Belgrade, September 13, 2021

**CONTRACTING AUTHORITY’S CLARIFICATIONS No. 1**

**Construction and upgrading of municipal waste water collection and treatment system in Kraljevo**

**Publication reference/Tender ID**: NEAR/BEG/2021/EA-OP/0098 - 17SER01/05/51

Disclaimer: All requests for additional information must be made in writing through the TED eTendering website accessible from the F&T portal at <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home> ; and in line with other provisions for submission of the request for additional information specified in the Additional information about the Contract Notice. Contracting authority shall not accept any responsibility or liability in case of requests for additional information which are not submitted fully in line with applicable provisions for submission of the request for additional information.

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| **No.** | **Question** | **Answer** |
| **1.** | **Reference: Volume 3.2 Particular technical requirements, Chapter 4.2.2 Spare and Wear Parts and Volume 3.1 General requirement, Chapter 7.11 Spare parts**  **Question**: In the Chapter 4.2.2. Spare and  wear parts of the Particular technical requirements it is stated that spare parts shall be supplied only for first year of the operation period after the issuance of the Taking over certificate. In the Chapter 7.11 Spare parts of the General requirement spare parts are requested for first two years of operation after the issuance of taking over certificate. Since the Particular requirements are prevailing kindly please confirm that spare parts shall be supplied only for 1 year of plant operation. | Confirmed. Particular Requirements are prevailing. The Contractor shall supply all necessary wear parts for the first one (1) year of operation after issuance of the Taking-Over-Certificate for Works |
| **2.** | **Reference**: **Volume 3.2 Particular technical requirements, Chapter 4. 11 Biological treatment and Chapter 4.11.8 Effluent disinfection.**  **Question:** In the Chapter 4. Biological treatment in the table on the page 45 it is stated that effluent disinfection shall be designed and built for final project stage and in the Chapter 4.11.8. is it stipulated that effluent disinfection shall be designed and build for the first project stage only. Since the hydraulic capacity of the  final stage is slightly higher than the capacity of the first stage kindly please confirm that disinfection system shall be erected for the final project stage. | Effluent disinfection shall be constructed in the first construction phase in accordance with requirements stipulated in the Chapter 4.11.8.  Hydraulic capacity of the effluent channel for installation of the UV lamps shall correspond to the ultimate capacity of the WWTP. The Contractor shall make provisions for installation of additional lamps in the Phase II while maintaining appropriate hydraulic conditions for UV lamps and effective disinfection during the Phase I. |
| **3.** | **Reference: Volume 3.2, Chapter 4.10.4 Septage sludge receiving station**  **Question:** please advise the daily quantity of the septage sludge being discharge on the WWTP, as well as number of discharges per day. | PUC “Vodovod” Kraljevo is provided with two trucks, each of 8 m3 delivery capacity. At present there are no other legal entities providing services of emptying septic tanks.  Number of services provided within the last three years were as follows:  2018: 75 services of emptying septic tanks, up to 8 m3 volume each.  2019: 66 services of emptying septic tanks, up to 8 m3 volume each.  2020: 101 services of emptying septic tanks, up to 8 m3 volume each.  Maximum quantity of septic sludge to be delivered on the WWTP site will not exceed 30 m3/day (2-3 discharges per day). |
| **4.** | **Reference: ITT point 12.2.1. b) 2 "Technical and Professional capacity**  **Question:** It's stated: "At the moment of tender submission, the member(s) of the tenderer shall have a professional license(s), certificate(s) (or right), in accordance with the laws of the country in which they are established (or equivalent) for the execution of the  Works." We are aware of two important demands: 1) that Tenderer must be licensed for execution of Works in the moment of tender submission and 2) that capacity of the WWTP Kraljevo is 425 l/s (as  defined in Volume 3.2 Particular Technical Requirements Table 7 – Phase I = 425 l/s, page 31) which exceeds mandatory licensing for capacity  above 200 l/s (according to the Article 9, sub-article 7 of the Rulebook on the manner, procedure and content of data for determining the fulfilment of conditions for issuing a license for preparation of technical documentation and license for construction of facilities for which construction permit is permitted, Off. Gazette no. 24/2015), but still it is not specified the exact type of required licenses? Can you please specify the list of the exact type of licenses? We would  appreciate prompt reply related to the type of licenses, as they are essential for the bid preparation. | At the moment of Tender submission, the Tenderers shall present licenses of relevance for the Works under this Tender in accordance with legislation of the country in which they are established. Only successful Tenderer will be required to obtain all necessary licenses in accordance with the laws of the Republic of Serbia. ( ITT 12.2.1 b) 2 )  The Contractor shall have obtained licenses for Design (П073Г3, П073M2, П073Т1) and Construction (И073Г3, И073M2) of the WWTP as stipulated in the Rulebook on the procedure and evidence required for evaluation of compliance with the requirements for issuing the License for preparation of technical documentation and the License for construction for the facilities that are subject to Construction Permit issued by the Ministry or Autonomous Province as well as conditions for their cancelation (O.G. RS no. 2015) |
| **5.** | **Reference: Volume 1, Section 4, Form 4.6.10**  **Question:** in the first paragraph it is  stated: ‘’The Tender Evaluation Price shall be comprised of Capital costs (CAPEX) for completion of the Works and Net Present Value of Operating Costs within 20 years of the WWTP operation.’’ On the other  hand, in the same form, the formula for calculating the Tender Evaluation Price is presented as: ‘’ Tender Evaluation Price (TEP) = CAPEX + Dayworks + 14 x OPEX’’ It is obvious that the discrepancy  between these two statements is in the number of calculated years of WWTP operation. Please clarify which of two is correct, 14 or 20 years of WWTP operations should be calculated? | There is no any discrepancy. Number 14 in formula is result of application Net Present Value Calculation on n=20 (years of operation).  The formula for calculation of TEP is as presented in the Form 4.6.10. |
| **6.** | **Reference:** **Volume 1, Section 4, Form 4.6.11, in paragraph #7**  **Question:** it is stated:‘*’In case of failure to meet guaranteed annual electricity consumption*  *per treated volume of wastewater at the end of the DNP, pursuant to Sub-Clause 9.4 of the General Contract Conditions, the Contract price shall be reduced for the difference between the actual and guaranteed costs to be incurred by the End Recipient during 20 years of operation:*’’. On the other hand, the formula for calculating theRemuneration costs is presented as: ‘’ REMUNERATION COSTS = (ACTUALCOSTS (€/a) – GUARANTEED COSTS (€/a)) x 14’’ It is obvious that thediscrepancy between these two statements is in the number of calculated  years of WWTP operation. Please clarify which of two is correct, 14 or 20 years of WWTP operations should be calculated? | Please see answer on question no 5 |
| **7.** | **Question:** In case we submit offers for both lots, do we submit offers as two separate envelopes (one for lot 1 and the other for lot 2)? | The offers shall be submitted in one envelope/package, unless their volume requires a separate submission for each lot. Please refer to Vol. 1, Section 1, Instructions to Tenderers, sub-clause 17.2 |
| **8.** | **Tender Form**  **Question**: Should we fill in the "Tender form" document (Volume 1, Section 2) for each lot individually or one document for both lots? | If the members of consortium are the same for both Lots, then one joint Tender Form can be submitted, following the template provided in Tender Dossier, Volume 1, Section 2.  If the members of consortium differ for Lot 1 and Lot 2, please submit a separate Tender Form for each lot. |
| **9.** | **Question:** Documents named “EN-TD+LOT+1” and “EN-TD+LOT+2” are not opening. Could you please share them with us again? | Please try again, if the problem persist contact us on [cfcu.questions@mfin.gov.rs](mailto:cfcu.questions@mfin.gov.rs) |
| **10.** | **ITT**  **Question:** For the technical qualifications; can we use on-going projects for meet the criteria. For instance, in the ITT there is written as “a) Tenderers are allowed to refer either to contracts completed within the reference  period (although started earlier) or to contracts not yet completed. Only the portion satisfactorily completed during the reference period (although started earlier) will be taken into consideration. This portion will have to be supported by documentary evidence (statement or  certificate from the entity that awarded the contract or proof of final payment) also detailing its value.” From the above information, can we use on-going project? If we can; what percentage of the project should have been completed? | Please refer to ITT, section 12.2:  - “The tenderer “must have completed” the works contracts - this means that the contract the tenderer refers to could have been started/implemented/completed at any time during the period of the past eight (8) years from the date of submission of tenders but it does not necessarily have to be started and completed during that period,  - "Completed" means that the tenderer has in his possession “Taking over Certificate"(Provisional Acceptance Certificates) or "Performance Certificate" (Final Acceptance Certificates or equivalent certificates) for completed waste water treatment plants contracts. Copies (with translations into English) of any of the mentioned certificates signed by the relevant Supervisors/Contracting Authority/Employer/Engineer or equivalent of the contract concerned must be submitted to the Contracting Authority.”  The Tenderer shall not refer to ongoing projects unless proven sectional completion of the works, i.e. completed Taking over of works sections that are of relevance for these works |
| **11.** | **Financial Qualifications**  **Question:** For the financial qualifications; do we need to meet the criteria as a JV or as per company? As a one company is it sufficient to meet the criteria. Or as a JV can we meet the criteria together? Are there any percentage for companies to meet? | Please refer to ITT section 12.2. “If a tender is submitted by a consortium, unless specified, the selection criteria will be applied to the consortium as a whole.” In case of sole tenderer, the financial requirements must be met by this company, in case of consortium, the requirement can be met jointly. There are no specific percentages for companies, in terms of their participation in JV. In this respect, also please refer to ITT section 12.3. |
| **12.** | **Question:** In the documents "site visit certificate" is required. But, as far as we understand it's not mandatory. Could you please clarify whether "site visit" and "pre-bid meeting" are mandatory or not? | Information meeting and site visit are mandatory, as stated in Additional information about the Contract Notice, point 9. |
| **13.** | **Reference: Volume 1, Section 1, 12.2.2 a)Economic and financial capacity**  **Question:** Please confirm that for the purpose of meeting Economic and financial requirements the tenderer can use more than one Capacity-providing entities belonging to the same Group (a Parent company or other affiliated companies) which are not the members of the consortium. | In line with the PRAG document, Section 5.3.4. Additional information during the procedure, please note that no prior opinion on the assessment of the tender can be given by the Contracting Authority in reply to a question or a request for clarification.  For all the detailed information, please refer to Instruction to Tenderers, section 12.2.3. |
| **14.** | **Reference: Volume1, Section1, part 12.2.2 b)Technical and Professional**  **Question:**Please confirm that it will be acceptable if a tenderer from Serbia will submit professional licence(s), certificate(s) (or right), in accordance with the laws of the country of a Capacity-providing entity which is registered outside Serbia, which is belonging to the same Group as tenderer. | Please note that the contracting authority cannot give a prior opinion on the assessment of the tender. For more information about tender opening and evaluation, please refer to Volume 1, Section 1: Instructions to tenderers, Clause 21 and 22 as well as Practical guide, section 5.3.9.  Concerning Lot 2, as stated in the Volume 1, Section 1: Instructions to tenderers, Sub-clause 12.2.2 (b) 2: *At the moment of tender submission, the member(s) of the tenderer shall have a professional licence(s), certificate(s) (or right), in accordance with the laws of the country in which they are established (or equivalent) for the execution of the Works.*  Further on, Sub-clause 12.2.3 Capacity-providing entities states: *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. 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 by producing a commitment 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 relying on them and must comply with the selection criteria for which the economic operator relies on them. Furthermore, the tender should include a separate document providing data on this third entity for the relevant selection criterion. Proof of capacity must be provided at the request of the contracting authority.*  If relying on the technical or professional capacity of the capacity prviding entity, it is important to note the following provision stated further in the text: *With regard to technical and professional criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works for which these capacities are required.* |
| **15.** | **Reference: Volume 1, Section 1, 12.2.1 a)Economic and financial capacity**  **Question:** Please confirm that for the purpose of meeting Economic and financial requirements the tenderer can use more than one Capacity-providing  entities belonging to the same Group (a Parent company or other affiliated companies) which are not the members of the consortium. | Please see the response to the question no. 13. |
| **16.** | **Reference: Volume1, Section 1, part 12.2.1 b)Technical and Professional**  **Question:** Please confirm that the references selection criteria can be met by using two different Capacity-providing entities belonging to the same Group, which are not members of tenderer's consortium. | Please see the response to the question no. 13. |
| **17.** | **Reference: Volume1, Section 1, part 12.2.1 b)Technical and Professional capacity, point 3. - Professional references, paragraph e)**  **Question:** Please confirm that only completed contracts, as defined in the paragraph e) of 12.2.1 b), point 3. in the Tender documentation, are meeting the Selection criteria. | Please see the response to the question no. 10. |
| **18.** | **Reference: Volume1, Section 1, part 12.2.3 Capacity-providing entities**  **Question:** Please confirm that the Capacity-providing entity will be acceptable only if it belongs to the same Group as the tenderer (a parent or other affiliated company). | Please see the response to the question no. 13. |
| **19.** | **Reference: Volume1, Section 1, part 12.2.3 Capacity-providing entities**  **Question:** Please confirm that it will be acceptable for the Contracting authority if the Capacity-providing entity will not be a member of consortium or a Joint Venture of the tenderer. | Please see the response to the question no. 13. |
| **20.** | **Reference: Volume1, Section 1, part 12.2.3 Capacity-providing entities**  **Question:** In case a tenderer will rely on the capacity of other Capacity-providing entities, please specify the following: a. Please confirm a statement issued by the Capacity-providing entity will be acceptable for the  Contracting authority to prove the Tenderer will have at its disposal the resources necessary to perform the contract? b. Which kind of commitment the Contracting authority will request from the Capacity providing entity? c. Which documents should be provided by the  Capacity-providing entities to prove they comply with the selection criteria for which the economic operator relies on them? d. Please clarify how the Capacity-providing entity will prove they respect the same rules of eligibility and notably that of nationality as the  economic operator relying on them? | Commitment is commonly demonstrated by the signed Letter of undertaking provided by the capacity providing entity, specifying in clear and univocal manner:   * reference to the particular tender procedure (contract title, identification number) in the context of which capacity is provided * exact capacity/resources which are put at the at the tenderer’s disposal for the purpose of execution of particular contract * identity of the tenderer to whom specific capacity is extended  As stated in the Volume 1, Section 1 – Instructions to tenderers, Clause 3.3 concerning rule of nationality, *The eligibility requirement detailed in subclauses 3.1 and 3.2 applies to all members of a joint venture/consortium and all subcontractors, as well as to all entities upon whose capacity the tenderer relies for the selection criteria. Every tenderer, member of a joint venture/consortium, every capacity-providing entity, every subcontractor and every supplier must certify that they meet these conditions.* *They must prove their eligibility by a document dated less than one year earlier than the deadline for submitting tenders, drawn up in accordance with their national law or practice or by copies of the original documents stating the constitution and/or legal status and the place of registration and/or statutory seat and, if it is different, the place of central administration. The contracting authority may accept other satisfactory evidence that these conditions are met.*  In respect of the grounds of exclusion, your attention is drawn to the Clause 3.4 of the Instructions to tenderers:  *Tenderers must provide declarations to the effect that they are not in any of the exclusion situations listed in Section 2.6.10.1. of the practical guide. The declarations must cover all the members of a joint venture/consortium and must also be submitted by any sub-contractor or capacity providing entity.* |
| **21.** | **Technical Qualifications**  **Question:** For the technical qualifications; do we need to meet the criteria as a JV or as per company? As a one company is it sufficient to meet the criteria. Or as a JV can we meet the criteria together? | Please refer to ITT section 12.2.“*If a tender is submitted by a consortium, unless specified, the selection criteria will be applied to the consortium as a whole*.” |
| **22.** | **Financial statements**  **Question:** Please confirm that Financial statements with related reports of the independent auditor can be submitted in the tender as supporting documents in Serbian language for the tenderers registered in the Republic of Serbia. | Please refer to ITT section 10.1 “The tender and all correspondence and documents related to the tender exchanged by the tenderer and the contracting authority must be written in the language of the procedure, which is English” and ITT section 10.2. 10.2.  If supporting documents are not written in one of the official languages of the European Union, a translation into the language of the call for tender must be attached. |
| **23.** | **Ref: Volume 3.2 Particular technical requirements, Chapter 4.10.3**  **Question:** Coarse screen. Acc to Tender requirement coarse screens shall be designed for peak wet weather flow and ultimate plant capacity. Operational regime shall be 1+1 and one manual screen shall be installed for an emergency spare. In this way we have only one operational screen designed for peak wet weather flow and two spare screens. Since the peak wet weather flow is almost three times dry weather flow operation of the this one duty screen will not be optimal during the average flow conditions. Please advise if we can design automatic screens for max dry weather flow. During the dry weather one screen will be duty and during the wet weather flow both screens will be in operation. Manual screen designed for the peak flow will remain as emergency bypass screen. | Coarse screens shall be designed in accordance with the Volume 3.2 Particular technical requirements, Chapter 4.10.3. In case of failure of one automatic unit the other shall be able to handle 100% of the maximum flow.  Excess flow (over the peak wet weather flow) that might occur in combined systems during storms should not be directed to the downstream process units. It shall be diverted to a by-pass and shall be handled by manual screen.  Manual screen shall be designed for the ultimate (Phase II) maximum wet weather flow. |
| **24.** | **Ref: Volume 3.2 Particular technical conditions, Chapter 4.10.4.**  **Question:** Please advise if it is acceptable for septic sludge receiving station to be installed in inlet building. | Tenderers may propose any solution provided sufficient space for access to delivery trucks with connection for discharge of septic sludge and flushing facilities, with particular attention to odor control within the enclosed area. |
| **25.** | **Ref: Volume 3.2 Particular technical requirements, Chapter 4.13.3**  **Question:** Gas desulphurization In Chapter 4.13.3 Gas desulphurization both biological trickling filter for biogas desulphurization and desulphurization by addition of Ferric chloride solution are mentioned.  Please clarify required desulphurization method. | Biogas desulphurization shall be completed by biological trickling filter. |
| **26.** | **Question:** Dear Sir/Madam, Please clarify the following inquires: 1. Please clarify the meaning of the following: „Contractor shall obtain… all permits, licenses, and approvals, as required by the Laws in relation to the design, execution and completion of the Works.” (Particular Conditions of Contract, s/c 4.27 Licenses). Which specific licenses need to be provided, and whether they can be provided through subcontractors?  Should they be submitted in tender documents, or shown after signing the Contract? 2. Please clarify if tenderers are obligated to prove their technical and professional capacity in relation to available experts to be engaged in the contract in the tender phase or after signing the  contract. In the current tender Employer did not give such requirements for experts, but only for the company (ITT 12.2.b). Regards | Please see answer on question no 4. Regarding Licenses.  To demonstrate technical and professional capacity Tenderer’s are required to complete the Forms enclosed in Volume 1, Section 4. Tenderers are not required to present staff to be engaged in the contract. |
| **27.** | **Ref: Volume 3.2 Particular technical conditions, Chapter 4.10.4.**  **Question:** Please advise if it is acceptable for septic sludge receiving station to be installed in inlet building. | Please see the response to the question no. 24 |
| **28.** | **Ref: Volume 3.2 Particular technical requirements, Chapter 4.10.3**  **Question:** Coarse screen. Acc to Tender requirement coarse screens shall be designed for peak wet weather flow and ultimate plant capacity. Operational regime shall be 1+1 and one manual screen shall be installed for an emergency spare. In this way we have only one operational screen designed for peak wet weather flow and two spare screens. Since the peak wet weather flow is almost three times dry weather flow operation of the this one duty screen will not be optimal during the average flow conditions. Please advise if we can design automatic screens for max dry weather flow. During the dry weather one screen will be duty and during the wet weather flow both screens will be in operation. Manual screen designed for the peak flow will remain as emergency bypass screen. | Please see the response to the question no. 23 |