

CLARIFICATION no. 4

OF THE TENDER DOCUMENTS FOR THE PROCUREMENT OF
CONSTRUCTION WORKS ON I GROUP OF DUAL EDUCATION TRAINING
CENTRES

Reference number: **SEI/EIB/W/01/23**

In the procurement procedure no. **SEI/EIB/W/01/23**, the subject of which is procurement of construction works on I group of Dual Education Training Centres, the Contracting Authority has received the questions of the potential Tenderers:

Question no. 1:

Tender document foresees for the Contractor representative to possess at least one personal reference as the responsible contractor for the implementation of the contract whose subject was the newly built, extended (upgraded) or reconstructed school building/or building for scientific research activities, classification 1263 in accordance with Rulebook on the classification of objects ("Official Journal of the Republic of Serbia" no. 22/2015), in the last 5 (five) years before expiration of deadline for bid submission.

Bearing in mind that the process of construction of the Dual Education Centre is not significantly different from the process of construction of other complex buildings of public purpose, such as, for example, office buildings, conference and congress centres, court and parliament buildings, etc., can the Contractor Representative be a person who has a reference as a responsible contractor for the implementation of a contract on the construction, extension or reconstruction of a public purpose facility?

Why is only relevant the experience of the Contractor representative in the last five years, i.e. why the projects which represent the personal references must be completed in the last 5 (five) years? Persons working on these and similar projects 10 or more years ago e.g. also have appropriate experience.

We additionally mention that such a condition requesting the Contractor representative to have a reference as the responsible contractor for the implementation of the contract whose subject was the newly built, extended (upgraded) or reconstructed school building/or building for scientific research activities in the last 5 (five) years, can only be fulfilled by a very small number of Tenderers. Thus defined conditions limit the competition, and the Tenderers are being put into an uneven position, therefore we ask you to change this condition, by foreseeing for the Contractor representative to possess at least one personal reference as the responsible contractor for the implementation of the contract whose subject was the newly built, extended (upgraded) or reconstructed complex public purpose facility.

Answer no. 1:

When defining the additional condition of Personnel Capabilities, under b) Professional personnel, in part related to professional qualifications, the previous experience and the references of the engineers – responsible contractors, lines from 1 to 3, out of which it is necessary to have at least one person named as Contractor representatives, the Contracting Authority took into consideration the scope and the type of works to be executed on the mentioned school facilities, and according to the foreseen groups of works, the quality of works intended to be achieved, purpose and importance of the facilities on which the works are to be executed, as well as the maximum deadline for the execution of works, therefore he defined the relevant professional experience of the Responsible contractors.

Namely it is requested for the Contractor representative, as one of the engineers with the highest participation in the implementation of the project according to the type and group of works on the mentioned facilities, has a relevant work experience in the appropriate period, among other things, to possess at least one personal reference as the responsible contractor for the implementation of the contract whose subject was the newly built, extended (upgraded) or reconstructed school building/or building for scientific research activities, classification 1263 in accordance with Rulebook on the classification of objects ("Official Journal of the Republic of Serbia" no. 22/2015), classification number from Rulebook applies only for the resident tenderers (– companies established in the employer's country) in the last 5 years before expiration of deadline for bid submission, however regarding this condition it is foreseen that the projects which represent the references can begin prior to this mentioned period, but the date of completion of the execution of works must be within the mentioned period.

The mentioned references are required because the works on facilities belonging to the specific classification 1263 are not executed in the same way as the works on facilities of other purposes, due to the fact that safety and health measures at work in the conditions of works on facilities marked 1263 are stricter due to the execution of works during the school year. The specificity of this type of facilities, including the works themselves, is reflected in the fact that they are most often facilities that are in operation (for the purpose of uninterrupted teaching) during the execution of the works, so it is necessary to harmonize the dynamics of the execution of the works with the needs of the users. Also, the specificity of these works is reflected in the fact that it is necessary to take all measures in order to separate the zones where the works are executed from the part of the building that is used throughout the working day, since it is necessary to provide conditions for the safe movement and stay of employees and students, with special emphasis on children/students as a particularly vulnerable social category.

Furthermore, precisely with the intention of enabling as many bidders as possible to fulfil the stated condition, the Contracting Authority has foreseen that, in connection with the same request, it is stipulated that the projects representing the references of the Contractor representative may have started before the required period of 5 years, but the completion date of execution of works must be within the specified period. In this way, the Contracting Authority

did not limit the competition nor performed the discrimination in an unjustified way, and fully respected the equality of economic entities, while taking into account the subject of public procurement and the interest of the Contracting Authority to have contract concluded with a bidder who will fully, in a high-quality manner and in accordance with the necessary dynamics, be able to execute the works that are its subject.

Pursuant to everything abovementioned, the Contracting Authority remains at the defined condition.

Question no. 2:

Please clarify whether Form 3.8 Covenant of integrity, as well as Form 3.9 Environmental and Social Covenant, shall be signed by the authorized representative of the tenderer on the behalf of the group of tenderers, because the first paragraph states:

“We declare and covenant that neither we nor anyone, including any of our directors, employees, agents, joint venture partners or sub-contractors, where these exist, acting on our behalf with due authority or with our knowledge or consent, or facilitated by us, has engaged, or will engage, in any Prohibited Conduct (as defined below) in connection with the tendering process or in the execution or supply of any works, goods or services for Construction works on I group of Dual Education Training Centres [specify the Lot you are competing for] (the “Contract”) and covenant to so inform you if any instance of any such Prohibited Conduct shall come to the attention of any person in our organisation having responsibility for ensuring compliance with this Covenant.....”

And for the signature the following is foreseen:

Signed: _____ [insert signature of person whose name and capacity are shown]

In the capacity of _____ [insert legal capacity of person signing the Tender Submission Form]

Name: _____ [insert complete name of person signing the Tender Submission Form]

Duly authorized to sign the tender for and on behalf of: _____ [insert complete name of Tenderer]

Dated on _____ day of _____, _____ [insert date of signing]

While the Note foresees the following:

Note: This covenant is to be signed and sealed by all the members of consortium/joint venture/subcontractors individually

Answer no. 2:

Form 3.8 Covenant of integrity, as well as Form 3.9 Environmental and Social Covenant, which are submitted within the Tender, shall be signed and sealed by all the members of consortium/joint venture/subcontractors individually, in accordance with the text of the note which is contained in the mentioned forms.

Procurement Committee

A handwritten signature in blue ink is written over a horizontal line. The signature is stylized and appears to be a set of initials or a name.