

CLARIFICATION NO. 5 OF THE TENDER DOCUMENT

RID-W/IOP1-2018

Regarding the requests for additional clarifications of the Tender Document for the procurement: Execution of construction and construction – craft works for making a part of facility and the garage of “Science and Technology Park” in Novi Sad functional (Phase II/2 and Phase II/2a): RID-W/IOP1-2018, we deliver the following answers:

Question:

(Filed under number 4275 dated 17.07.2019.)

1. Please precisely define the condition regarding the financial capacity under a) Tenderer is obliged to prove Total Annual Operating Income in the amount of 33 (thirty-three) million euros for the last 3 (three) years (2015, 2016, 2017).

Considering that the date of publishing of the Procurement notice is 17.06.2019. it is impossible for the previous three 3 years to be 2015., 2016. and 2017 but 2016., 2017. and 2018. Please define this condition precisely so that the Tenderers are not in doubt regarding the accounting period for which they are supposed to submit the financial data.

Legal deadline for the handover of the financial reports for 2018 to the Business Registers Agency is 30.06.2019. but that does not mean that the Tenderers were not able to hand over the financial reports earlier and to prove the requested condition in the period from 2016 to 2018

In this way you are discriminating the accurate and financially solvent Tenderers who handed in the final financial reports even before the legal deadline which is proven by the Business Registers Agency issuing the BON-JN form which shows the data for 2018.

2. Please precisely explain why the Tenderer who fulfils the condition of financial capacity in the accounting period 2016-2018, is not qualified to execute the works within the deadline and in a quality manner, which are the subject of the procurement, in relation to the Tenderers who fulfil the same condition for the period 2015- 2017. which is the period of 18 months and 17 days prior to the publication of the Procurement Notice for which you shall not have the evidence of financial indicators due to the condition set out like this.

3. Why is it acceptable for the business capacity to be proven for 2018 and 2019 until the day of publication of the Procurement Notice, and it is not allowed to submit as evidence of financial capacity the accounting 2018 even though this is the same procurement procedure.

Answer:

Regarding the questions posed under numbers 1. and 2., in accordance with the Tender Document, Volume I, Section II, Instructions to Tenderers, clause 2.3 Qualification data, Qualification criteria, Additional conditions for participation in the procurement procedure, 1. Financial capacity – a) Tenderer is obliged to prove Total Annual Operating Income in the amount of 33 (thirty-three) million euros for the last 3 (three) years (2015, 2016, 2017),

converted in euros according to the middle exchange rate of NBS at the end of reporting period.

Since this is a procurement conducted as international open procedure, in which the Employer, among other things, is obliged to provide equal participation conditions for national and international Tenderers, the Employer, taking into account the relevant deadlines for submitting and disclosing the annual financial statements defined in the national legislation of the Republic of Serbia, and the plurality of different deadlines for the submission and publication of financial statements in other national legislations, defined the reference period of the previous three years as a period referring to 2015, 2016 and 2017.

Regarding the question posed under number 3., submission of the evidence requested by the Tender Document necessary for fulfilment additional condition for participation defined in the Volume I, Section II, Instructions to Tenderers, clause 2.3 Qualification data, Qualification criteria, Additional conditions for participation in the procurement procedure, Business capacity – a) Experience in the performance of works is not related to the abovementioned procedure of submission and publishing of financial reports, so therefore the reference period mentioned in the condition of Business capacity is differently defined in relation to the period mentioned in the condition of Financial capacity.

Pursuant to everything abovementioned, the Employer remains at his requested condition.

Question:

(Filed under number 4281 dated 17.07.2019.)

We have a question regarding the procurement in the respect of proving the business capacity where it is requested for Tenderer to have performed individually or as leading contractor on at least 2 facilities/complex of facilities of minimum of total gross surface of 10.000m² – evidence are the forms 3.5.3, 3.5.3A and 3.5.4 with all the addenda.

Please clarify how this condition is to be proved when the Tenderer was at the same time the investor and the leading contractor of the reference facility?

Answer:

In case where the investor is also the leading contractor of the reference facility, Tenderer shall submit the evidence requested by the tender document necessary for fulfilment of the additional condition for participation defined in the Volume I, Section II, Instructions to Tenderers, clause 2.3 Qualification data, Qualification criteria, Additional conditions for participation in the procurement procedure, Business capacity – a) Experience in the performance of works. However, as is stated in the addenda to the Qualification Form 3.5.3 A, the Employer can request, in the evaluation phase, additional evidence – final statement certificates, minutes on handover, Occupancy certificates etc.

Procurement Committee

