



Republic of Serbia

MINISTRY OF FINANCE

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

Belgrade, 26/12/2016

CONTRACTING AUTHORITY'S CLARIFICATIONS No. 3

“River Training and Dredging Works on Critical Sectors on The Danube River”

Publication ref: EuropeAid/135644/IH/WKS/RS

No.	Question	Answer
1	<p>With reference to our Requests for Clarification No. 16-10526 dated 24.10.2016. and No, 16-11469 dated 17.11.2016 related to Tender Publication ref. EuropeAid/135644/IH/WKS/RS “River Training and Dredging Works on Critical Sectors on the Danube River”, please note that we still didn't receive relevant answers/clarification and we are not able to proceed with final Offer preparation, therefore, we are kindly request to postpone deadline for submitting tenders from 13th December 2016 to 30th December 2016. Thank you for your understanding.</p>	<p>Please note that the Corrigendum No. 1 to Tender Dossier and Contract Notice related to date of submission of tenders is published at :</p> <p>https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome&nbPubliList=15&orderbyad=Desc&searchtype=RS&aofr=135644</p>
2	<p>According Tender procedure, considering you did not answered our questions, and if you answered them until December 02, 2016 we will not have enough time to prepare our Offer correctly.</p> <p>Please extend submission deadline (13.12.2016.) for at least 10 days.</p>	<p>Please see the Answer to Question No. 1 above.</p>
3	<p>Dear sirs, Considering that we still did not receive any additional clarification and answers we are unable to prepare Offer for this project. Based on above, we are request to postpone exceed deadline for</p>	<p>Please see the Answer to Question No. 1 above.</p>

No.	Question	Answer
	submitting tenders for three weeks. Thank you in advance.	
4	<p>Volume 1, item 1.2, page 4</p> <p>As some important tender documents in english are still not published we request an extension of time. In our view the new deadline for submitting should be 28 days after publishing the last document on the website. The new deadline line for requesting information from the contracting authority should be 11 days before the new deadline for submitting tenders.</p>	<p>Please see the Answer to Question No. 1 above.</p> <p>In addition, please refer to Article 8-Explanations concerning tender documents, Sub-article 8.2 of Instructions to Tenderers where it is stated <i>“The questions and answers will be published on the EuropeAid website at https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome and on the CFCU website at http://www.cfcu.gov.rs/tenderi.php.”</i></p> <p>Additionally, in line with the Sub-Article 8.1 of the Instructions to Tenderers <i>“The Contracting Authority must reply to all tenderers’ questions at least 11 days before the deadline for receipt of tenders.”</i></p>
5	<p>Volume 3, item 4.10, page 25</p> <p>To define our work method, please provide us the hand-over tolerances of the dredging works?</p>	<p>The designed river bed level must be achieved at the time of the out-survey before the Taking-Over procedure. Sediment dredged bellow the designed river bed level will not be subject of payment. As per Section 4.6 of the Technical Specifications, under item 4. it is stipulated: <i>“4. Carry out an out-survey with appropriate survey equipment suitable to obtain the required accuracies. The results of these measurements shall be used for final payment of the Works to the Contractor, and are subject to the approval of the Engineer.”</i></p> <p>For the Measurements and inspection procedures please refer to the Section 3 of the Technical Specifications.</p>
6	<p>Volume 3, items 4.2, page 21</p> <p>Is it allowed to execute the works in 2 years instead of the specified 3 years.</p>	<p>Please see the Answer to Question No. 3 in Contracting's Authority Clarifications No.2</p>

No.	Question	Answer
7	<p>Volume 3, items 4.2, page 21</p> <p>"The contractor shall only perform the dredging activities upon completion of the construction of all the structures". Is in this sentence meant all structures in a critical sector or for the whole of the works?</p>	<p>This means that firstly all structures in all of the critical sectors have to be erected (works executed), i.e. complete works with reference to the execution of structures need to be executed, and only then the execution of dredging activities shall start.</p>
8	<p>Volume 3, item 1.3.1.2, page 11</p> <p>Please confirm that the maximum floating offices on site will be 2 pieces on the whole project.</p>	<p>According to Volume 3 – Technical Specifications, Section 1.3.1.2.-Floating site offices, the Engineer's requirement is: <i>"maximum 1 floating office per critical sector, from the beginning of construction and until 3 months after issuance of the Taking Over Certificate for critical sectors with river training structures and until issuance of the Performance Certificate for critical sectors with dredging works, available in total number to allow simultaneous Supervision and Environmental monitoring activities if river training and dredging works are being executed on more than one critical sector at the same time."</i></p> <p>Additional limitations for the Work plan of the Contractor are set in the Volume 3 – Technical Specifications, Sections 4.2 Timing of the Works and 4.3-Environmental limitations.</p>
9	<p>Volume 3, item 1.3.2, page 12</p> <p>Could the Hydrographic vessel for the Client be used by Contractor for Survey activities during the works or vice versa.</p>	<p>As per Volume 3 - Technical Specification, Section 1.3 - Engineers Requirements, the Contractor will make available the following facilities and equipment for the use of the Engineer, for the duration of the works Contract: <i>"... vessel with hydrographic survey equipment and ADCP equipment..."</i>. This vessel must be available for the use of the Engineer exclusively for the whole duration of the Contract.</p>
10	<p>Volume3,items4.8.3 and 4.8.4,page 24</p> <p>The specified rock gradations are none standard gradings, please provide</p>	<p>For the rock granulometry please see Section 5.3.2- Rock granulometry, Tables No. 5-2, and No. 5-3. of the Technical Specifications.</p>

No.	Question	Answer
	grading curves.	
11	<p>Volume 3, items 4.12, page 26</p> <p>Please make clear how Contractor should price settlement when not being responsible for design. With design we mean structural calculation with respect to for example rock gradation, stability of the underground etc.</p>	<p>The structural calculations with respect to rock settlement are in the range of the deviations referring to the crest level of structures defined in the Volume 3 - Technical Specifications, Section 4.9 - Tolerances for structures.</p>
12	<p>Volume 4.3, price No. 018, page 57</p> <p>Provisional sum is 3% of the total contract price (direct and indirect costs) for implementations of environmental compensation measures. Please fixed the amount to have equal comparisons</p>	<p>Please refer to Volume 2- Section 3- Particular Conditions of Contract, Sub-Clause 13.5 - Provisional Sums , where it is stated:</p> <p><i>“Works with reference to compensation measures related to environmental monitoring findings, which constitute an integral part of the supervision of this works contract, as defined in the Technical Specifications under section 4.13, shall be paid from the provisional sum, subject to the instructions and the approval by the Engineer. The financial quotation for implementation of such compensation measures, must not exceed 3% of the Accepted Contract Amount. The total financial allocation for provisional sum is defined in the Appendix to Tender, being 3% of the Accepted Contract Amount.”</i></p> <p>This means that the financial allocation (fixed amount) in Volume 4.3, price No. 018, page 57 shall be calculated as exactly 3% of the Accepted Contract Amount, i.e. Tenderer's offer.</p> <p>This shall ensure application of the principle of equality, proportionality and fair treatment of Tenderer's in the process of evaluation of Tenderer's offers.</p> <p>Please also see provisions related to the application and execution of compensation measures elaborated in Volume 3- Technical Specifications – Section 4.13- Compensation measures.</p>

No.	Question	Answer
13	<p>Volume 3, item 4.10, page 26</p> <p>Please provide us the tolerances and conditions of relevant authorities of the disposal areas.</p>	<p>Dredged sediment deposition areas are defined in the Tender Dossier, Volume 5 – Design and drawings. Dredged sediment deposition areas are defined in line with the conditions of the relevant authorities (this means that these are part of the document No: 03-514/2 Dated: 19.04.2013 “Conditions of the Institute for the Nature Conservation of Vojvodina”, which is included in the EIA Study). These documents define conditions for treatment of the dredged sediment, including the deposition areas.</p>
14	<p>Volume 3, item 4.10, page 26</p> <p>Is it allowed to hydraulically fill (spraying) the dredged material in the disposal area?</p>	<p>Any dredging and sediment deposition technique is acceptable, as long as it is in line with:</p> <ul style="list-style-type: none"> • Section 4.10 of the Technical Specifications (according to which “<i>The work method (for depositing material) will be proposed by the Contractor and approved by the Engineer</i>”), • the Conditions of the Institute for Nature Conservation of Vojvodina Province, document No: 03-514/2 Dated: 19.04.2013, and • Mitigation measures stipulated in the approved EIA Study.
15	<p>Volume 1, item 6.3, page 6</p> <p>As stated in article 6.3, please provide the minutes of the clarification meeting and the site visit on the EuropaAid website?</p>	<p>Please see the Minutes of Clarification Meeting and Site visit at the EuropeAid website published on 22.11.2016. at the following link:</p> <p>https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome&nbPubliList=15&orderbyad=Desc&searchtype=RS&aofr=135644</p>
16	<p>Volume2,section3,sub-clause14.1,page 35</p> <p>What is applicable on the contract part</p>	<p>According to Framework Agreement 2007-2013 (Framework Agreement Between The Government Of The Republic Of Serbia And The Commission</p>

No.	Question	Answer
	<p>non financed by EU? Are taxes and import duties also applicable for the non financed part? If not, how do taxes and import duties apply to this part?</p>	<p>Of The European Communities On The Rules For Co-Operation Concerning EC-Financial Assistance To The Republic Of Serbia In The Framework Of The Implementation Of The Assistance Under The Instrument For Pre-Accession Assistance (IPA)), Article 26, taxes, customs and import duties or other charges having equivalent effect are not eligible under IPA.</p> <p>This applies both to contract part financed by the European Union – IPA 2013 Programme - 85%, and to contract part co-financed by the Republic of Serbia - IPA 2013 Programme - 15%, as well.</p>
17	<p>Volume 2, section 3, sub-clause 14.1, page 35</p> <p>Is the exemption on the contract part financed by EU applicable for the whole supply chain (in other words are local suppliers to the contractor also exempted)?</p>	<p>According Framework Agreement 2007-2013 (Framework Agreement Between The Government Of The Republic Of Serbia And The Commission Of The European Communities On The Rules For Co-Operation Concerning EC-Financial Assistance To The Republic Of Serbia In The Framework Of The Implementation Of The Assistance Under The Instrument For Pre-Accession Assistance (IPA)), Article 26:</p> <p><i>“Community financed contracts for services, supplies or works carried out by contractors registered in the Republic of Serbia or by external contractors shall not be subject in the Republic of Serbia to value added tax, documentary stamp or registration duties or fiscal charges having equivalent effect, whether such charges exist or are to be instituted. EC contractors shall be exempted from VAT for services rendered, goods supplied and/or works executed by them under EC contracts with the right of the contractors to offset or deduct input VAT paid in connection with the services rendered, the goods supplied and/or the works executed against any VAT collected by them for any of their other transactions.”</i></p>

No.	Question	Answer
18	<p>Volume 1, section 3, page 2</p> <p>Contractor requires that the Tender Guarantee Form includes the conditions under which the payment is to be made under the guarantee. Can Contractor propose revised wording of the Tender Guarantee Form?</p>	<p>Tender Guarantee form, supplied in the Tender Dossier, Volume 1, Section 3, Annex d4d must be strictly followed.</p>
19	<p>Bearing in mind many technical questions and perplexities deriving from technical specifications and BoQ for this tender, we kindly ask you to consider extension of submission time for three week (e.g. 21 days) in order to allow all possible bidders to prepare most adequate and cost efficient offers.</p>	<p>Please see Answer to Question No. 1 above.</p>
20	<p>Please confirm what are the maximum floating offices on the site - 2 pieces on the whole project or more?</p>	<p>According to the Section 1.3.1.2.- Floating site offices of the Technical Specification, the Engineer's requirement is: <i>"maximum 1 floating office per critical sector, from the beginning of construction and until 3 months after issuance of the Taking Over Certificate for critical sectors with river training structures and until issuance of the Performance Certificate for critical sectors with dredging works, available in total number to allow simultaneous Supervision and Environmental monitoring activities if river training and dredging works are being executed on more than one critical sector at the same time."</i> Additional limitations for the Work plan of the Contractor are set in the Volume 3 – Technical Specifications, Sections 4.2- Timing of the Works and 4.3-Environmental limitations.</p>
21	<p>Is it allowed to offer execution of the works in 2 years instead of the specified 3 years?</p>	<p>Please see the Answer to Question No. 3 in Contracting's Authority Clarifications No. 2.</p>
22	<p>What type of dredgers can be used for dredging - hopper dredgers or dredgers with barges, what designer said in Main Design?</p>	<p>Any type of dredging equipment is acceptable, as long as the execution of works can be performed in line with all the provisions stated in Volume 3- Technical</p>

No.	Question	Answer
		Specifications, all the provisions of Tender Dossier, specified limitations, the Conditions of the Institute for Nature Conservation of Vojvodina and mitigation measures stipulated in the approved EIA Study.
23	<p>With reference to Requests for Clarification No. 16-10526 dated 24.10.2016. and No, 16-11469 dated 17.11.2016 please note that we still didn't receive answers which supposed to be basically parameters for creation of Method statement for construction and definition of construction costs i.e. such answers will directly affect prices as per Tender and submitted Bill of Quantities.</p> <p>Therefore, we are kindly request to submit respond on our queries before your new deadline of 30.12.2016 to allow proper offer's preparation and to take such issue as subject of High importance.</p> <p>Based on the abovementioned we expect to receive answers not later than 15.12.2016 or if you submit it on 30.12.2016 to postpone deadline for submitting of tender tender for 20.01.2017 rather than 10.01.2017 as it was your previous requested.</p> <p>Please have in mind that we are ahead of holiday season, and that it might take us more time to prepare the offer, because of the external factors. So we find that your deadline for providing the answers, 30th December, is not suitable for any of the bidders.</p> <p>Please, take this matter as subject of High importance. Thank you for your understanding.</p>	<p>Please see the Corrigendum No. 1 to Tender Dossier and Contract Notice related to date of submission of tenders, Corrigendum No. 2, and Contracting's Authority Clarifications No. 1 published at :</p> <p>https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome&nbPubliList=15&orderbyad=Desc&searchtype=RS&aofr=135644</p>

No.	Question	Answer
24	Would a Letter of Intent or a Pre-Bid Agreement be acceptable as evidence of Joint Venture for this tender?	<p>In case of Joint Venture/Consortium, Data on Joint Ventures/Consortia must be presented and the form duly signed, including preliminary Joint Venture/Consortium Agreement or Letter of Intent, appointing the Lead Partner, stating that all partners assume joint and several liability for the execution of the Contract, stating that the Lead Partner is authorised to bind, and receive instructions for and on behalf of, all partners, individually and collectively, and stating that the Lead Partner is responsible for execution of the contract, including payments.</p> <p>It must be clear that all partners in the Joint Venture/Consortium are bound to remain in the Joint Venture/Consortium for the whole performance period of the Contract.</p>
25	Bearing in mind many technical questions and perplexities deriving from technical specifications and BoQ for this tender, we kindly ask you to consider extension of submission time for two weeks, since we expect that you will provide us with clarifications on December 30, which is just the beginning of holidays that last until January 9, so in order to allow all possible bidders to prepare the most adequate and cost efficient offers, please postpone submission date.	Please see Answer No. 1 to Clarifications No. 1.