

CLARIFICATION no. 4

OF THE TENDER DOCUMENTS FOR THE PROCUREMENT FOR CONSTRUCTION
OF MULTI-FAMILY HOUSING WITHIN THE NINTH SUBPROJECT OF THE
REGIONAL HOUSING PROGRAMME IN THE REPUBLIC OF SERBIA AT THE
LOCATIONS: NOVI SAD, VRBAS AND PANČEVO

Public reference: RHP-W9-AB-CW/IOP2-2020

In the procurement procedure no. RHP-W9-AB-CW/IOP2-2020 the subject of which is the construction of multi-family housing within the ninth subproject of the Regional Housing Programme in the Republic of Serbia at the locations: Novi Sad, Vrbas and Pančevo, the Purchaser has received questions from the interested Tenderers:

Questions:

In accordance with clause 8.1. Instructions to tenderers – Volume 1. Section 1. of Tender Documents no. RHP-W9-AB-CW/IOP2-2020 - procurement for construction of multi-family housing within the ninth subproject of the regional housing programme in the Republic of Serbia at the locations: Novi Sad, Vrbas and Pančevo, we submit the following questions:

1. Clause 11.1.2. states that the tender must be signed by an authorized legal representative or person empowered by power of attorney enclosed with Form 4.3 in Volume 1, Section 4 of the tender dossier.
-If the tender and all accompanying documents is signed by the legal representative of the tenderer, should the Form 4.3 be submitted together with the power of attorney or is it enough to submit the OP form (Authorized signatories list)?
- In case of tender being submitted by the joint venture/consortium, does the Form 4.3 and power of attorney refer to the leading partner who shall submit the tender on the behalf of the consortium or to each of the signatories of each member of the group of tenderers? If the necessary forms for the members of the group are to be signed by the legal representative of each of the members of the group of tenderers, is it necessary to submit the Form 4.3 and power of attorney or is it enough to submit the OP form (Authorized signatories list) for each of the members of the group of tenderers? Agreement on Consortium authorizes the leading partner to submit the tender on the behalf of the consortium.

Answer to question no. 1:

When the tender and all accompanying documents is signed by the legal representative of the tenderer or the legal representative of the leading member of the group of tenderers, who is authorized by the Agreement on Consortium to sign on the behalf of the group of tenderers, it is not necessary to submit the power of attorney which authorizes the person to sign the documents.

2. Clause 12.1.7. states that it is necessary to submit the presentation of the tenderer's organisation, including the total number of staff employed (Form 4.6.1.1) and overview of the tenderer's engineer personnel (Form 4.6.1.1a), which must be accompanied by an excerpt/certificate from the Central Registry of mandatory social insurance, with a summary of all insured persons, for the month preceding the month of the publication of the Tender Notice. Considering that the certificate from the Central Registry of mandatory social insurance shows the list of insured persons on a specific day, and not for the whole month, is it acceptable to submit the certificate with the overview of the insured persons on the last day of the month preceding the month of the publication of the Tender Notice, i.e. on 30.09.2020.?

Answer to question no. 2:

Tenderer may submit the certificate from the Central Registry of mandatory social insurance issued on the last day of the month preceding the month of the publication of the Tender Notice.

3. Whether the persons who comprise the professional team for the implementation of the project must be employed/engaged in the month preceding the month of the publication of the Tender Notice, or does the certificate from the Central Registry of mandatory social insurance for the month of September prove only the total number of employees and engineers from clause 12.3.2.2?

Answer to question no. 3:

The certificate from the Central Registry of mandatory social insurance, which tenderers submit with the tender, must show the persons who comprise the total number of employees from clause 12.3.2.1, as well as the persons with the engineering licences from clause 12.3.2.2. Also, the certificate must show the person from the professional team for the implementation of the project for whom the basis of employment must be employed.

Other persons from the professional team for the project implementation for whom it is not required to have employed as the basis of employment, can be hired up until the moment of the contract realization.

4. Clause 12.1.7 states that the information on professional qualifications of the tenderer must contain, among other things, evidence of relevant experience in carrying out works of a similar nature, including the nature and value of the contracts, works in hand and contractually committed, which must contain references referred to in sub clause 12.2, item 3 a) and 3 b) of these Instructions (Form 4.6.4).

a) Clause 12.2. of the instructions refer to the manner of fulfilling the selection criteria and does not contain the clauses 3a) and 3b), and references are required under the clause 12.3.3.1. Instruction to tenderers. Please clarify.

b) What is implied under "*works of a similar nature, including the nature and value of the contracts*" taking into consideration that clause 12.3.3.1. clearly defines the required experience of the tenderer - completed works on construction, reconstruction or upgrading of building structures (in accordance with the table provided) of minimal total gross area of 13.000 m² for Lot 1 i.e. 5.000 m² for Lot 2? Besides this, in the mentioned condition, i.e. criterion the value of the contract is not required, but only the total gross area of the facility.

Answer to question no. 4:

- a) Please refer to the Corrigendum No. 1 of the Tender Documents.
 - b) Works of similar nature imply the works specified within the clause 12.3.3.1. The Purchaser as technical capacity – contractor experience, implies the executed works of a certain gross area, data contained in the Table from Form 4.6.4.1., which relate to the value of the contract does not represent the selection criterion but only the information which tenderer is to submit within his tender.
5. Whether it is necessary, for the fulfilment of the criterion under clause 12.3.2.2. that the tenderer has for each of the lots employed both engineers (Civil engineer and Architecture engineer with the required licences) or is it enough for the tenderer to have employed one or the other engineer? We consider that it is not justified to require both engineers since the professional works of the civil engineer with licence 410 or 411 or GI 04-04.1 can be performed by the Architecture engineer with licence 400 or 401 or AI 02-01. Our opinion is also supported by the requests related to professional team for project implementation in which for both lots, either civil engineer or Architecture engineer (licences 410 or 411 or 400 or 401) are required.

Answer to question no. 5:

In accordance with the clause 12.3.2.2., the tenderer must, in the month preceding the month of the publication of this Tender Notice, have employed the employees with the following licences:

- 1 civil engineer, licences 410 or 411 or ГИ 04-04.1
- 1 architect, licence 400 or 401 or АИ 02-01

If the tenderer submits tender for both lots, it must show that it has at least the sum of the minimum number of persons for the lots for which it submits a tender.

In accordance with the aforementioned, if the tender is submitted for multiple lots, the tenderer must employ two civil engineers and two architects.

6. Whether the engineers required within the clause 12.3.2.2. can also be the members of the professional team required within the clause 12.3.2.3.?

Answer to question no. 6:

Persons listed within the clause 12.3.2.2., Instructions to tenderers (persons with engineering licences employed in the month preceding the month of the publication of the Tender Notice) can be listed as members of the professional team for project implementation - clauses 12.3.2.3. and 12.3.2.4. Instructions to tenderers, provided that all the conditions have been fulfilled which are foreseen in the mentioned provisions.

7. Regarding the professional team for project implementation, it is required for the Responsible contractor - Contractor's representative with licence 410 or 411 or 400 or 401 to be employed, while for other Responsible contractors with licences 410 or 411, 450, 430 and 434 it is permitted for them to be "*Engaged on any legal basis*". Furthermore, it is stated that the mentioned persons must be engaged on project

implementation, full time, at least 40 hours a week. Is this the omission of the Purchaser, so that the full time engagement is required only for the responsible contractors - Contractor's representatives with licences 410 or 411 or 400 or 401 who must be employed, considering that engagement on any legal basis for other responsible contractors implies: service contract - which does not have defined working hours, contract on temporary and periodical work - which may not last longer than 120 working days and contract on additional work - up to one third of full working time? Request in respect of full time engagement completely excludes the option of engagement on any legal basis, so from a request defined as this one it is clear that all the members of the professional team must be employed. Please clarify.

Answer to question no. 7:

According to the requests from the Tender Documents, tenderers can as a part of their professional team for project implementation list persons who shall be engaged on any legal basis. Aforementioned persons must be engaged during the full time working hours of minimum of 40 hours a week, during the period in which their engagement is necessary for the project implementation.

8. Clause 12.3.2.4. regarding the professional team for project implementation, requires all listed persons to have no less than 5 years of working experience on jobs of responsible contractors. Does this imply that all the persons must have at least 5 years of working experience with the licence of the responsible contractor, i.e. will you accept only the working experience after the date of the issuing of the licence of the responsible contractor?

Answer to question no. 8:

According to the requests from clause 12.3.2.4. Instructions to tenderers, persons listed as members of the professional team for project implementation, must have no less than 5 years of working experience on jobs of responsible contractor. In accordance with everything abovementioned, only the experience on jobs of responsible contractors acquired upon the issuing of the appropriate licence shall be taken into consideration.

9. In part related to the Contractor experience, clause 12.3.3.1, states that the tenderer must prove that he has completed works on construction, reconstruction or upgrading of building structures (in accordance with the table). Are the works on the construction or reconstruction or upgrading of the facilities within which the works on rehabilitation or adaptation were performed acceptable? For example reconstruction and energy rehabilitation works or upgrade works with reconstruction, adaptation and rehabilitation or rehabilitation and reconstruction works etc.

Answer to question no. 9:

In accordance with the request from clause 12.3.3.1. Instructions to tenderers - Contractor experience, tenderer must prove that he alone or as a leading member of the group of tenderers, in the period from 01.01.2015. until the date of publishing the Tender Notice, had completely executed the works on the construction, reconstruction and upgrade of the buildings structures. In accordance with the abovementioned, only

the completely executed works on the construction, reconstruction and upgrade of the buildings structures shall be taken into consideration.

10. In respect of proving the contractor experience it is required from the tenderer to submit the Investor's certificate on form 4.6.4.2 and a valid building permit. Form 4.6.4.1. states that in case that the tenderer is not able to obtain the Investor's certificate, he can submit: A decision on issuance of occupational permit for a reference building or a commission record for a technical inspection of the reference building, or record on qualitative examination and acceptance of executed works on a reference building, or final certificate or other relevant documentation from which it can doubtlessly be established that the tenderer had carried out works on the finished building, as well as that the abovementioned evidence must contain the information on the GRCE of the building. If instead of the Investor's certificate, something else from the stated documents is to be submitted, is it necessary to submit the building permit as well?

Answer to question no. 10:

If the tenderer is not able to obtain the Investor's certificate as evidence of the experience of the tenderer, and he submits the documents which are acceptable instead of the Investor's certificate, he is obliged to submit the building permit as well.

11. Is it acceptable to submit, as evidence of contractor experience, the Investor's certificate which has not been issued on the Form 4.6.4.2., but which contains all data contained in the Form 4.6.4.2? Also, is it acceptable to submit the Investor's certificates issued in Form 4.6.4.2. related to previous procurement procedures conducted by the Purchaser - Public Sector Projects Implementation Unit Ltd. Belgrade, having in mind that the content of the certificate is identical, besides the name and procurement number for which it has been issued?

Answer to question no. 11:

Purchaser shall accept, as evidence of the contractor experience, the Investor's certificate which has not been issued on the Form 4.6.4.2. but which contains all data contained by the mentioned Form Also, Purchaser shall accept the Investor's certificates issued on the Form 4.6.4.2. from some of the previous procedures conducted by the Purchaser.

Procurement Committee



