

CLARIFICATIONS TO TENDERERS QUERIES

Reconstruction and modernization of existing railway line and construction of the second track railway Belgrade-Nis, Stalac - Djunis Section. Lot 2.

TABLE OF CLARIFICATIONS

<p>Question No 1: Following paragraph 5 of the document “ Works Contract Notice”, we kindly would like to ask next clarification please: “ According to Form 1.2 DATA ON SPECIALIST ELECTRIFICATION AND/OR SIGNALLING &TELECOM SUBCONTRACTORS AND DESIGN SUBCONTRACTORS (if applicable), it is requested :</p> <ul style="list-style-type: none"> • Brief description and the estimated value of the part of the contract, which is intended to be subcontracted <p>(c) financial position</p> <ul style="list-style-type: none"> • Appropriate justification of the need for the use of the proposed specialist subcontractor for the execution of the contract <p>As we are in a prequalification stage and we don’t have the financial details of the project, please clarify if there is any specific criteria for the evaluation of the part of the contract which is intended to be subcontracted and for the appropriate justification of the need for the use of the proposed specialist”</p>	<p>Answer No 1: There are no such specific criteria for the evaluation of the part of the contract which is intended to be subcontracted and for the appropriate justification of the need for the use of the proposed specialist. Estimated value of the part of the contract which is intended to be subcontracted (i.e. expected share of the contract scope) in Application Form 1.2 shall be expressed as percentage (%). Furthermore, we draw your attention on the Works Notice Clause 15. “Sub-contracting”</p>
<p>Question No 2: We would like to apply for the subjected pre-qualification as a sole contractor. Please clarify if we could use our reference project which we performed as a subcontractor to meet the criteria “3.1 General construction experience: Experience as a contractor (in any role) in the execution of at least one (1) public railway construction / reconstruction / modernisation contract, with the value of Works, implemented by the candidate, at least 100 million EUR equivalent, that have been successfully and substantially completed in accordance with FIDIC Design & Build Contract (Yellow Book) conditions.”</p>	<p>Answer No 2: No. Experience as contractor (sole contractor, or management contractor, or any partner in JVCA) is required.</p>
<p>Question No 3: Please clarify if we could use our reference project which was performed under FIDIC SILVER BOOK to meet the criteria “3.1 General construction experience: Experience as a contractor (in any role) in the execution of at least one (1) public railway construction / reconstruction / modernisation contract, with the value of Works, implemented by the candidate, at least</p>	<p>Answer No 3: No. Reference contract must be completed in accordance with the FIDIC Design & Build Contract (Yellow Book) conditions, as required.</p>

<p>100 million EUR equivalent, that have been successfully and substantially completed in accordance with FIDIC Design & Build Contract (Yellow Book) conditions.”</p>	
<p>Question No 4: Please clarify if a reference project that has been substantially completed (with a completion rate of more than %90) can be used to meet the criteria 3.2 Specific construction experience-g) Experience in successful execution of at least one (1) railway signalling & telecom works, where the length of railway equipped with signalling and telecom systems exceeds 10 km.</p>	<p>Answer No 4: “Completed” or „Substantially completed“ Design&Build (D&B) and/or Works Contracts will be taken to mean that the candidate has in his possession, (and this must be verified by copies signed and stamped by the candidate as being authentic), Taking Over Certificates (Provisional Acceptance Certificates), Performance Certificates (Final Acceptance Certificates or equivalent Certificates), for Works contract(s) showing the required works certified, signed by the Supervisors / Contracting Authority /Employer / the Engineer, or equivalent, of the projects submitted for evaluation and included in Volume 1 forms.</p>
<p>Question No 5: It is stated in the tender documentation that “The minimum value of the Works carried out by the individual candidate in each reference contract in criteria 3.1 a) must be at least 100 million EUR equivalent. In case of a joint venture or consortium the minimum value of the Works carried out by the members of a joint venture or consortium in the reference contracts must be at least 100 million EUR equivalent. In case of a joint venture or consortium, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum requirements of a single contract has been met. Instead, each contract performed by each member contributing to meeting the requirement shall satisfy the minimum requirement of a single contract as required for single entity. In determining whether the joint venture or consortium meets the requirement of total number of contracts, only the number of contracts completed by all members each fulfilling the minimum requirements shall be aggregated.”</p> <p>As a candidate we are intended to participate this valuable Project as JV. In this regard, Bidder’s understandings from the above statement that If a candidate join this Project as a JV any member in this JV can comply criteria 3.1 a). For example, If company A+B form a JV and only company A can submit several EPC Railway Project above 100m million EUR equivalent and company B cannot submit any relevant Project for this criterion. In that case, JV of A+B can comply criterion 3.1 a). Please clarify.</p>	<p>Answer No 5: The Client does not require each member of a joint venture or consortium to demonstrate at least one reference contract (of at least 100 million EUR equivalent). Therefore, JV of A+B that you mentioned in your example meets criterion 3.1 a).</p>

<p>Question No 6: There is no model contract in the tender documentation, as well as the bill of quantities, the estimate of works and the Preliminary Design.</p> <ol style="list-style-type: none"> 1. Is it possible to inspect the Model Contract that potential Bidders will sign if the deal is concluded? 2. How can potential Bidders inspect the available technical documentation? 3. The Purchaser is asked to publish the Bill of Quantities and the estimate of works so that the Bidders can adequately form the price. 	<p>Answer No 6: Dear Sirs, Your queries relate to the tender documents that will be published to short-listed candidates once the prequalification process is concluded. The documents referred to in your letter will be issued only to the candidates who satisfy the criteria set out in the prequalification documents published on SRI webpage https://infrazs.rs/medjunarodne-nabavke/ under title Reconstruction and modernization of existing railway line and construction of the second track railway Belgrade-Nis, Stalac - Djunis Section. Lot 2 Reference number: EIB-GtP/MOB 1/2021/3.4-2</p>
<p>Question No 7: With regard to the general construction experience (Point 3.1 of the Works Contracts Notice) – we kindly ask for clarification whether we can use the gross value of the contract that demonstrates our compliance with this experience requirement;</p>	<p>Answer No 7: The value of the works, implemented by the candidate, shall be the net value of the Works.</p>
<p>Question No 8: We kindly ask for clarification whether the experience gained by a given company under a contract carried out in a financial consortium with other contractors (without division of the scope of works between the consortium members) will be accepted by the Contracting Authority and considered as meeting the requirements of the tender</p>	<p>Answer No 8: You must comply with requirements given in second paragraph of Point 3.1a).</p>
<p>Question No 9: In the scope of contracts executed in currency other than Euro, we would like to ask for explanation how to convert the contract value into Euro, especially from which period the Euro exchange rate should be taken - from the date of the reference project completion, from the date of signing the contract for the respective project, from the end of the year in which the contract for the respective project was signed or in which the project was completed?</p>	<p>Answer No 9: Exchange rate prevailing on the date of signing the contract for the respective project.</p>
<p>Question No 10: With regard to the specific construction experience (Point 3.2 letter f) and g) of the Works Contracts Notice - we kindly ask for clarification whether the Contracting Authority will accept the project completed by the Contractor that meets the requirements indicated in these points, if these works or part of them were subcontracted by the Contractor?</p>	<p>Answer No 10: Yes.</p>
<p>Question No 11: We would like to ask for clarification whether the Contracting authority allows the use of resources of a third party in order to document the fulfillment of a specific experience requirement?</p>	<p>Answer No 11: As per sub-clause 3.4.</p>

<p>Question No 12: We would like to ask for clarification if the Contracting Authority will allow to change the subcontractor that the Contractor notified in order to meet one of the specific construction experience requirements, to another subcontractor before signing the Contract with the Contracting Authority or at a later stage of the procedure, if the experience of the subcontractor replacing the previous subcontractor is equal or greater than the experience of the previously notified subcontractor?</p>	<p>Answer No 12: Yes. However, please note that a prequalified tenderer should submit with its tender in second phase any information updating its original prequalification application (including change the specialist subcontractor) and confirm in its tender that the other original prequalification information submitted remains essentially correct as of the date of tender submission. Change of the specialist subcontractor(s) that the prequalified tenderer notified in order to meet one of the specific construction experience requirements shall be subject to the written approval by the Client prior to the deadline for submission of tenders in second phase of this tender procedure. Such approval may be denied if (i) the experience of the new subcontractor replacing the previous subcontractor is less than the experience of the previously notified subcontractor; (ii) in the opinion of the Client, a substantial reduction in competition may result; or request for a change in the status of the prequalified tenderer and his specialist subcontractor(s) (if any), is received by the Client after the date, stated in the tender documents.</p>
<p>Question No 13: We kindly ask to postpone the submission of the application for at least 30 days to 4 September 2022 - our request is motivated by difficult geopolitical situation related to the war in Ukraine. This is one of the reasons why it is difficult to get competitive offers for key materials. Secondly, the holiday period has started - consequently, many employees of our company, as well as suppliers and subcontractors, are on holiday and are not able to present a competitive offer. Due to the fact that all documents have to be submitted in English jointly with a sworn translation, the Contracting Authority should takes into consideration, that it also takes a lot of time to thorough preparation this part of the offer. We strongly believe, that postponing the submission application will be beneficial for the Contracting Authority, as it will allow all contractors to submit more advantageous bids.</p>	<p>Answer No 13: The Contracting Authority deems that proposed application submission period is sufficient for applicants to prepare their applications. The deadline for submitting the applications remains as it is.</p>
<p>Question No 14: Kindly clarify the experience for Metro rail shall be considered for qualification of clause number 3.2.d): Experience in successfully completed construction of at least two (2) railway or road-railway bridges, where the length of the bridges constructed by the candidate exceed 250 m.</p>	<p>Answer No 14: No.</p>

<p>Question No 15: Clause 3.1.a, kindly confirm is it acceptable if any one joint venture or consortium partner fulfill the PQ requirements of one project of 100 Million Eur. a) Experience as a contractor (in any role) in the execution of at least one (1) public railway construction / reconstruction / modernisation contract, with the value of Works, implemented by the candidate, at least 100 million EUR equivalent, that have been successfully and substantially completed in accordance with FIDIC Design & Build Contract (Yellow Book) conditions. The minimum value of the Works carried out by the individual candidate in each reference contract in criteria 3.1 a) must be at least 100 million EUR equivalent. In case of a joint venture or consortium the minimum value of the Works carried out by the members of a joint venture or consortium in the reference contracts must be at least 100 million EUR equivalent. In case of a joint venture or consortium, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum requirements of a single contract has been met. Instead, each contract performed by each member contributing to meeting the requirement shall satisfy the minimum requirement of a single contract as required for single entity. In determining whether the joint venture or consortium meets the requirement of total number of contracts, only the number of contracts completed by all members each fulfilling the minimum requirements shall be aggregated.</p>	<p>Answer No 15: Yes.</p>
<p>Question No 16: Dear Madam – Sir, Related to the tender requirement Experience, does the requirement from 3.1 General experience – Contractor in any role also apply for 3.2 Specific experience for points b), c), d) and e) ?</p>	<p>Answer No 16: For the specific construction experience under points 3.2 b), c), d) and e), the candidate shall demonstrate relevant experience as a contractor in any role (i.e. sole contractor, management contractor, JVCA partner (leader or other partner) or as a subcontractor (responsible for the type of works related to the required specific experience).</p>
<p>Question No 17: Clause 3.1.a, We understand in below mentioned clause (in any role); the construction of tunnel for railway works with value 100 Million Eur is acceptable. a) Experience as a contractor (in any role) in the execution of at least one (1) public railway construction / reconstruction / modernisation contract, with the value of Works, implemented by the candidate, at least 100 million EUR equivalent, that have been successfully and substantially completed in accordance with FIDIC Design & Build Contract (Yellow Book) conditions.</p>	<p>Answer No 17: Meaning of wording “(in any role)” is that the applicant may demonstrate require experience as sole contractor or management contractor or JVCA Partner (Leader or Other Partner). Furthermore, please note that according to PRAG Section 5.3.4. Additional information during the procedure, ”The Contracting authority cannot give a prior opinion on the assessment of the tender (application)“.</p>

<p>The minimum value of the Works carried out by the individual candidate in each reference contract in criteria 3.1 a) must be at least 100 million EUR equivalent. In case of a joint venture or consortium the minimum value of the Works carried out by the members of a joint venture or consortium in the reference contracts must be at least 100 million EUR equivalent. In case of a joint venture or consortium, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum requirements of a single contract has been met. Instead, each contract performed by each member contributing to meeting the requirement shall satisfy the minimum requirement of a single contract as required for single entity. In determining whether the joint venture or consortium meets the requirement of total number of contracts, only the number of contracts completed by all members each fulfilling the minimum requirements shall be aggregated.</p>	
<p>Question No 18: Regarding the design capability of the joint venture, is it feasible to adopt the design subcontracting model?</p>	<p>Answer No 18: Yes. As per 3.3 Specific design experience, the candidate or his specialist design subcontractor(s) must demonstrate the following specific (design) experience.</p>
<p>Question No 19: If the design subcontractor has the required experience and performance, can it be counted as the joint venture's design capability?</p>	<p>Answer No 19: Yes.</p>
<p>Question No 20: Does each member of the joint venture have to fulfill a project of more than 100 million euros? Or does it mean that the joint venture meets the requirements, if one of its members has executed one project over 100 million euros?</p>	<p>Answer No 20: Please see answer no. 15.</p>
<p>Question No 21: If the executed project is not under the FIDIC (Yellow Book) contract conditions, but under similar design-build contract conditions in China, does this meet the requirements?</p>	<p>Answer No 21: No.</p>
<p>Question No 22: Can the execution experience of a subway project be counted as the experience of the public railway project?</p>	<p>Answer No 22: Yes.</p>
<p>Question No 23: In accordance with the item 5. of the Works Contract Notice for Lot 2: Reconstruction and modernization of existing railway line and construction of the second track railway Belgrade-Nis, Stalac-Djunis Section, please find below questions to be clarified by the contracting authority in the defined deadline. 1. In case that application form is fulfilled by JV what should be stated on every Anex in field "in capacity of</p>	<p>Answer No 23: 1. In case of application form fulfilled by JV, you should insert "Authorized Representative of JV Leader name - Partner name" in the field "<i>in capacity of</i>". 2. Furthermore, you should insert "JV Leader name - Partner name" in the field "<i>Duly authorized to sign the contract for and on behalf of</i>". A: Translated excerpt from Serbian Business Registry is acceptable as evidence for Serbian companies.</p>

<p>“ ? It should be stated “name of the leader of JV” or “name of the JV “? Same is required for field “ Duly authorized to sign the contract for and on behalf of “</p> <p>2. Form 1 General information about the candidate on paragraph 2, it has been stated</p> <p>-The attached legal entity form should be completed.</p> <p>Q: Is it translated excerpt from Serbian Business Registry for Serbian companies adequate as a evidence?</p>	
<p>Question No 24:</p> <p>In document Work Contract notice, chapter 3.3 Specific design services, page 9 last paragraph is stated that</p> <p>-“Completed” design services shall be proved by the final acceptance of the concerned designs issued by the Client / Contracting authority</p> <p>Q: Is it enough to provide reference letter with confirmation from the Client / Contracting authority that design has been completed and approved</p>	<p>Answer No 24:</p> <p>It is acceptable to submit as evidence a reference letter with confirmation from the Client / Contracting Authority that design was completed and approved.</p>
<p>Question No 25:</p> <p>In document Work Contract notice section 3.4, bullet no2 in paragraph 4 it has been stated:</p> <p>-The application must be signed in a way that legally binds all members. One member must be appointed lead member and that appointment confirmed by submission of powers of attorney signed by legally empowered signatories representing all the individual members</p> <p>-Form Power of attorney is not provided in tender documents.</p> <p>Q: Is it possible to submit form in document which is created by the candidate?</p>	<p>Answer No 25:</p> <p>Yes.</p>
<p>Question No 26:</p> <p>In document Work Contract notice, chapter Conditions of participation, paragraph 4 it has been stated:</p> <p>- Every candidate, member of a joint venture/consortium, every capacity-providing entity and every subcontractor 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 application, 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.</p> <p>Q: If the candidate is Serbian Company, would it be enough evidence to have Membership in Bidders “Ponudāci” under Serbian Agency for Business</p>	<p>Answer No 26:</p> <p>Yes.</p>

<p>Registers “APR”, as it is common proof for the same cause under National Law of Public Procurement?</p>	
<p>Question No 27: In document Work and Contract notice, chapter 3.1 General Construction experience, bullet a), paragraph 2 it has been stated: -In case of a joint venture or consortium, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum requirements of a single contract has been met. Instead, each contract performed by each member contributing to meeting the requirement shall satisfy the minimum requirement of a single contract as required for single entity. In determining whether the joint venture or consortium meets the requirement of total number of contracts, only the number of contracts completed by all members each fulfilling the minimum requirements shall be aggregated. Q: Is this mean that is necessary that one of the members of the JV must fulfil requirement of the reference of 100 million EUR or equivalent and that is not allowed for the JV to meet the requirement by summarize the value of the contracts performed by each member of the JV?</p>	<p>Answer No 27: Yes.</p>
<p>Question No 28: Q: 1. In case of JV is it necessary that power of attorney must be verified by branch office of foreign company and also from the side of the parent company? Q: 2. If is necessary signed power of attorney from the parent company, is it acceptable to provide a verified copy of the document?</p>	<p>Answer No 28: 1. Yes. 2. Verified copy of the document from the parent company is acceptable.</p>
<p>Question No 29: In the document Works contract Notice, under the chapter Selection and award criteria, clause 3.1, item b, the following is stated: •Experience as a contractor (in any role) in the execution of at least one (1) public railway construction / reconstruction / modernization contract, with the value of Works, implemented by the candidate, at least 100 million EUR equivalent, that have been successfully and substantially completed in accordance with FIDIC Design & Build Contract (Yellow Book) conditions. Q: If the member of the Joint venture executed the works as the Subcontractor on public railway construction / reconstruction / modernization where the Employer signed contract with the Contractor in accordance with FIDIC Design & Build Contract (Yellow Book) conditions, is this execution of the</p>	<p>Answer No 29: We assume that your question refers to clause 3.1 item a. General construction experience (clause 3.1 item a), in the role of subcontractor, is not acceptable.</p>

<p>works will be accepted as the valid regardless to the conditions of the Subcontract?</p>	
<p>Question No 30: Do sub-contractors have to meet the part related to financial and economic capacities, and do they have to submit financial documentation accordingly?</p>	<p>Answer No 30: Data on subcontractors must not appear in the data related to the economic and financial capacity. Where the candidate proposes to use a specialist electrification and/or signalling & telecom subcontractors and/or design subcontractor for the execution of any part of the contract, the candidate shall provide information on financial position for each proposed specialist subcontractor(s).</p>
<p>Question No 31: Does the member of the consortium whose founder is a foreign legal entity and has a branch in Serbia, have to meet the financial and economic capacities according to financial reports of a legal entity in Serbia, and the parent company, which is a foreign legal entity, and does, in accordance with that, they have also to submit financial documentation?</p>	<p>Answer No 31: Please refer to clause 3.4 Capacity-providing entities.</p>
<p>Question No 32: Do the collaterals (tender guarantee, performance bond, advance return guarantee and maintenance bond) have to be issued by one legal entity, and does that legal entity have to be the leader of the Consortium, or can be a member of the Consortium, or perhaps a subcontractor?</p>	<p>Answer No 32: Your queries relate to the tender documents that will be published to short-listed candidates once the prequalification process is concluded.</p>
<p>Question No 33: Do the financial reports for the previous three years have to be in the form of one report that contains all the necessary data for all three years?</p>	<p>Answer No 33: No.</p>
<p>Question No 34: 3.1 General construction experience: a) Experience as a contractor (in any role) in the execution of at least one (1) public railway construction / reconstruction / modernisation contract, each with the value of Works, implemented by the candidate, at least 100 million EUR equivalent, that have been successfully and substantially completed in accordance with FIDIC Design & Build Contract (Yellow Book) conditions. We kindly request that 3.1 General construction experience criterion replace as; Experience as a contractor (in any role) in the execution of at least one (1) public railway construction / reconstruction / modernisation contract, each with the value of Works, implemented by the candidate, at least 100 million EUR equivalent, that have been successfully and substantially completed in accordance with FIDIC Design & Build Contract</p>	<p>Answer No 34: Please see answer no. 3.</p>

(Yellow Book) conditions or conditions for EPC Projects (Silver book).	
Question No 35: Will you consider as valid reference for power supply modernisation/reconstruction of overhead line (catanery)	Answer No 35: Yes.
Question No 36: Please clarify is it required contract value gross or net amount to prove meet of the General construction experience and Specific construction experience	Answer No 36: Required contract value refers to the net amount (the amount payable to the candidate under the contract for the full and proper performance of its contractual obligations).