

23.04.2024.

Број: 351-01-1/31/2024-03  
БЕОГРАД

CLARIFICATION no. 5

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:**

Since in Tender Document, Volume I clause 2.2 , paragraph 6.1 Contents of Tender Documents, it is stated that the Tender Document comprise the documents listed below, so in Volume II, Bill of quantities, the following is stated:

"The Tenderer shall attach here filled and signed Bill of Quantities along with entire supporting documentation requested in Bill of Quantities - General Technical Conditions For Execution Of Works" , please clarify which supporting documentation this refers to, i.e. for which equipment it is necessary to submit the requested documents together with the Tender.

Please clarify/confirm whether for Lot 1 – Subotica, this refers to the equipment listed in the sheet 1 ARH.GRAĐ, lines 94 -101 ;

And for Lot 2 Požega to the equipment listed in the sheet 1 AG WORKS , from 35-47.

**Answer no. 1:**

In Volume I of the Tender Document, Section II Instructions to tenderers, part 2.2 Tender data, paragraph 10.1 Tender Content, it is foreseen for the Tenderer to submit the Tender which contains, among other things, under A. Offer – financial part, Attachment 2: Filled and signed Bill of Quantities (each page) of Part II of the Tender Documents (paper form), along with entire supporting documentation requested in Bill of Quantities - General Technical Conditions For Execution Of Works, as well as EXCEL format of Bill of Quantities (CD or USB flash).

Also, in Volume II of the Tender Document, Section I - Bill of Quantities, it is foreseen that the Tenderer shall attach here filled and signed Bill of Quantities along with entire supporting documentation requested in Bill of Quantities - General Technical Conditions for Execution of Works.

The supporting documents, which are to be submitted within the tender, along with the filed Bill of quantities, in accordance with the above mentioned provisions of the Tender Documents, is defined in the Bill of quantities, in part architectural and construction works, and it relates to the equipment which is included by the additional conditions for a specific type of equipment, foreseen in the line 94 of the Bill of quantities, AG works for a Lot 1, i.e. in line 35 for Lot 2, as follows:

- for Lot 1 - Equipment described starting from line 95 to line 101 including it, in part AG works;
- for Lot 2 – Equipment described starting from line 36 to line 47 including it, in part AG works;

Pursuant to the above mentioned, the tenderers are obliged to submit, together with the Bill of quantities, within their tender, the documents foreseen and requested by the mentioned positions.

Please refer to the Corrigendum no. 1 of the Tender Documents.

**Question no. 2:**

Please clarify the following :

- according to the Tender Document the offer is submitted in euros, while in most of the sheets in the column "Total" the currency "din" is inserted.
- Požega 5-TS instalacije - line 120, there is an error in the sum.
- Požega 4. Elektroenergetske instalacije - not all cells in a row 203 add up.
- Whether it is acceptable to submit the confirmation on the executed works on the form which is not from the Tender Documents and which contains all the data listed in the confirmation i.e. Qualification form 3.5.4?

**Answer no. 2:**

- All business entities which have received the Tender Documents, as well as other interested parties which may request the submission of the tender documents, shall be sent the harmonized Bill of quantities in which the currency of the tender shall be foreseen in euros.
- All business entities which have received the Tender Documents, as well as other interested parties which may request the submission of the tender documents, shall be sent the harmonized Bill of quantities in which the formulas on the mentioned positions shall be corrected.

- The Contracting Authority mentions that the paragraph 15.1 Instructions to tenderers, regarding the preparation form and signing of tender, foresees for the Tenderer to submit the original of all documents comprising the tender, as is foreseen by the paragraph 10 ( instructions to tenderers), clearly marked "ORIGINAL" and that the original of the Tender shall be submitted in Serbian or English language. In addition, it foresees for the Tenderer to submit 1 copy of the Tender clearly marked "COPY" and 1 copy of the Tender in electronic form (on CD or USB flash) clearly marked "E-COPY" as well as that in the event of a discrepancy between the original and the copies, the original shall prevail. Regarding the mentioned, in paragraph 15.1 of Tender data, it is foreseen that the tenderer shall submit in hard copy 1 original of the tender, 1 copy of the tender (in hard copy) and one copy in electronic form (on a CD or USB flash), and that also a complete Bill of quantities with prices shall be submitted in the electronic form in MS EXCEL format within the electronic copy of the tender, and that in the event of discrepancy between the printed version and electronic version, the printed version shall prevail.

- Taking into consideration, that in accordance with the mentioned provisions, within the tender, the Bill of quantities from volume II of the Tender Document is submitted in hard copy in the original and a copy, as well as in the electronic copy, including the entire supporting documentation foreseen in the Bill of Quantities - General Technical Conditions For Execution Of Works, and that in case of discrepancy between the original and copy, i.e. printed and electronic version, the prevailing one shall be the original and printed copy of the Tender, the Contracting Authority emphasizes that in case the Tenderers, during the preparation of their Tenders identify any other discrepancy/error in the formulas in the Bill of quantities, they can correct them and manually add the mentioned unit prices in the printed version of the Bill of quantities which shall be delivered within the Tender.

- The Contracting Authority shall, as one of the evidence on fulfilment of the criterion Business capacity, accept filled and signed Confirmation from the Investor/ Contracting Authority on the executed works, in the form which is foreseen by the Tender Documents, and which contains all data listed in the qualification form 3.5.4 which is a part of Tender Documents.

### **Question no. 3:**

Part Qualification criteria i.e. mandatory requirements the following is stated:

Tenderer proves fulfilment of requirements by providing Statements of compliance with mandatory requirements in accordance with Form: Tenderer's Statements of compliance with mandatory requirement within Volume I: Section III, 3.5. Qualification Information. The mandatory requirements defined also apply to all members of the joint venture / consortium and all subcontractors, i.e. the mandatory requirements must be fulfilled by all members of the joint venture / consortium, i.e. all subcontractors.

Then the following is stated afterwards:

Tenderers with headquarters in the Country of the Employer may, instead of the above-requested evidence, for requirements referred to in indents 1-3, submit an Excerpt from the Register of Tenderers kept by the Business Registers Agency (BRA).

As well as:

If the country in which the Tenderer has headquarters does not issue the documents which prove the fulfilment of the abovementioned mandatory conditions for qualification, the Tenderer may, along with the adequate explanation, submit the equivalent documents, in accordance with the legislation of the country in which he has headquarters.

If the country in which the Tenderer has headquarters does not issue at all the documents which prove the fulfilment of the abovementioned mandatory conditions for qualification, the Tenderer may, along with the adequate explanation, instead of requested evidence, submit a written statement, made under material and criminal liability certified before a judicial or administrative authority, a notary or other competent authority of that State

Considering everything mentioned above, please clarify for which mandatory requirements (besides lines 1-3) it is necessary to submit evidence (besides the statement), considering that also in Serbia evidence for any request besides the lines 1-3 are not being issued.

**Answer no. 3:**

**Volume I of the Tender Documents, Section II Instructions to tenderers, part 2.3 Qualification data, foresees that** all legal and natural persons who meet the following mandatory requirements for participation in the procurement procedure have the right to participate:

- It is registered with the competent body;
- The economic operator and representative in the period of the previous five years up to the date of expiry of the time limit for submission of tenders, has not been convicted by the final judgment, unless where different period of exclusion from the participation in the public procurement procedures has been set by the final judgment for:
  - 1) the criminal offense he committed as a member of an organised criminal group and criminal offense of organising for the purpose of committing criminal offenses;
  - 2) the criminal offense of abuse of the position of the responsible person, the criminal offense of misconduct in connection with public procurement, the criminal offense of taking bribe in performing an economic activity, the criminal offense of giving bribe in performing an economic activity, the criminal offense of abuse of official position, the criminal offense of trafficking in influence, the criminal offense of accepting bribe and the criminal offense of bribery; the criminal offense of fraud, the criminal offense of obtaining and using the loan and other benefits,

the criminal offense of fraud in performing an economic activity and the criminal offense of tax evasion; the criminal offense of terrorism, criminal offense of public incitement to commit terrorist acts, the criminal offense of recruitment and training for the commission of terrorist acts and the criminal offense of terrorist association; the criminal offense of money laundering and the criminal offense of financing terrorism; the criminal offense of trafficking in human beings and the criminal offense of establishing a slavery relation and transportation of persons in slavery relation;

- It has settled due taxes and contributions for compulsory social insurance or that the payment of debt has been postponed, in accordance with a special regulation, under a binding agreement or decision, including any interests accrued and fines;

- The economic operator has not in the period of the previous two years up to the date of submission of submission of tenders, violated applicable obligations in the area of the environmental protection, social and labour law, including collective agreements, and in particular the obligation to disburse the contracted wages, or other compulsory payments, including obligations in accordance with the provisions of the international conventions in the above areas;

- There is no conflict of interest, within the meaning of the Public Procurement Law and EIB Guide to Procurement, which cannot be remedied by other measures;

- That the economic operator has not undertaken to unduly influence the decision-making process of the contracting authority/entity or obtain confidential information that may confer upon its undue advantage in the public procurement procedure or to has provided misleading information that may have effect on decisions concerning the exclusion of economic operator, the selection of an economic operator or the award of a contract.

- Economic operator shall be excluded from the procurement procedure if Contracting Authority:

1) determines that under the decision of the competent authority for the protection of competition it has been determined that the economic operator has entered into agreements with other economic operators aimed at distorting competition, in the period of the previous three years until the date of expiry of the time limit for submission of tenders;

2) determines that economic operator in the period of previous three years, from the day of expiration of the tender submission deadline, it has not performed its obligations from the previously concluded procurement contracts or previously concluded concession agreement, the consequence of which has been a termination of that contract, collection of the security instruments, compensation for the damage etc.;

3) determines that economic operator in the procurement procedures, in the previous three years, from the day of expiration of the tender submission deadline, it has submitted false data necessary for the verification of the grounds for exclusion or the criteria for the selection of the economic operator or has been unable to submit the evidence on fulfilment of criteria for the qualitative selection of the economic operator, if he used, as the means of proving, the Statement of compliance with mandatory requirement.

**Furthermore in the same part of the Tender Document, it is foreseen that the Tenderer proves the fulfilment of the conditions by submitting the following documents:**

- Tenderer proves fulfilment of requirements by providing Statements of compliance with mandatory requirements in accordance with Form: Tenderer's Statements of compliance with mandatory requirement within Volume I: Section III, 3.5. Qualification Information. The mandatory requirements defined also apply to all members of the joint venture / consortium and all subcontractors, i.e. the mandatory requirements must be fulfilled by all members of the joint venture / consortium, i.e. all subcontractors.

- The above Form Tenderer's Statements of compliance with mandatory requirements must be signed by the authorized person of each tenderer from the group of tenderers. If it is signed by a person who is not entered in the register as a person authorized to represent, it is necessary to submit the authorization for signing with the offer.

- Prior to making a contract award decision, the Contracting Authority may request from the tenderer, whose offer was evaluated as the most favourable, to submit for inspection the original or a certified copy of all or some evidence of fulfilment of mandatory requirements.

- If the tenderer does not submit the original or a certified copy of the required documents within the period specified by the Contracting Authority, which may not be less than 5 days, the Contracting Authority shall reject the offer.

- If the tenderer does not submit any of the documents referred in this item, the Contracting Authority shall not reject the offer if the tenderer has provided a website where information can be found that is the essence of the required documents.

- Tenderers with headquarters in the Country of the Employer may, instead of the above-requested evidence, for requirements referred to in indents 1-3, submit an Excerpt from the Register of Tenderers kept by the Business Registers Agency (BRA).

- Non-resident Tenderers: Tenderers must submit proof, customary under the law of the country where they are established, of not falling within any of the abovementioned categories. The date on the evidence or submitted documents should not be older than two months in relation to the deadline for submission of tenders. If there is any doubt, the Tenderer is obliged to provide additional evidence at the request of the Employer.

- If the country in which the Tenderer has headquarters does not issue the documents which prove the fulfilment of the abovementioned mandatory conditions for qualification, the Tenderer may, along with the adequate explanation, submit the equivalent documents, in accordance with the legislation of the country in which he has headquarters.

- If the country in which the Tenderer has headquarters does not issue at all the documents which prove the fulfilment of the abovementioned mandatory conditions for qualification, the Tenderer may, along with the adequate explanation, instead of requested evidence, submit a written statement, made under material and criminal liability certified before a judicial or administrative authority, a notary or other competent authority of that State.

Pursuant the above mentioned, the Contracting Authority clarifies the following:

All Tenderers, resident and non-resident, prove the fulfilment of the conditions and submit within their Tender, the Statement of compliance with mandatory requirement, in accordance with the form: Statement of compliance with mandatory requirement, within Volume I: Section III, 3.5 - Qualification information.

Furthermore, it is foreseen that the Contracting Authority may, should he find it necessary, prior to the delivery of the Contract award decision, require the Tenderer, whose tender has been evaluated as most favourable one, to submit for inspection the original or a certified copy of all or certain evidence on the fulfilment of criteria.

Pursuant the above mentioned, it is foreseen that the Tenderers who have headquarters in the country of the Contracting Authority, and whose Tender has been evaluated as most favourable one, may, if the Contracting Authority requires the submission of evidence on fulfilment of the qualification criteria from lines 1- 3, submit the Excerpt from the register of tenderers kept by the Business Registers Agency ( BRA), while for the other mandatory conditions from lines 4-7, they shall submit evidence which the contracting authority can require due to the verification of the statements from the Statement, should he find it necessary, and which certainly cannot be the evidence which are not being issued by the appropriate institutions or which cannot be obtained by the tenderer.

On the other hand, non-resident Tenderers whose Tender is evaluated as the most favourable one, in case of Contracting Authority requiring them to submit for inspection the original or certified copy of all or certain evidence on the fulfilment of the conditions, for mandatory conditions from lines 1-7, they must submit evidence, common according to the Law of the country in which they have been established, that they do not fall into the mentioned categories, because for them also for the criteria from Lines 1-3 registry of tenderers of the business registers agency cannot be applied. Also, If the country in which the Tenderer has headquarters does not issue the documents which prove the fulfilment of the abovementioned mandatory conditions for qualification (from line 1-7), the Tenderer may, along with the adequate explanation, submit the equivalent documents, in accordance with the legislation of the country in which he has headquarters Moreover, if the country in which the non-resident Tenderer has headquarters does not issue at all the documents which prove the fulfilment of the abovementioned mandatory conditions for qualification, the Tenderer may, along with the adequate explanation, instead of requested evidence, submit a written statement, made under material and criminal liability certified before a judicial or administrative authority, a notary or other competent authority of that State. So, for the last three requirements regarding the manner of proving the fulfilment of the qualification criteria relate to the situation when the Contracting Authority requires the non-resident Tenderer, whose Tender has been evaluated as the most favourable, to submit evidence on fulfilment of the qualification criteria.

**Question no. 4:**

Tender document foresees that the Employer reserves the right to request Tenderers to provide evidence, in accordance with national legislation in which they are established, not to fall into the categories listed in the data for qualification, clause 5. Date of evidence on the submitted papers must not be older than 60 days before the deadline for submission of tenders, which refers to the Qualification form 3.5.8, i.e. that the Tenderers, including each of the partners of a Consortium/Joint Venture, should provide information on any history of litigation or arbitration resulting from contracts executed in the last five years or currently under execution (refer to Qualification Data). A separate sheet should be completed for each partner of a Consortium/Joint Venture/Subcontractor. Please clarify what kind of evidence (not older than 60 days) this refers to, since the state institutions in Serbia (courts, BRA...) do not issue any certificates of existence or non-existence of the court proceedings or arbitration resulting from contracts.

**Answer no.4:**

Form 3.5.8 states that the Employer reserves the right to request Tenderers to provide evidence, in accordance with national legislation in which they are established, not to fall into the categories listed in the data for qualification, clause 5. Date of evidence on the submitted papers must not be older than 60 days before the deadline for submission of tenders.

Having in mind the data that the Tenderers are supposed to fill in the mentioned form, the Contracting Authority can request the evidence confirming the data on the decision in favour or against the Tenderer, data on the client's name, the cause of the litigation and the subject of the dispute, the disputed amount, and such as, for example, final court decision or final decision of another body.

The date on the evidence or submitted documents which cannot be older than 60 days prior to the tender submission deadline, refers to the dates of verification of the copies of documents, should the copies of the documents be submitted as evidence.

**Question no. 5:**

Since the Bill of quantities for Lot 2 - Reconstruction and extension of the Training Centre in Požega within AG works foresees equipping of the cabinets and classrooms with specialized benches and chairs – position no. 15.02, please deliver the drawings/sketches with detailed dimensions and descriptions, so that an adequate offer can be formed.

**Answer no. 5:**

Tenderers should offer and deliver the equipment in accordance with the descriptions listed in the Bill of quantities for the mentioned positions.

Please refer to Corrigendum no. 1 of the Tender Document.



**Question no. 6**

For Lot 2 - Požega, in the Bill of quantities AG works, first sheet – General technical conditions, the documentation for video interphones is requested to be submitted and in the Bill of quantities there are no positions for video interphones. Please clarify.

**Answer no. 6:**

Please refer to Corrigendum no. 1 of the Tender Document.

**Question no. 7:**

Regarding the evidence for personnel capabilities, is it, with the goal of economy of the procedure, possible to submit as the evidence on employment/engagement for all the listed employed/engaged persons, M-A forms for the people employed at the Tenderer, instead of employment contracts?

**Answer no. 7:**

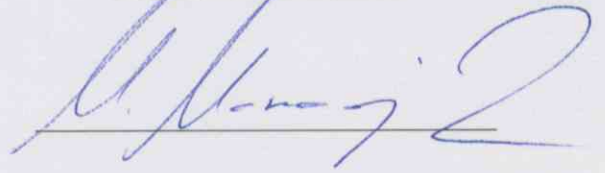
Tender Document, part 2.3 Qualification data, foresees that the fulfilment of the additional condition foreseen by clause 3. Personal capabilities, under a) total number of workers, is to be proved by submitting:

- Form 3.5.6 B;
- Certificate/Excerpt from the Central Registry of compulsory social security with the summary overview of all insured persons, for the month preceding the month of the publication of the Letter of invitation for workers steadily employed (this evidence applies to resident Tenderers - companies established in the employer's country; in case of non-resident tenders, appropriate evidence shall be provided, in accordance with the law of the country in which they are established, that they fulfil the abovementioned requirements;
- Proof of hiring for all employed /engaged workers, e.g. copy of employment contract, service contract, consultancy contract or other temporary service agreement;
- For persons capable of working at heights - Medical certificates for working at heights no older than one year from the date of public opening of bids;

Pursuant to the above mentioned, the Contracting Authority emphasizes that the fulfilment of the mentioned additional condition is proved by submitting all of the mentioned evidence, including the evidence on employment/engagement for all the listed employed/engaged persons,

which according to the provisions of the Tender Document include copy of employment contract, service contract, consultancy contract or other temporary service agreement.

Procurement Committee

A handwritten signature in blue ink, written over a horizontal line. The signature is stylized and appears to be 'A. Hanj' followed by a large, looped '2'.