



Republic of Serbia
MINISTRY OF FINANCE
Department for Contracting and
Financing of EU Funded
Programmes
(CFCU)
8/10/2024, Belgrade

CONTRACTING AUTHORITY'S CLARIFICATIONS No.4

Establishment of Regional Waste Management System for the City of Novi Sad and Municipalities of Bačka Palanka, Bački Petrovac, Beočin, Žabalj, Srbobran, Temerin and Vrbas

Lot 1: Construction of the Regional Waste Management Centre in the City of Novi Sad

Lot 2: Construction of the Transfer Stations in Municipalities Vrbas and Bačka Palanka

Publication ref.: EC-NEAR/BEG/2024/EA-OP/0002

No.	Question	Answer
1.	The potential Bidder has noticed during site visit, on the location of planed work zone of the future landfill, the large quantity of deposited uncatgorized material. Is this material that is currently located in the area of future landfill, to be removed by the Contractor during preparatory works and moved to the location chosen by the Beneficiary, or this will be the responsibility of the Beneficiary?	Answer is concerning the Lot 1: Tenderers should deem there is no material deposited in the area of future landfill. If any deposited material exists, it will be removed by the PUC "Čistoća" before the Contractor start construction works.
2.	In sub-clause 12.1.9. Instruction to tenderers for both Lots is stated that List of the personnel proposed for execution of contract (Form 4.6.1.2.) with CVs of key personnel (Form 4.6.1.3.) should be provided by the tenderer in his proposal. Requirements for Key Personnel are	Answer is applicable for Lot 1 and Lot 2: In line with the ITT provisions presented under Section 12., point 12.1.9., please note that Forms 4.6.1.2 and 4.6.1.3 are mandatory and must be filled in and included in the submitted tender. As per Employer's Requirements Section

	<p>listed in the document Employer’s Requirements in which is also stated that actual engagement on the contract of the key personnel appointed by the Contractor will be subject of written approval by the Employer/Engineer. In this part, the deadline for appointing key staff is also determined, after the signing of the contract. Finally, in the document – Detailed evaluation grid, in Table No. 1: Administrative compliance is stated that forms 4.6.1.2 and 4.6.1.3 are for information purpose only and that are not mandatory at this stage. Considering all previously mentioned, please confirm that Forms 4.6.1.2 and 4.6.1.3 are not mandatory and that tenderers do not have to submit them in their offer.</p>	<p>4.9.1 and 4.9.2, key personnel will be subject to written approval by the Employer/Engineer only after the contract signature.</p>
<p>3.</p>	<p>Due to the restricted number of characters we are submitting this question in several parts. In the document “Information on the possibility of inspection of Preliminary Design”, which was published on website www.cfcu.gov.rs on 02 August, is stated that Preliminary Design is available for inspection from 22 July 2024 until 5 September 2024. First of all, in the document “Minutes of the meeting”, which was also published on 02 August on website www.cfcu.gov.rs, is stated that several questions were posted during clarification meeting and one of them was the question whether the Preliminary Design is available. The answer was that Contracting authority will officially publish the time and the location where Preliminary Design will be available for review to all interested potential tenderers. However this information was published on website www.cfcu.gov.rs only on 02 August, exactly 32 days after the clarification meeting. This document “Information on the</p>	<p>With reference to the timing of the publication of the documentation, please note that the deadline established in PRAG in section 5.3.4 stating that “<i>The contracting authority must reply to all tenderers’ questions no later than 8 days before the deadline for receipt of tenders</i>”, was complied with. The Contracting Authority could not publish the minutes of the clarification meeting and annexes before the 2nd August due to technical blockages of EU F&T platform. The clarification meeting was not mandatory, but was open to all tenderers under equal conditions. The tenderers could choose whether to attend the clarification meeting and in an open tender, the documents cannot be sent to the “potential tenderers” because these are not known in advance, which is what typifies an open tender. The published Employer Requirements are fully in line with the Preliminary Design. All necessary elements and information were already in the tender dossier. Therefore, the Preliminary Design (<i>Idejni Projekat - IDP</i>) was available to all</p>

<p>possibility of inspection of Preliminary Design” was also published on EU F&T portal on 27 July, but even to this day access to this document is not functioning properly due to technical reasons. Considering all the previously mentioned, how is it even possible for potential tenderers to inspect the Preliminary Design from 22 July when they had no knowledge of the time and the location of the inspection until 02 August? Apart from that, potential tenderers who did not attend the clarification meeting (which was optional) could not even know that there was a possibility of inspection of the Preliminary Design until 02 August. Acting in this way, the Contracting authority did not provide an equal conditions to all potential tenderers. Furthermore, the Contracting authority has determined the date by which it is possible to inspect the Preliminary Design (05 September) but after the extension of the submission deadline to 17 November, he did not postpone the date until which it is possible to perform the inspection of the Preliminary Design. In that way the Contracting authority has prevented the potential tenderers to inspect the Preliminary Design even though there is one month left until the submission of tenders. Finally and the most important is that there is no justified reason why the Contracting authority for such complex and demanding project did not publish on website the Preliminary Design or allow all potential tenderers to obtain the digital copy of the Preliminary Design, but only provided inspection possibility within a limited timeframe. For this kind of project, design and build, it is important for tenderers to have in their possession the Preliminary Design not only to have the possibility</p>	<p>potential tenderers under the same conditions, only for inspection, not for collection in any kind of hard or electronic copy during the tendering stage. Any potential tenderer who had announced an inspection in accordance with the published instructions could perform it until the deadline for requesting any additional information from the Contracting Authority.</p> <p>N.B. The submission deadline is 17 October 2024, not 17 November as stated in the corresponding question.</p>
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	<p>to inspect it in limited time. Considering all previously mentioned we request from the Contracting authority to enable all potential tenderers to obtain the Preliminary Design in the digital copy because it is of extreme importance for the tender preparation and to extend the deadline for the tender submission as well.</p>	
<p>4.</p>	<p>On 24 September the Contracting authority published Clarification no. 2 on the website www.cfcu.gov.rs. One of the answers regarding the question about the position of the Tenderer in the Consortium for the previous experience (Selection criteria under 12.2. e)) is that the for both Lots prime/main contractor can be any member of the Consortium, excluding the subcontractors. This answer fundamentally changes the selection criteria regarding technical and professional capacity allowing tenderers who were unable to meet the originally determined selection criteria to fulfill it now. Therefore, the Contracting authority should have extended the deadline for submitting tenders in accordance with sub-clause 9.3. ITT to give sufficient time to tenderers who can now meet the selection criteria to prepare and submit their proposals.</p>	<p>Answer is applicable for Lot 1 and Lot 2: Please note that by publishing the response related to the position of the prime/main contractor in the consortium, the selection criterion has not been amended but clarified. Therefore, no extension of the deadline for submission of tenders will be granted due to this reason.</p>
<p>5.</p>	<p>Dear, We are writing to seek clarification regarding the financial requirement outlined in the tender, specifically related to the condition: <u>"The cumulative working capital (liquid assets minus short term debts) of the tenderer (individual applicant or JV/consortium members as a whole) over the previous three years period for which the accounts are closed must be positive."</u> Could you please confirm if this requirement applies to each member of the consortium individually, or if it is a cumulative condition where</p>	<p>Answer is applicable for Lot 1 and Lot 2: This criterion must be fulfilled by individual applicant if tender is submitted by sole tenderer. If tender is submitted by JV / consortium, this criterion must be fulfilled by the consortium as a whole. Also, please be reminded that according to the Questionnaire (Volume 1, Section 4) Item 7, each member of a joint venture/consortium must fill in and submit separately form 4.4.</p>

	<p>the combined working capital of all consortium members, as a whole, must be positive? Thank you in advance for your assistance. We look forward to your response. Best regards,</p>	
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