-time i.e. 40 hours per week apply also to the individuals engaged under contract for additional work and on the basis of the temporary contract?

The condition that you set is contradictory, since by Serbian law individuals engaged under contract for additional work may be engaged only 10 hours per week, i.e. persons engaged on the basis of temporary contract can be engaged only for 120 days per year (deadline for the execution of the works is 270 days).

ANSWER:

Contracting Authority requires for a bidder to have individuals which will be available whole time during execution of the works.

2. BIDDER'S QUESTION:

Situations in which Bid Security is activated, stated in the tender documents Part I, clause 14.7. are:

- (a) if a bidder:
 - (i) withdraws its Bid during the period of bid validity, or
 - (ii) act in accordance with paragraph 21.3;
- (b) in the case of a successful bidder, if the bidder:
 - (i) fails to sign the Contract, or
 - (ii) fails to submit the required Advance Payment Guarantee and Performance Guarantee within deadline defined in tender documents.

These same conditions are also listed in Section 10.1: Content of the Bid where it is stated that it is mandatory to submit bank's letters of intent, which are submitted as security for the delivery of Advance Payment Guarantee and Performance Guarantee in the period defined in the tender documents.

This way the Contracting authority is requesting the delivery of two different collaterals for the submission of Advance Payment Guarantee and Performance Guarantee in the period defined in tender documents.

Note that bank's letters of intent are binding and represent an identical obligation to the potential bidder as the bank guarantees in the sense of keeping funds available to the expiry date of the letters or guarantees, as well as in terms of cost for this service. Therefore, the costs of bidding, as well as costs incurred as a result of long period of validity of the letters would cause an increase in costs of bidders and thus higher bid price, which is not in accordance with EU Directive (unjustified increase in costs, given that you demand two different security instruments for the same purpose).

If the Contracting authority requires the submission of two different collaterals for Advance Payment Guarantee and Performance Guarantee in the period defined in tender documents, we draw attention to a gross violation of EU directive.

We quote CHAPTER II, General rules, Article 18, Principles of procurement, paragraph 1.

Public contracting authority should treat economic operators equally and without discrimination, and act in a transparent and proportionate manner. The concept of procurement is not designed with the intent to exclude application of this Directive or to restrict competition. It is believed that competition is restricted when the concept of procurement is designed with the intention to give unjustified advantage to some companies or to put them at a disadvantage.

ANSWER:

Bidder needs to submit Bid Security (Tender guarantee) in the amount of 50.000,00 EUR for each lot, as well as requested letters of intent within its bid.

3. BIDDER'S QUESTION:

LOT 3: Elementary School Dositej Obradovic, Opovo - Pos3, Pos4

1. Installation of battens (since battens are fixed to the wall, batten profile should be defined, i.e. height and width)

2. Field marking: in the Bill of quantities it is stated 30pcs of colour in packages for field labelling. Price is given per field. Please define number and the type of fields that need labelling.

ANSWER:

1. Dimensions of batten are 3x2cm.
2. One basketball field and one volleyball field.

4. BIDDER'S QUESTION:

LOT 3: Elementary School Dositej Obradovic, department Sakule - Pos2

In the Bill of quantities - description specifies parquet over concrete surfaces with the application of levelling mass, while in the specification of material, material for installation of wooden substructure is specified.

We would like to know whether parquet is installed on a concrete surface or parquet is installed on a wooden substructure.

ANSWER:

Parquet is installed on wooden substructure. Concrete surface and mass are provided only for the levelling below substructure.

5. BIDDER'S QUESTION:

LOT 3: Technical school "Milenko Verkic Nesa", Pecinci

Masonry works Position 8

Installation of the prefabricated mezzanine construction type "FERT", with required reinforcement and concrete panel $d=11$ cm, concrete MB = 30, in accordance with static calculation.

The total thickness of the structure $H = 27$ cm.

Calculation of works per m2 of construction including the necessary scaffolding, formwork and reinforcement. Quantity is 937.95m2.

Given the specific description of the position, i.e. non-standard construction of prefabricated FERT ceiling and the thickness of the ceiling $d = 16 + 11\text{cm}$, we cannot precisely give a unit price for this position.

If you have technical documentation, can you please submit drawings of typical cross-sections of the facility so we can understand the building structure?

ANSWER:

On November 10th 2016, link for the download of available technical documentation for this school was submitted via e-mail.

6. BIDDER'S QUESTION:

Is it acceptable for a member of the consortium to use as reference building for which the other member of the consortium was a contracting authority/investor?

ANSWER:

The answer is yes.

7. BIDDER'S QUESTION:

In the tender documents, Part I, 4.4.3. Guarantee form for the elimination of defects during the warranty period, it is stated:

"We, the _____ (Name of Bank) hereby undertake that if the Contractor does not fulfil the obligations under the Contract, irrevocably, unconditionally and at any first call pay to the Guarantee Beneficiary the amount of Euro _____ in Dinar counter-value, at the official exchange rate of National Bank of Serbia applicable on the day of payment, which represents 5% of the total Contract price. Our Guarantee obligation will be fully valid even in the event of any partial fulfilment of the obligations under the Contract."

We would like to know official exchange rate that will be used in this case of payment, middle or buying exchange rate?

ANSWER:

See Amendment no. 5 of Tender documents.

8. BIDDER'S QUESTION:

In the tender documents Part I, 3.2 3.2 APPENDIX TO BID – PART OF THE CONTRACT states:

Period for the execution of the Works - Particular Conditions, Article 34.1 - The start of the Works is expected in November 2016. Works are divided into sections. Each school building within the Lot represents a section. The deadline for the execution of the works will be 270 calendar days, calculated from the commencement date (date of introduction of Contractor into the works), for each section within the Lot.

We would like to know whether deadline of 270 days applies to each object individually or to a contract in its entirety i.e. for all schools.

Will introduction of Contractor into the works be performed for all schools, or individually for each object when conditions for the introduction are fulfilled?

ANSWER:

Deadline for execution of works applies to each object individually.

Introduction of Contractor into the works will be performed for each object individually.

9. BIDDER'S QUESTION:

LOT 1 - Posavotamnavska high school - building 2 - building under construction

Please update Amendment no. 6 from November 10th 2016 (quantity for the position 01.004 – Masonry works was amended) and harmonize it with the Amendment no. 1 from October 25th 2016 (descriptions for carpentry works - positions 02.001 and 02.002 and dry mounted works - positions 10.001 and 10.002 were amended) because you modified the original Bill of quantities for this school and not one that you have already amended.

ANSWER:

Attachment no. 2 to the Amendment no. 6 of Tender documents that contains corrected Bill of quantities for Posavotamnavska high school - building 2 - building under construction was published on internet page www.piu.rs.

10. BIDDER'S QUESTION:

Because of all the amendments, addendums and clarifications, please consider possibility of extension of the deadline for submission of bids in order to enable bidders to obtain bank guarantees for which it is necessary to have the exact amount of bid, which we still do not have since the Bill of quantities are changed every other day.

ANSWER:

Deadline for submission of the bids remains November 22nd 2016 until 11 a.m.

11. BIDDER'S QUESTION:

Given the large number of amendments, addendums and clarifications related to the Bill of quantities, please let us know, if it is possible to provide the final Bill of quantities, which would include all amendments, addendums and clarifications, and which, as such, would be relevant.

ANSWER:

Published amendments, addendums and clarifications are integral part of Tender documents.

Deputy president of Procurement Committee


Maja Pantić