



Republic of Serbia
MINISTRY OF FINANCE
Department for Contracting and
Financing of EU Funded Programmes
(CFCU)

17/05/2016, Belgrade

CONTRACTING AUTHORITY'S CLARIFICATIONS

Supervision of works (NOx emission reduction at the TPP Nikola Tesla Unit A4)

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No.	Question	Answer
1.	With reference to section 21.3) – Technical capacity of candidate. Would you kindly give us a specification which type of contract will be considered as “similar” to FIDIC conditions of contract?	The reference projects under Member States national legislation are considered as "similar" to FIDIC conditions of contract.
2.	With reference to section 21.3) – Technical capacity of candidate. We understand that any FIDIC based contract on subject services would eligible, not only those based on FIDIC Yellow book, correct?	Yes, it is correct.
3.	With reference to section 21.3) – Technical capacity of candidate. Since the project task for NOx reduction is very specific, we are not quite sure if our references for FGD and Electrostatic Precipitator projects would be eligible.	Please note that in line with section 3.3.1.2 of PRAG “with a clarification, the Contracting Authority cannot give an opinion on the assessment of the application.” The Evaluation Committee will analyse the applications in detail against the published selection criteria.
4.	With reference to section 21.3) – Technical capacity of candidate. Would you consider a supply and works contract acceptable as reference?	Section 21.3 of the Contract Notice specifies that “The candidate has provided services under at least two contracts (with portion of the services carried out under each contract, by the legal entity being at least EUR 500,000) in the field of design or construction or supervision of air pollution mitigation projects, under FIDIC or similar conditions of contract...”.
5.	With reference to section 21.3) – Technical capacity of candidate. We have air pollution control projects in gas fired power plants. Would such references be eligible as reference projects?	Please see answer to question No.3.
6.	With reference to section 21.3) – Technical capacity of candidate. Would air pollution control projects in other industrial sectors, such as waste incineration be eligible as reference projects?	Please see answer to question No.3.

7.	<p>With reference to section 21.3) – Technical capacity of candidate.</p> <p>Could you please clarify, the meaning of “FIDIC or similar conditions of contract”?</p> <p>Having in mind the practical guide, chapter 2.4.11.1.1. General principles it is stated that:...The contract notice or the instructions to tenderers templates include examples of criteria to be used in the procedure. Below, examples of criteria not to be used:</p> <ul style="list-style-type: none"> · Using imprecise terms such as 'sufficient', 'major', 'relevant' as it is not absolutely clear what these words mean in the context, or whether a proposed experience fulfils the criterion; ... <p>Relating to the above stated, we are not quite sure, if of our partner companies’ project experiences, which were not performed according FIDIC rules would fit into the requirement.</p> <p>Please clarify.</p>	Please see answer to question No.1.
8.	<p>With reference to section 21.3) – Technical capacity of candidate.</p> <p>According to the technical capacity requirements, it is not necessary that the candidate worked as independent engineer on the projects. Precisely, if the Candidate provided works services for the construction of steel structure for an air pollution mitigation project above EUR 500,000, please advise if he is eligible for the project or not.</p>	Please see answer to question No.3.
9.	<p>With reference to section 21.3) – Technical capacity of candidate.</p> <p>According to the technical capacity requirements, it is not necessary that the reference projects were performed in the thermal power sector. Please advise.</p>	Please see answer to question No.4.
10.	<p>With reference to section 21.3) – Technical capacity of candidate.</p> <p>According to the technical capacity requirements, it is not necessary that the reference projects have specific subject of NOx emission reduction. Please advise.</p>	Please see answer to question No.4.