



Republic of Serbia

MINISTRY OF FINANCE

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

Belgrade, 23rd February 2022

CONTRACTING AUTHORITY'S CLARIFICATIONS No. 3

“Construction of Municipal Wastewater Treatment and Collection System in Niš”

NEAR/BEG/2021/EA-OP/0122

No.	Question	Answer
1.	Within the documentation LOT2, Volume 1, Section 1. Article 12.1.9, it is stated that it should be submitted a list of the personnel proposed for execution of the contract, with the CVs of key personnel (Forms 4.6.1.2 and 4.6.1.3). The above mentions forms are not the part of the Tender documentation. Please provide missing forms.	Please refer to Contracting Authority`s Clarifications No. 1 Answer No. 28.
2.	Since we missed the deadlines for information meeting and site visit regarding the tender reference number NEAR /BEG / 2021 / EA-OP / 0122 - Construction of Municipal Wastewater Treatment and Collection System in Niš, is there a possibility to get involved in the tender procedure ?	Please refer to the Contracting Authority`s Clarifications No. 2 Answer No. 7.
3.	We find that some dates in the tendering process are being changed. We hereby kindly ask to present, as soon as possible, an actualized tendering process calendar.	Please refer to the Contracting Authority`s Clarifications No. 1 Answer 35.

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<p>4.</p>	<p>In the Preliminary Design WWTP Ciganski Kljuc Nis, Architecture (Idejni Projekat PPOV Ciganski kljuc Nis, projekat Arhitekture) it is stated that this WWTPO comprises 2 Phases, where the Phase 2 is defined with the following structures: “ Phase II: Anaerobic digestion for biological removal of phosphorus – 4 units – structure 122, Anoxic and mixed anoxic-aerated tanks for the processes of nitrification/denitrification for nitrogen removal – 4 units – structure 122” Please confirm that all the structures defined as Phase I and Phase II are subject of the tendering process and therefore must be included in offers.</p>	<p>All structures (Phase I and II) are to be designed but only structures for Phase I shall be constructed.</p>
<p>5.</p>	<p>In Volume 2, Section 3 Particular Conditions of Contract, “The Base Date for this Tender is defined as 11 days prior to the latest day for submission of the Tender”. Considering that the Base Date sets the reference date from which the conditions under which the tender was prepared are considered to have been known by the Contractor, and so are properly reflected in their price, we kindly ask to maintain the Base date as defined in the General Conditions, e.g. 28 days prior to the latest day of submissions of the Tender. Please confirm.</p>	<p>Please refer to the Contracting Authority's Clarifications No. 2 Answer No. 4.</p>
<p>6.</p>	<p>The Base Date is the date on which the cost limit is established as a basis for calculation, especially if we are dealing with large projects that may last for several years (WWTP NIS, planned for 5 years). The Base date means the date on which rates and process contained within cost analyses or benchmark analyses are taken as basis for calculations. In the tendering documentation for WWTP NIS, we found Preliminary design that contain the estimated value of the works that reaches 3.653.600.348 RSD or, with 118.5rsd/euro, approximately 31.09MEuros. We have to comment the following a) Even if the tender's price is not to be published, we consider this amount low for the plant in WWTP CIGANSKI KLJUC as per tender b)</p>	<p>Please refer to the Contracting Authority's Clarifications No. 2 Answer No. 4.</p>

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	<p>The price of 31.09M Euros is from Preliminary design dated December 2019 (for Access road) and April 2020 (Serbian version) and April 2021 (English version) In order to make normal conditions for the future construction process, and avoid inconveniencies for the parties that will be involved in the WWTP NIS Contract, and in order not to mislead this process or/and probably initiate an additional one (to be time effective and respect the economy of the process, budgeting later on) we suggest that the actualization of the prices should be done respecting also the conditions of the Base Date (FIDIC General and Particular conditions) Please confirm if the pertinent modifications will be made.</p>	
<p>7.</p>	<p>Construction of Municipal Wastewater Treatment and Collection System in Niš Lot 2: Construction and rehabilitation of collectors with pumping stations and construction of sewage network: Within VOLUME 4.3, for Items No. 3.02, 3.30, 4.51, 4.53, 4.57, 4.59, 4.62, 4.63, 5.01, 5.02, 5.03, 5.04, 5.10, 6.06, 6.41, 7.21, and 7.22, there is discrepancy between the units of measure in the "Bill of Quantities" and detail description in "Price Schedules", please clarify what the exact units of measure are for the positions in question.</p>	<p>Please note that the units for items are as described below:</p> <p>3.02 – Unit to be “m3” as per BoQ</p> <p>3.30 – Unit to be “m” as per BoQ</p> <p>4.51, 4.53, 4.57, 4.59, 4.62, 4.63, 5.01, 5.02, 5.03, 5.04 – Unit to be “Lump sum” as per BoQ</p> <p>5.10 – Unit to be “Lump sum” as per Price Schedule</p> <p>6.06 - Unit to be “Lump sum” as per Price Schedule</p> <p>6.41 - Unit to be “Lump sum” as per BoQ</p> <p>7.21 - Unit to be “m” as per Price Schedule</p> <p>7.22 - Unit to be “m” as per Price Schedule</p>
<p>8.</p>	<p>Dear Sir, We kindly request you to extend the deadline for bid submission for at least 4 weeks both of the "Lot 1- Construction of WWTP Ciganski Ključ and Wastewater treatment at WTP Mediana" and "Lot 2 - Construction and rehabilitation of collectors with pumping stations and construction of sewage network" tenders.</p>	<p>Please refer to the Contracting Authority's Clarifications No. 1 Answer No. 27.</p>

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<p>9.</p>	<p>It has been stated in Volume 1 Section 1 Instructions to Tenderers 12.1.9 that; "Information about the tenderer's technical qualifications. This information must follow the forms in Volume 1, Section 4 of the tender documents and include: • a presentation of the tenderer's organization, including the total number of personnel employed (Form 4.6.1.1), • a list of the personnel proposed for execution of the contract, with the CVs of key personnel (Forms 4.6.1.2 and 4.6.1.3), Form 4.6.1.1, Forms 4.6.1.2 and 4.6.1.3 are missing. Could you please share this forms?"</p>	<p>Please refer to Contracting Authority's Clarifications No. 1 Answer No. 28.</p>
<p>10.</p>	<p>It has been stated in Volume 1 Section 5 Evaluation Grid that; "The Evaluation Committee will evaluate the equipment proposed by the Tenderer on Form 4.6.10 for technical compliance with the minimum criteria indicated on the Form 4.6.10." There is no Form 4.6.10 in the Volume 1 Section 4 section. Could you please share this form?"</p>	<p>Please refer to Contracting Authority's Clarifications No. 1 Answer No. 1.</p>
<p>11.</p>	<p>In the Tenderer's Declaration form, which is given in the Volume 1 Section 2, Should we use NPV or use Capex value when preparing our bid price for Lot 1- Construction of WWTP Ciganski Kljuc and Wastewater treatment at WTP Mediana?"</p>	<p>Please refer to Contracting Authority's Clarifications No. 1 Answer No. 12.</p>
<p>12.</p>	<p>We understand that there is no technical solution requested in the tender and only our financial proposal will be considered, please confirm?"</p>	<p>Please refer to Contracting Authority's Clarifications No. 1 answer No. 1.</p>
<p>13.</p>	<p>Can you please clarify that in case of JV, parties can provide separate tender guarantees summing up to the requested value according to their shares of participation or independent from their shares to the JV? Or single tender guarantee letter is need for submission?"</p>	<p>As per Article 15.1 of Instructions to Tenderers "The tenderer must provide, as a part of its tender, a tender guarantee in the form set out in Volume 1, Section 3 of the tender dossier...". A tenderer is a natural or legal person or Joint Venture/consortium thereof submitting a tender with a view to concluding a contract. Only one tender guarantee must be provided by a tenderer – Joint Venture/consortium as a whole.</p>
<p>14.</p>	<p>We kindly request 3 weeks time extension to prepare competitive offer due to the current status of COVID19 pandemic disease we have experience</p>	<p>Please refer to the Contracting Authority's Clarifications No. 1 Answer No. 27.</p>

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	such difficulties to receive offers form manufacturers.	
15.	It has been stated in Volume 1 Section 1 Instructions to Tenderers 12.1.10 that; "Proof documents, declarations and undertakings according to Clauses 3.1-3.4 above. These documents should cover all members of a joint venture/consortium and all subcontractors as specified." There is no Clauses 3.4 in the Volume 1 Section 1 ITT. Could you please share this Clauses 3.4?	Please note that there was a mistake in the published Instructions to tenderers, having in mind that there are only clauses 3.1. to 3.3. Please refer to the published Corrigendum to Tender Dossier in which this mistake was corrected.
16.	It has been stated in Volume 1 Section 1 Instructions to Tenderers 21.1 that "The opening session should be held at least one week after the deadline for submission of tenders.". In the contract notice (IV.2.7) section, the tender submission date and the tender opening dates are the same date. Could you please confirm the tender opening date?	Contracting Authority confirms that the date and time of the opening of tenders is the one stated in the published Contract Notice, i.e. 9 th of March 2022, at 12:00 CET.
17.	Dear Sir, We kindly request you to extend the deadline for tender submission for at least 4 weeks.	Please refer to the Contracting Authority's Clarifications No. 1 Answer No. 27.
18.	In volume 1, section 1, "Instructions to Tenderers", in 12.2.1 "Economic and Financial Capacity", tenderers are requested to provide financial data for the three (3) previous financial years, namely 2019-2020-2021. However, the necessary processes for the preparation and audit of the financial statements of company have not been completed to date, according to applicable legislation, and may not be completed until after the deadline for the submission of the tender. Please confirm that, in this case, it is acceptable to use the financial data for the years 2018-2019-2020. Otherwise, please specify the documents to be submitted, so that this tender requirement can be met.	Yes, in case the accounts for the year are not closed, the financial data for 2018-2019-2020 can be used.

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<p align="center">19.</p>	<p>In volume 1, section 1, “Instructions to Tenderers”, in 12.3 it is stated that: “The tender must include all the information required in 12.1 above for each member of the joint venture/consortium and summary data for execution of works by the tenderer.” Yet, apart from the documents pertaining to each company (financial data, legalisation documents, litigation history, etc.), the information required in 12.1 also includes items that pertain to the bid of the joint venture/consortium jointly (technical offer, cash flow, work plan, etc.). Please specify all the information that must be submitted for each member of the joint venture/consortium. Moreover, please specify what is meant by “summary data for execution of works by the tenderer”</p>	<p>Please refer to Volume 1, Section 4, d4e Form, where it is specified “Each member of a joint venture/consortium must fill in and submit separately the following forms: 4.1, 4.2, 4.3, 4.4, 4.5b, 4.6.1.1, 4.6.4, 4.6.6. All other forms must be filled in and submitted jointly.”</p>
<p align="center">20.</p>	<p>In volume 1, section 4, in Form 4.6.5, DATA ON JOINT VENTURES, it is stated: “4.6.5.7 Proposed division of responsibilities between members (in %) with an indication of the type of work to be performed by each”. However, in the case of a JOINT VENTURE, the works are executed jointly, and it is therefore not applicable to fill in specific percentages, as opposed to the case of execution by a CONSORTIUM, whereby there is division of responsibilities between members. Please confirm that it is not required to fill in the proposed division of responsibilities between members (in %), in the case of a JOINT VENTURE.</p>	<p>The questionnaire shall be filled in accordance with the given instruction. In this concrete case the information about proposed division of responsibilities between members (in %) with an indication of the type of work to be performed by each shall be given, as it is required under Form 4.6.5 point 4.6.5.7.</p>