



Republic of Serbia

**MINISTRY OF FINANCE**

**Department for Contracting and Financing of EU Funded Programmes (CFCU)**

Belgrade, 31/03/2016

**CONTRACTING AUTHORITY'S CLARIFICATIONS No.2**

**Water supply, waste water collection and treatment construction project for the city of Raška**

**Publication ref.: EuropeAid/135632/IH/WKS/RS**

| No | Question   | Answer  |
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| 1. | Regarding Volume 5 of the Tender Documents of Lot 1, please be so kind to facilitate editable files of documents: <ul style="list-style-type: none"><li>• 5.1 – Topographical map with indicated geotechnical works-1000_rev</li><li>• 5.2 – WWTP Layout-250-500_rev</li></ul>   | Please see Annex No.1 to Clarifications No.1  |
| 2. | In Vol.1, Sec. 1, ITT, page 15, demands proper engineering and construction licenses. Does „engineering“ means „designing“ licenses?   | Yes, in the context of this document „engineering“ is to be considered as “designing”.  |
| 3. | Furthermore, new „Law for construction and urban planning“ Clause 133, Sub-clause 7), together with „Book rules for the manner, procedure and content of data for determining compliance requirements for licensing for the preparation of technical documentation and license for construction of facilities for which building permit issues ministry, or autonomous province, and the terms of these license revocation” Clause 8, Sub-clause 7), both predicts Company Licenses just for facilities above 200 lit/sec, what is not the case in this tender. How this Law and Rule book affect on named ITT Clause? | Please see article 150 and article 133 of the Law for construction and urban planning (“Official Gazette ", br. 72/2009, 81/2009 - ispr., 64/2010 - odluka US, 24/2011, 121/2012, 42/2013 - odluka US, 50/2013 - odluka US, 98/2013 - odluka US, 132/2014 i 145/2014)) that have to be respected. |

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| 4. | <p>In the same Volume and Section, please explain the meaning of „employers certificates” for all the staff. ? Does “Employer” mean to submit Certificates of permanent employment or Recommendation / Reference letters from previous Project within the Bid?</p>   | <p>In order to be eligible for the award of the contract, tenderers must provide evidence that they meet the selection criteria. Employers certificates are a proof for required experience of key personnel proposed by the Bidder.</p>  |
| 5. | <p>In PCC, New Sub-clause 4.26 is added. It is related to costs for obtaining and maintaining till the end of DNP of “<i>Construction Licenses</i>” Whether this applies to Company Construction Licenses, related to question No. 1 above, or to <i>Building Permit = Construction Permit</i>?</p>  | <p>It applies to company construction licenses.</p>   |
| 6. | <p>In PCC is mentioned that sub-clause 2.4 is not applicable. This provision might be considered by the Tenderer's as a major risk, which can then increase the value of the offers. In order to avoid assumptions and confusion in relation to the availability of funds and consider risk which in fact might not exist, please confirm that Contracting Authority has made the financial arrangement necessary to enable the payment of the Contract Price and that awarded Tenderer will receive written bank confirmation on available funds before signing the Contract</p>  | <p>Contracting Authority will do the payment to the Contractor in accordance with contract obligations.</p> <p>Please bear in mind that this project is EU financed project for which the funds are available according to the Financing Agreement between the Government of The Republic of Serbia and the European Union, represented by the European Commission.</p> |
| 7. | <p>We refer to sub-clause 1.2 (f) from PCC where is stated "Wherever these Conditions require the Contractor to indemnify the Employer from any matter, the Contractor shall also indemnify the Engineer from the same matter."</p> <p>As the wording of the sub-clause leave room for interpretation, the Engineer is not a contractual party being employed and paid by the Contracting Authority -under a different contract not available to the Contractor-, the claims of the Contracting Authority are define under sub-clause 2.5 and under sub-clause 8.7 the delay damages are limited to 10% of the Contract Amount regardless to whom are or should be paid under the Contract, this sub-clause can substantially change the Engineer position</p> | <p>In respect to this PCC, it is clearly stated that the precondition for which Contractor indemnify Engineer is in case of matter for which Contactor indemnify Employer.</p> <p>For cases in which Contractor should indemnify Employer see FIDIC GC.</p>   |

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|     | <p>under the Contract, position under which the Engineer although as employee of the Contracting Authority should act in the interest of the Contract, avoiding a possible conflict of interest.</p> <p>Based on the above and the fact that the Engineer can under the contract create an advantage for him damaging on the other hand the project, we kindly ask the deletion of said provision under the Contract which we consider unclear, abusive and which can lead to disputes.</p> <p>Should the Contracting Authority refuse to delete such provision we kindly ask you to clearly define which are the cases under which the Engineer should be indemnify and which is the limit for such indemnity</p> |  |
| 8.  | <p>In the Tender documents Volume 3, Section 2C, part 2.27.1 the diesel generator shall synchronized with the network and shall be able to work parallel with the network. In the requirements for the power supply connection issued by Electrodistribucija ED Raška (attached to the tender), the possibility of the parallel operation of the network and diesel generator is not defined. Our understanding is, that due the safety reason (back feeding of 10kV distribution network), and the parallel operation and the synchronization with the network can be omitted. Please confirm</p>   | <p>Parallel operation and synchronization of diesel generator with the network can be omitted.</p>   |
| 9.  | <p>In the volume 6, sub Volume 6-3, the requirements for the power supply connection are issued by Electrodistribucija ED Raška. In this document, the attachments are listed. Please provide the attachment listed under chapter 3 and the section 3.2.</p>   | <p>Please see Annex No.2 to Clarifications No.1.</p>   |
| 10. | <p>In the Tender documents Volume 3, Section 1, 2.6.3 the connection to the 10kV Energy distribution network is defined as:<br/>         “The point of connection is 10 kV public MV overhead line pole on a corner of WWTP yard.”<br/>         Please confirm, that with this description the area of the future WWTP plant is described</p>  | <p>Connection point of whole WWTP (including Inlet Pumping Station) to the 10 kV public MV shall be on a corner of WWTP yard, on the right river bank. Inlet Pumping Station shall be connected to the WWTP's transformer station.</p> |

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|     | and not the area of the inlet pumping station.   |  |
| 11. | <p>In Volume 3, Section 1 – Employers Requirements, subclause 2.3.2 the following is stated:<br/>                     “Floating materials and scum will be conducted to the grease removal pit”.</p> <p>We assume, that separate collection chambers / pits for the different disposal materials</p> <ul style="list-style-type: none"> <li>• Grease and oil (mechanical pre-treatment)</li> <li>• Scum from Final Sedimentation Tank</li> </ul> <p>Are sufficient and in compliance with the tender requirements. Please confirm.</p> <p>The Tender requirements do not include any information concerning the disposal of the above mentions materials (grease and oil, scum). We assume that the separate collection chambers will be discharged by e.g. suction trucks. Please confirm or give additional input.</p> | <p>Grease and oil from Mechanical Treatment shall be temporary collected in the grease pit and finally will be disposed at the local landfill by the Beneficiary.</p> <p>Floating materials and scum from Final Sedimentation Tanks shall be temporary collected in the pit (or pits) for scum and finally will be disposed at the local landfill by the Beneficiary.</p> <p>However, scum from the final sedimentation could be forwarded to the sludge line instead towards the grease removal pit. Final solution is up to the Tender`s decision (Tender Design / Contractor`s Proposal).</p> |
| 12. | <p>In Volume 3, Section 1 – Employers Requirements, subclause 2.3.2 – Stabilization Sludge Tank (SST)<br/>                     “.... A sufficient number of disc aerators (same type as chosen for aeration Tank) should be installed on a certain number and arrangement on the bottom of the Tank.....”.</p> <p>Please refer also the given requirements in Table 21.”</p> <p>According to Tender requirements Fine Bubble Diffusers are required, which are based on our experiences as well as the literature recommendations not a proper solution for aeration of aerobe sludge stabilization tanks.</p> <p>We assume that based on our experience and literature recommendations a proper working aeration system for aerobic sludge stabilization tank can be selected. Please confirm.</p>                      | <p>We confirm that the Tenderer can propose a different suitable working aeration system for aerobic sludge stabilization tank.</p>  |
| 13. | <p>In Volume 3, Section 1 – Employers Requirements, subclause 2.3.2 – Mechanical Treatment (MT) “Process is conducted in 2 compacting units placed in parallel. The unit</p>   | <p>Mechanical Treatment units shall be for outdoor installation, meaning that the units shall be equipped with anti-frost components in order to be protected from freezing.</p>   |

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|     | <p>shall be mounted outdoors, on a concrete slab". According to Tender requirements the compact units shall be installed outdoors. Based on our understanding of the requirements no shelter e.g. housing, roof is required – especially for operation during winter conditions. Please confirm.</p>  |   |
| 14. | <p>In Volume 3, Section 1 – Employers Requirements, subclause 2.3.2 Process operation and Units Table 10-“Basic design criteria for Internal Pumping Station”, Impeller free passage is required to be 100mm.</p> <p>For such a small capacity of 12 l/s inlet and discharge of pump usually is 80mm. If not using optimal pump dimensions we are going to deteriorate efficiency and to increase operational costs. We recommend for free passage to be 80mm for internal pumps. Please confirm.</p>   | <p>In accordance with ER, impeller free passage of pumps shall be 100 mm, but not less than 80 mm. Therefore 80 mm is acceptable.</p>   |
| 15. | <p>In the sence of the part 8. "Explanations concerning tender documents" (8.1), we need explanations about the following requirements:</p> <p>1) Volume 1. Section 1, at p. 14/24 and p. 15/24, is stated:</p> <p>"Note: Site Engineer must possess or being in position to obtain, before the Commencement Date, the relevant professional licenses as required by the Law on Planning and Construction of the Republic of Serbia and other relevant legal provisions."</p> <p>Which, precisely, professional licenses are required, considering that the Site Engineer shall have university degree in civil or water engineering?</p> | <p>Vol.1. section 1, ITT states: "Note: Site Engineer must possess or being in position to obtain, <b>before the Commencement Date</b>, the relevant professional licenses as required by the Law on Planning and Construction of the Republic of Serbia and other relevant legal provisions."</p> <p>Relevant professional licence is defined in the Law on Planning and Construction of the Republic of Serbia (article 150 and article 151).</p> |
| 16. | <p>Regarding Volume 1, Section 1, p. 15/24, it is stated:</p> <p>"Please note that before the contract commencement date the tenderer must demonstrate that it possesses proper company licenses according to the Serbian Law for the engineering and construction works."</p>  | <p>Please see answer no. 3.</p>   |

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|     | Which, precisely, company licenses are required for Lot 1 and which for Lot 2 (having in mind that the Technical specifications for both Lots are divided into Civil and building works, Mechanical works and Electrical works)?  |   |
| 17. | If a Tender is submitted by companies in partnerships forming a joint venture/consortium, is it enough that one of the members in the consortium possesses required company licenses?   | If a tender is submitted by consortium, unless otherwise specified, the selection criteria will be applied to the consortium as a whole.  |
| 18. | Is company established in Turkey able to participate in tender as part of Joint venture – consortium?   | <p>Please see item 8 of the contract notice.</p> <p>For the list of eligible countries under IPA, please refer to the Practical Guide to Contract Procedures for EU External Actions (<a href="http://ec.europa.eu/europeaid/prag/document.do">http://ec.europa.eu/europeaid/prag/document.do</a> ), section 2.3 Eligibility, exclusion criteria and other essentials, and Annex A2b2 – Eligibility programmes 2007-2013. (<a href="http://ec.europa.eu/europeaid/prag/annexes.do?group=A">http://ec.europa.eu/europeaid/prag/annexes.do?group=A</a> )</p> <p>Yes, participation in procedures for the awarding of contracts is open to company established in Turkey.</p>  |
| 19. | <p>Regarding the technical and professional capacity of the candidate for Lot 1 and Lot 2:</p> <p>For Lot 1:</p> <p>Tenderer must have completed as prime contractor at least one contract (with a portion of the contract carried out by the legal entity being at least EUR 2.500.000) which includes construction of new waste water treatment plant with capacity of at least 15.000 P.E. which was completed at any moment during the following period: in the course of the past 5 years (starting from 1st of January 2011 up to the deadline for submission of tenders).</p> <p>For Lot 2:</p> <p>Tenderer must have completed as prime contractor at least one contract (with a portion of the contract carried out by the</p> | <p>Please see Article 12 of ITT with relevant text:</p> <p>“An economic operator may, where appropriate and for a particular contract, rely on the capacity of other entities, regardless of the legal nature of the links which it has with them. Some examples of when it may not be considered appropriate by the Contracting Authority are when the tenderer relies mostly on the capacity of other entities or when it relies on key criteria. If the tenderer relies on other entities, it must prove to the Contracting Authority that it will have at its disposal the resources necessary to perform the contract, for example by producing an undertaking on the part of those entities to place resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and notably that of nationality, as the economic operator. Furthermore, the tender should include a separate document providing data on</p> |

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| <b>No</b> | <b>Question</b>   | <b>Answer</b>  |
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|           | <p>legal entity being at least EUR 2.500.000) which includes construction for sewage network with a minimum length of 5 km which was completed at any moment during the following period: in the course of the past 5 years (starting from 1st of January 2011 up to the deadline for submission of tenders).</p> <p>We understand that the above mentioned requirements can be met by a subsidiary firm of the signing tenderer, being that one its parent company.</p> <p>Please could you confirm such fact?</p> | <p>this third entity for the relevant selection criterion. Proof of capacity must be furnished at the request of the Contracting Authority.”</p> |