

**CLARIFICATION NO. 2 TO TENDER DOSSIER**  
**INTERNATIONAL OPEN PROCEDURE FOR THE PROCUREMENT OF 302**  
**PACKAGES OF BUILDING MATERIAL**  
**PUBLICATION NUMBER: RHP-W3-CM/IOP1-2018**

With regard to the request for clarification of tender dossier for the procurement of 302 packages of building material, publication number: RHP-W3-CM/IOP1-2018, we hereby are providing the following answers:

**Question 1:**

(File number 2893, dated 30 May 2018)

Can you clarify if electronic copy must contain all documents signed and verified, i.e. is it necessary to scan all signed tender documents and to save them on a CD, or it is sufficient to save documents filled in Word and Excel format on a CD?

**Answer**

Part A of Tender Dossier – Instructions to Tenderers for the award of contract on the procurement of building material – Item 8.1 Submission of tenders, reads the following:

“The entire tender dossier shall be submitted in one original copy clearly marked as “original”, one copy clearly marked as “copy”, and in electronic form (CD or USB flash). In case of inconsistencies between the original and copy, the original version shall prevail.”

Electronic dossier must contain all documents from the original tender, scanned and saved.

**Annex 1: Technical requirements and standards** and **Annex 2: Structure and quantity for the material** can be submitted in the initial format, as MS Office Excel document.

**Question 2**

(File number 2903, dated 30 May 2018)

Can you please provide us with estimated values per lot for the procurement under publication number RHP-W3-CM/IOP1-2018?

**Answer**

In this specific procurement, no estimated values will be published per lots, as the total estimated procurement value has not been published either.

### **Question 3**

(File number 2902, dated 30 may 2018)

If the tender includes a Joint Venture / Consortium, is there a possibility that one member of the Joint Venture / Consortium issues a guarantee for all four lots, if the tenderer participates in all four lots, or each member of the Joint Venture / Consortium is to submit guarantees in accordance with the financial share per each lot separately, or the members can share the amount at their own discretion, provided the final amount of the guarantee covers all four lots, and it is possible that one lot shares a bank guarantee between several members of the Joint Venture / Consortium?

### **Answer**

Contracting Authority accepts that one member of a Joint Venture / Consortium, in case of such tender, issues guarantees for each lot separately, if the Joint Venture / Consortium participates in all four lots. It is not necessary to provide guarantees according to financial share. Final amount of the guarantee cannot cover all four lots, since guarantees are issued for each lot separately. It is possible to share bank guarantee for one lot between several members.

### **Question 4**

(File number 2902, dated 30 May 2018)

Is the Joint Venture / Consortium Agreement made for each lot separately, or it can be one for all, and does it have to be certified by a notary public, or it is sufficient that contractual parties sign and verify the agreement?

### **Answer**

It is possible to conclude an Agreement separately for each lot, or a Joint Venture / Consortium Agreement that would pertain to all lots included in the subject tender, with clearly marked lot/lots to which the subject contract pertains.

The Joint Venture / Consortium Agreement does not have to be certified by a notary public, it is sufficient to have it signed and verified by Joint Venture / Consortium members.

### **Question 5**

(File number 2902, dated 30 May 2018)

We are referring to you in relation to one selection criterion – additional set condition of business capacity of a tenderer referred to in Item 3.10.3. of the Instruction to Tenderers – Business Capacity, Tenderers Experience.

In fact, the given condition stipulates the following: “Tenderer shall provide evidence that in the period from 1 June 2016 until the publication date of the Contract Procurement Notice, has delivered the construction material in the value of at least:

- For Lot 1: 1,100,000.00 Euro
- For Lot 2: 800,000.00 Euro
- For Lot 3: 1,300,000.00 Euro
- For Lot 4: 800,000.00 Euro

Furthermore, Item 3.11.3 – Proofs of Tenderer’s business capacity, stipulates the following:

a) Documentary evidence for Tenderers experience – Tenderer’s Statement that it fulfilled the stated condition for the Business Capacity (Form 4).

The Contracting Authority reserves the right to ask Tenderers to provide additional documentary evidence, such as: contracts for the delivery of goods with delivery notes, invoices with delivery notes, client’s certificates or other appropriate evidence.

With regard to additional documentary evidence to which the Contracting Authority reserves the right to ask for, we are of the opinion that the Contracting Authority sends a request to all tenderers submitting their tenders in the procurement, requiring submission of certain additional proofs, i.e. **contracts on delivery of goods with delivery notes or invoices with delivery notes, as well as clear proof that such goods were delivered by Tenderer’s own capacities and that these were not trade in Tenderer’s points of sale based on fiscal bills**, taking into account that this is the only way the tenderers prove fulfilment of the subject condition, and this is **delivery** of building material of certain value in certain time period to different sites. We think that this condition does not make sense and is made senseless if this suggestion is not accepted.

The necessity of submission of such additional documentary evidence is, *inter alia*, triggered by the fact that over the past period we have witnessed that certain tenderers enjoying preferential status at certain Contracting Authorities, had been submitting fiscal bills without delivery notes (which can prove the trade, but not the delivery of goods, which is clearly defined as a condition), or even mere statement which confirms fulfilment of certain conditions, for which we, as active participants in market of building material, have doubtless information that they do not fulfil, thus undermining the principle of equality among tenderers, therefore leading certain tenderers into more favourable position than the others, which is intolerable in this specific procurement. There is also the necessity of existence of serious and adequate capacities for accomplishing the subject procurement in such short period of time.

Taking into account all the above stated, we are kindly asking for a confirmation that the Contracting Authority in this situation will act in the said and only righteous way, thus enabling

undisturbed competition and equality of all tenderers in the subject procurement, at the same time ensuring quality and reliable delivery of building material which is the subject of this procurement.

**Answer**

The Contracting Authority remains to the request defined in Tender Dossier. By reserving the right to ask Tenderers to provide additional documentary evidence, such as: contracts for the delivery of goods with delivery notes, invoices with delivery notes, client's certificates or other appropriate evidence, the Contracting Authority is of the opinion that there is no doubt in establishing fulfilment of the required condition related to business capacity of the Tenderer.

Procurement Committee

