

With regard to Request for Clarification in connection with the tender dossier for procurement of 302 packages of construction material, within the framework of sub-project III of Regional Housing Program in Republic of Serbia, reference no. RHP-W3-CM / IOP1-2016, we hereby provide the following clarification:

Request for clarification:

(Filed under number 3653 and dated on 26. June 2017.)

Dear Sir/Madam,

We would like to participate in the tender announced under reference number 204818-2017. In relation to the condition “business capacity”, it is not clear which deliveries you consider valid when you say that delivery to 200 locations out of which 2 contracts for minimum 20 locations? Do you have a value of the values of deliveries? Do you have a deadline for contract duration? Since this is one of the biggest deliveries of building material in both scope and value, which requires a preparation of extensive documentation, we would kindly ask you specify these details for the reason of avoiding to prepare all the necessary documentation and fail to fulfill this required capacity in the end, which is also not clearly defined.

Answer:

The bidder proves that his submitted bid is acceptable by cumulative fulfillment of all conditions provided in Tender dossier. Requests related to the financial capacity, technical capacity, personnel capacity and business capacity are set in the context in which they are directly connected with tender subject-matter and ensure a legal certainty for a bidder as well as certainty in terms of bidder’s competence to fulfil a contractual obligation.

Tender Dossier does not provide for the value of delivered building material and contract, since, according to the bidder’s estimate, the value is not relevant for the assessment of bidder’s business capacities - considering the fact that the requests related to the experience of bidders are clear, objectively and impartially defined. This means that they can be understood identically by indefinite number of bidders while being logically connected to the procurement subject-matter.

As for the contract duration, it has not been defined in tender documents considering that the request is related to a deadline in which goods are delivered. The above-mentioned implies that the goods should be delivered within the period specified in Tender Dossier – starting with 01/01/2013 until the date of announcement of procurement notice.

As for the deliverables, the specified condition will be also fulfilled by delivery of the material which in its type corresponds to the material which is subject to this procurement.

As for the delivery method, the specified condition will be fulfilled if deliveries are completed in a manner which is required under the Terms of Reference and special conditions of the contract which are constituent part of the Tender Dossier.

Request for clarification:

(Filed under number 3652 and dated on 26. June 2017.)

Dear Sir/Madam,

On website ted.europa.eu under #204818-2017 we found public invitation for procurement where as a condition of operating capacity is demanded that the bidder has experience with delivering building materials in period from 01.01.2013. until the date of publication of the call for offers submission. Delivery has to be fully completed on minimum 200 different locations, where at least two contracts with minimum of 20 locations. Considering that there is no explanation for this condition, please, clarify what kind of deliveries you accept as relevant. Do you have a minimum value per delivery? Do you have a time frame under the contract duration? Please, specify what you mean by "adequate delivery".

Answer:

See clarification for the question no. 1

Request for clarification:

(Filed under number 3651 and dated on 26. June 2017.)

We need some more information about certain conditions. Namely, in invitation is stated that the supplier has to proof experience in delivering building materials, from 01.01.2013. until the date of publication of this invitation, on 200 different locations from which 2 contracts has to be at least on 20 different locations. Is there any additional condition for each delivery, such as value, minimum quantity, time frame etc? Give us more specific details.

Answer:

See clarification for the question no. 1

Request for clarification:

(Filed under number 3557 and dated on 22. June 2017.)

That a Bidder has the experience which means that, within the period from 01/01/2013 until the date of announcement of the call for proposals, the Bidder had fully competed the deliveries of building material on minimum 200 locations, out of which there are at least two contracts on deliveries to be made to minimum 20 different locations.

To our understanding, the condition specified implies that you accept any 200 deliveries as relevant experience, without any minimum value limit in a 4,5 year period, and out

of these 200 deliveries there should be presented 2 contracts which could also have a duration period of 4,5 years according to which at least 20 deliveries have been completed, also without any minimum value limit defined. This practically means that it is possible to fulfill the condition by delivering 200 screw anchors in the value of 0,01 EUR to 200 different locations, which can also be delivered by mail. Can it be understood just like that?

A condition set in such unspecified manner in terms of experience of the bidder has not much to do with the subject-matter of the procurement which provides for the delivery of building material in the value of 2 million euros, to 302 locations within 90 days. Obligation required from a future bidder in this public invitation practically implies that, and oblige a future bidder as well, to complete a delivery of 302 packages of the average value of 7.000 EUR, within the period of 90 days. This means that there should be deliveries made on a daily basis in the amount ca. 23.000 EUR which is 10 average trucks!

From all the above mentioned, it is obvious that the obligation of a future supplier are disproportionately larger in relation to the minimum required experience..

It would be advisable to define the request from the public invitation more precisely in terms of experience required, and to connect it logically with the subject-matter of the public procurement, primarily taking due consideration of the fact that the contract provides for the delivery to 302 locations within 90 days, as well as that a value of a single delivery is certainly not less than 5,500 EUR. In any case, please do make this part more specific for our understanding.

Also, we draw your attention to tender documents which envisages certificates by the purchasers of the building material which has a very limited legal power as a proof of delivery, having in mind that such proof does not witness that deliveries have been completed for real in a scope required that actually proves experience and capacity required in the tender. The submitted copies of dispatch or transport documents would be a real and true proof that such deliveries have been completed.

We believe that you would not prefer a company with inadequate experience for a future supplier for such a great and organisationally complex work (delivery by 1000 trucks within 90 days or approximately 10 trucks per day), and the company which „managed to prove“ such experience due to the condition imprecisely set in public invitation. Therefore, we believe that there should be detail assessment of references submitted along with the compliance of requests in terms of experience, so that a contracting authority may be ensured that future suppliers would certainly be able to fulfill contractual obligations. Please accept the assurance of my highest consideration.

Answer:

See clarification for the question 1

As for the ascertainment that certificates by the purchasers of the building material as proof of delivery has a very limited demonstrative power, we point out that the ascertainment mentioned has no form of request for clarification, and, therefore, we are not obliged to respond to hereto. Nevertheless, we underline that, in the evaluation procedure, the Commission is entitled to make assessments of proofs submitted which would determine the credibility of such proofs. Also, Tender Dossier indicates that the Contracting Authority reserves the right to request for additional evidence – contracts, invoices, delivery notes, etc. which would additionally confirm the fulfillment of the required condition.

Procurement Committee
Chairman



Predrag Knežević