



Republic of Serbia

MINISTRY OF FINANCE

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

Belgrade, 03/11/2016

CONTRACTING AUTHORITY'S CLARIFICATIONS No. 8

“Construction and commissioning of waste water treatment plant at TPP Kostolac B”

Publication ref: EuropeAid/137116/IH/WKS/RS

No.	Question	Answer
1	Nowhere in tender there is a form for "Site visit", and since in "Instructions to tenderers - 12.1.14", Site visit is mandatory, do we need to apply it and where (at which form)?	<p>The presence of the tenderer at the site visit is mandatory as stated in the Article 13. of the Contract Notice.</p> <p>In the Section 6.3 of ITTs: <i>“As proof of participation, tenderers will receive a certificate of their site visit.”</i></p> <p>As a part of the tender, the tenderer must submit the <i>“Certificate of attendance at site visit”</i>, issued and signed by the Contracting Authority at the time of the site visit. The list of companies that received respective certificate at site visit is published at the EuropeAid and CFCU websites.</p> <p>Our recommendation is to insert the Certificate of Attendance in the Volume 1 – Section 4 - after the form 4.6.12.</p>
2	<p>In tenders document Volume 1 Section 4 Technical Offer Questionnaire in section ADDITIONAL NOTICE FOR TENDERERS, in point 7. (page 4) is mentioned:</p> <p><i>"Each member of a joint venture/consortium must fill in and submit every form."</i></p> <p><u>Question:</u> Since there is some forms that, by our opinion, should be filled in only once per joint venture/consortium (e. g. Forms: 4.6.1.2 STAFF TO BE EMPLOYED ON THE</p>	<p>As specified in the Technical Offer Questionnaire, point 7, each member of a joint venture/consortium must fill in and submit requested forms.</p> <p>In line with ITT, sub-clause 11.1.4 the tenderer must provide all documents required by the tender dossier. All such documents, without exception, must comply strictly with these conditions and provisions and contain no amendments made by the tenderer.</p>

No.	Question	Answer
	<p>CONTRACT[^].6.1.3 Professional experience of key staff, 4.6.2.1. Plant, 4.6.2.2. Design information schedule, 4.6.2.3. Technical proposal, 4.6.2.4. WWTP control and instrumentation, 4.6.2.5. Inspections, tests, commissioning and tests on completing, 4.6.2.6. Civil information, 4.6.3 WORK PLAN AND PROGRAMME, 4.6.3*4. Manufacturers and place of manufacturing, testing and inspection, 4.6.3.5. Subcontractors, 4.6.5 DATA ON JOINT VENTURES, 4.6.7 QUALITY ASSURANCE SYSTEM(S), 4.6.9. Site establishment, 4.6.10 Health, safety and environmental systems, 4.6.11 Spares, 4.6.12. Further information, does it mean that every other member of joint venture/consortium should fill in this forms with "<i>not applicable</i>" and sign it, or not fill them at all (Only lead member fill them)?</p>	<p>Tenders which do not comply with the requirements of the tender dossier may be rejected.</p>
3	<p>Should power of attorney be notarized by authorized institution?</p>	<p>Power of Attorney does not have to be notarized by notary or equivalent body, but the person providing authorization must himself/herself have appropriate capacity to execute power of attorney.</p>
4	<p>In Instruction to tenderers page 13, there is a sentence "Please note that before the contract commencement date, the tenderer must demonstrate that he possesses the proper licences according to the Serbian Law for Planning and Construction"</p> <p>What are "proper licences", are those company licences or licences for engineers? Please clarify that.</p>	<p>Please refer to article 150 of the Law on Planning and Construction published in Official Gazette of RS, no. 72/2009, 81/2009 - revision, 64/2010 - decision of the Constitutional Court, 24/2011, 121/2012, 42/2013 - decision of the Constitutional Court, 50/2013 - decision of the Constitutional Court, 98/2013 - decision of the Constitutional Court, 132/2014 and 145/2014).</p>
5	<p>Whether the Tenderer's declaration(s) and the Declaration on honor on exclusion criteria and selection criteria (Volume 1 Section 2) must be signed by:</p> <ol style="list-style-type: none"> 1. all members of a joint venture / consortium, every capacity-providing entity with more than 10% of works, every subcontractor providing more than 10% of works and 	<p>Please refer to Instructions to Tenderers, Sections 3.3 and 3.4 and the Tender Form, Article 3 - TENDERER'S DECLARATION(S) stating: "<i>As part of their tender, each legal entity identified under point 1 of this form, including every consortium member, as well as each capacity-</i></p>

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	<p>every supplier providing more than 10% of works.</p> <p>or</p> <p>2. all members of a joint venture / consortium, every capacity-providing entity with more than 10% of works, every subcontractor providing more than 10% of the works?</p>	<p><u>providing entity and each subcontractor providing more than 10% of the works, must submit a signed declaration using this format, together with the Declaration of honour on exclusion and selection criteria (Annex 1) (insert Form a.14)."</u></p>
6	<p>Whether the Annex 2 – Appendix to tender for a works contract (Volume 1 Section 2) must be signed by:</p> <p>1. all members of a joint venture / consortium, every capacity-providing entity with more than 10% of works, every subcontractor providing more than 10% of works and every supplier providing more than 10% of works.</p> <p>or</p> <p>2. all members of a joint venture / consortium, every capacity-providing entity with more than 10% of works, every subcontractor providing more than 10% of the works?</p>	<p>As in case of other forms, please refer to the Answer to question No. 2 above.</p>
7	<p>Whether the power of attorney empowering the signatory of the tender must be certified by a notary?</p>	<p>Please see the Answer to question No. 3 above.</p>
8	<p>In Form 4.3 with power of attorney empowering the signatory of the tender, the tenderer must submit all related documentation. Which are those related documentation?</p>	<p>The documentation to be submitted together with the Power of Attorney is evidence demonstrating that the person issuing the Power of Attorney is authorised to do so.</p>
9	<p>Whether the power of attorney for appointed lead member must be certified by a notary?</p>	<p>Please see the Answer to question No. 3 above.</p>
10	<p>Whether the key personnel must be employed by the tenderer or may be engaged in some other way?</p>	<p>It is up to tenderer to make its own arrangements for the engagement of staff.</p>
11	<p>Which major licenses (licenses for companies required by the Law of the Republic of Serbia) are required and whether the tenderer can fulfill this requirement through subcontractors?</p>	<p>As underlined in the sub-clause 12.2 of the Instructions to tenderers ("ITT"), selection criteria <u>must be met by the tenderer</u>. Tender dossier envisages possibility of relying on capacity of other entities, with</p>

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		<p>corresponding instruction being elaborated in the ITT, sub-clause 12.2.2.</p> <p>Indicative list of applicable legislation is:</p> <p>Please refer to Law on Planning and Construction published in Official Gazette of RS, no. 72/2009, 81/2009 - revision, 64/2010 - decision of the Constitutional Court, 24/2011, 121/2012, 42/2013 - decision of the Constitutional Court, 50/2013 - decision of the Constitutional Court, 98/2013 - decision of the Constitutional Court, 132/2014 and 145/2014).</p>
12	<p>Because of the complexity regarding the preparation of the Bids and the fact that the public tender was issued during the holidays, we call on the Employer to prolong the Deadline for submission of the Bids for at least 14 days.</p>	<p>Deadline for submission of tenderers was already extended by means of Corrigendum to tender dossier/contract notice No.1. No further extensions of the submission deadline are expected.</p>
13	<p>For the purpose of issuing tender guarantee, we kindly ask you to provide us with a tax identification number of the beneficiary of the warranty; therefore, the Ministry of Finance of the Republic of Serbia (Ministry of Finance, Department for Contracting and Financing of EU Funded Programmes (CFCU), Division for Tender Evaluation and Contracting, 3-5, Sremska St, VII floor, Office 701, Belgrade 11000 Republic of Serbia)</p>	<p>Tax identification Number of the Ministry of Finance of the Republic of Serbia is 108213413.</p>