

CLARIFICATION NO. 2

RHP-W8-AB-CW/IOP1-2019

Based on the request for additional clarification regarding tender dossier for procurement: **Execution of works on the construction of multi apartment buildings in Loznica, Arilje, Subotica, Vršac, Pančevo. Bački Petrovac and Novi Sad**, publication reference: **RHP-W8-AB-CW/IOP1-2019**, we provide the following clarification:

Question no 1:

(Filed under number: 4654 dated 6th of August 2019)

On page 25 of Volume 1 – Instruction to tenderers, Section 1 – General part, under item 26, sub item 26.3 it is specified that the performance guarantee must be presented in the form specified in Volume 2, section 4 to the tender dossier, guarantee must be issued in the currency of the tender and that it is set at 10% of the amount of the price of works, while the validity period is set to 45 days from the expiry of defects notification period (defects notification period is 365 days counting from the date of the completion of works).

Please clarify whether a technical error occurred, given the fact it is specified that validity period is set to 45 days from the expiry of defects notification period?

Answer:

On page 25 of Volume 1 – Instruction to tenderers, Section 1 – General part, under item 26. CONTRACT SIGNING AND BANK GUARANTEES, sub item 26.3, among other things, the following is specified: “The performance guarantee must be presented in the form specified in Volume 2, section 4 to the tender dossier for each location within the Lot. The guarantee must be issued in the currency of the tender. The performance guarantee is set at 10% of the amount of the price of works for each location within the Lot. Validity period of the performance guarantee is 45 days from the expiry of defects notification period (defects notification period is 730 days counting from the date of issuing the Taking Over Certificate).” The validity period of the Performance guarantee is clearly specified and it is set to 45 days from the expiry of defects notification period so therefore no technical error occurred.

Question no 2:

(Filed under number: 4654 dated 6th of August 2019)

On page 10 of Volume 1 – Instruction to tenderers, Section 1 – General part, under item 12, sub item 12.1.5 it is specified that this tender requires provision of a Profit and Loss Account for 2015, 2016 and 2017.

Please clarify whether it be would acceptable to submit Credit rating reports (BON-JN) which in its third part contains a summary of the income statement for the required years?

Answer:

It be would acceptable to submit Credit rating reports (BON-JN) for years 2015, 2016. and 2017.

Question no 3:

(Filed under number: 4654 dated 6th of August 2019)

On page 48 of Volume 1 – Instruction to tenderers, Section 4, Form 4.4 – Financial statement, attachments of the respective Form are specified as follows:

- a certificate, issued by the National Bank of Serbia, i.e. competent institution of the Contracting Authority's country, about the number of days in insolvency;
- declaration made by the tenderer, given under criminal and financial liability, confirming that no bankruptcy or liquidation procedure has been initiated against the tenderer, i.e. prior bankruptcy procedure until the publication of the Public Call for submission of tenders.

Please clarify whether it be would acceptable to submit printed excerpt from the website of the National Bank of Serbia, as well as the Tenderers Statement (in free form) with a link to the NBS website, since this is publicly available information ,instead of specified certificate, issued by the National Bank of Serbia.

Could you also confirm whether the condition, which refers to confirmation that no bankruptcy or liquidation procedure has been initiated against the tenderer, i.e. prior bankruptcy procedure, could be proven with declaration only?

Answer:

It is acceptable to submit printed excerpt from the website of the National Bank of Serbia, as well as the Tenderers Statement (in free form) with a link to the NBS website. We also confirm that the condition related to bankruptcy and liquidation shall be proven with declaration made by the tenderer, given under criminal and financial liability, confirming that no bankruptcy or liquidation procedure has been initiated against the tenderer, i.e. prior bankruptcy procedure until the publication of the Public Call for submission of tenders.

Question no 4:

(Filed under number: 4654 dated 6th of August 2019)

On page 13 of Volume 1 – Instruction to tenderers, Section 1 – General part, Selection criteria, under item 2) Human capacities, sub item b) Professional team for project implementation, it is specified that the Tenderer must also provide for each team member copy of the license issued by Serbian Chamber of Engineers, during the contracting period.

Please clarify is it important, for the selection of tenderers, that all licenses are valid at the moment of tender opening, and that the selected tenderer is obligated to provide the proper validity period of issued licenses for each member of Professional team during contracting period?

Answer:

For the fulfillment of specified condition it is necessary for all licenses to be valid at the moment of tender opening. During contracting period all hired persons under Professional team for project implementation are obligated to have valid licenses issued by relevant institutions of the Republic of Serbia (Serbian Chamber of Engineers)

Question no 5:

(Filed under number: 4654 dated 6th of August 2019)

On page 35 of Volume 1 – Instruction to tenderers, Section 2 – Tender form, APPENDIX TO TENDER – CONTRACT DATA, a table is presented with columns Conditions, Article and Information. Under column Conditions, the following is specified in accordance with Article 1.3: Name, address and e-mail of the Engineer and empty lines are left for entering informations about legal entity which will conduct construction supervision and their Engineer.

Please confirm that on that lines no information should be entered as the Contracting authority has all the necessary data?

Answer:

Under APPENDIX TO TENDER – CONTRACT DATA, in a part of row which relates to name, address and e-mail of the Engineer, it is not necessary to enter any data.

Question no 6:

(Filed under number: 4691 dated 7th of August 2019)

Under Technical capacity – Tenderers experience, it is specified that Tenderer must prove, that in the period from 1 January 2014 till the date of the publication of the Tender Notice, has completed works on construction, for not more than 3 buildings, of minimal total gross area of 18.000 m² (Lot 1), and that lead member of a joint venture/consortium must fulfil at least 50% of this qualification criterion.

Please clarify how will the lead member prove the fulfillment of this condition in terms of 50%, is it considered that the contractor has performed 9.000 m² of total gross area on a minimum of 3 objects, or does it mean something else?

Answer:

Under item 3) Technical capacity, sub item a), the following is specified for Lot 1: Tenderer must prove, independently or as a Lead Member of a joint venture/consortium that in the period from 1 January 2014 till the date of the publication of the Tender Notice, has completed works on construction, reconstruction or upgrading of building structures, **for not more than 3 buildings:**

- for Lot 1: building/buildings of minimal total gross area of 18.000 m²;

Lead member fulfills the specified condition if he has completed at least 9000m², either by performing works on one, two or all three buildings.

Question no 7:

(Filed under number: 4691 dated 7th of August 2019)

Please clarify the method of proving specified condition in a case where the Investor is also contractor of the referenced building?

Answer:

In a case where the Investor is also contractor of the referenced building, Tenderer shall submit exclusively proofs in accordance with Volume 1, Section 1 – Instruction to Tenderers, item 12. Information/documents to be supplied by the tenderer, selection criteria, 3) Technical capacity, under a) Tenderer's experience. It is specified under same provision that the Contracting Authority reserves the right to request additional documentary evidence.

Question no 8:

(Filed under number: 4691 dated 7th of August 2019)

Please clarify the validity period of the Performance guarantee for Lot 1, is it 45+730 days, which is in total 775 days, or is it 45+730+420 days, which is in total 1195 days ?

Answer:

In Volume 1 – Instruction to tenderers, under item 26. CONTRACT SIGNING AND BANK GUARANTEES, sub item 26.3, among other things, the following is specified:

“The performance guarantee must be presented in the form specified in Volume 2, section 4 to the tender dossier **for each location within the Lot**. The guarantee must be issued in the currency of the tender. The performance guarantee is set at 10% of the amount of the price of works for each location within the Lot. Validity period of the performance guarantee is 45 days from the expiry of defects notification period (defects notification period is 730 days counting from the date of issuing the Taking Over Certificate).”

Also, in APPENDIX TO TENDER – CONTRACT DATA, under row “Deadline for completion”, the deadlines for completion of works under Lot 1 are specified, which are set to: Location Novi Sad – 420 days, Location Bački Petrovac – 140 days and Location Arilje – 280 days.

Taking into consideration the above mentioned, the specified validity period of Performance guarantees are:

- Location Novi Sad – 1195 days (420+730+45),
- Location Bački Petrovac – 915 days (140+730+45),
- Location Arilje – 1055 days (280+730+45).

Question no 9:

(Filed under number: 4979 dated 19th of August 2019)

Given the fact that Bank won't issue binding letter of intent without its expiry date, please clarify whether the last paragraph of letter of intent could be modified in the following way: ?

“The validity of this Letter automatically terminates by returning the original of this letter and/or by issuing the Performance guarantee and the Advance Payment guarantee by the Bank [*insert name of the Bank*], at the latest of.....year?”

Date would be same as validity date of Tender guarantee, according to our interpretation of Tender documentation, it is 210 days from date of tender submission.

Answer:

Expiry date could be inserted in binding letter of intent, if such thing is conditioned by the bank issuing the binding letter of intent. In this case, letter of intent must be valid for at least 210 days from tender opening.


Procurement committee