

CLARIFICATION no. 6

Број: 381-01-1/33/2024-03  
БЕОГРАД

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 following questions of the potential Tenderers:

**Question no. 1:**

Request which relates to the engineer who has to possess at least one reference as 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, is discriminatory.

Namely, the Engineer who has experience on 2 FIDIC contracts on public purpose facilities is experienced and professional enough to implement the subject of this procurement, and especially having in mind the fact that the job shall be obtained by the company who has experience on facilities of minimal total gross surface 4.000m<sup>2</sup>/2.000m<sup>2</sup> of 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.

We ask the Contracting Authority to approve the work experience of Engineer of minimum of 10 years as Responsible contractor, to possess at least one reference as responsible contractor for the implementation of the contract whose subject was the newly built, extended (upgraded) or reconstructed **public purpose facility** as well as the experience in implementation of minimum of 2 FIDIC contracts ("Conditions of Contract for PLANT and DESIGN-BUILD for electrical and mechanical works and for building and engineering works designed by the contractor, including on site installation, with calculation of tender and contract" – yellow book; and/or "Conditions of Contract for CONSTRUCTION – for building and engineering works designed by the employer" – red book; and/or and "Conditions of Contract for CONSTRUCTION, MDB harmonized edition for building and engineering works designed by the employer, June 2010" – pink book).

**Answer no. 1:**

Contracting Authority emphasizes that Tender Document, part 2.3 Qualification data, the additional condition foreseen by clause 3. Personnel capabilities, under b) Professional personnel, among other things, foresees that for the needs of implementation of the contract it is necessary to have at least one of the persons listed under clauses 1. or 3. be named as Contractor representative who:

- has the work experience of minimum of 10 years as Responsible Contractor ; 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
- as well as the experience in realization of minimum of 2 contracts according to the FIDIC conditions ("Conditions of Contract for PLANT and DESIGN-BUILD for electrical and mechanical works and for building and engineering works designed by the contractor, including on site installation, with calculation of tender and contract" – yellow book; and/or "Conditions of Contract for CONSTRUCTION – for building and engineering works designed by the employer" – red book; and/or and "Conditions of Contract for CONSTRUCTION, MDB harmonized edition for building and engineering works designed by the employer, June 2010" – pink book).

When defining the mentioned 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 1 and 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 aforementioned, the Contracting Authority remains at the defined additional condition.

**Question no. 2:**

Please provide us with the information what is the estimated value of the procurement?

**Answer no. 2:**

The Contracting Authority did not publish the estimated value in this procurement procedure, and it shall not be published in the Tender submission phase.

**Question no. 3**

Since in the Tender Document for LOT 1 – Subotica, in the Bill of quantities, position 6.2 LIFT in line 7. of excel file the number of pieces is 2 and in the line 37. the number of pieces is 1, How many pieces of elevator is foreseen?

**Answer no. 3:**

Design foresees the installation of one elevator which is listed as the amount (1) within the mentioned position in the Bill of quantities part 6.2 LIFT.

Please refer to the Corrigendum no. 2 of the Tender document.

**Question no. 4:**

**For Lot 2 – Reconstruction and extension of the training centre in Požega**

Form 3.4.1 General information about the Tenderer under letter: i. Registration Details are required, please clarify what kind of data are supposed to be inserted here.

Then under letter j. Equity in the Company: shares (%):, also please clarify which data this refers to, whether to the amount of total equity?

**Answer no. 4:**

Form 3.4.1 General information about the Tenderer, under clause i. Registration Details, Tenderers should list the data contained in the excerpt from the business registers agency which is to be submitted with the form, and which are listed in the excerpt in the part Business data, such as: data (date) of the establishment, duration, code and name of the activities performed, tax identification number, bank account etc.

Form 3.4.1 General information about the Tenderer, under clause j. Equity in the Company, Tenderers should list the data contained in the excerpt from the business registers agency which is to be submitted with the form, and which are listed in the excerpt in the part Basic equity of the company.

**Question no. 5:**

**For Lot 2 – Reconstruction and extension of the training centre in Požega**

Form 3.4.2 Financial Identification in the place where it says IBAN, is it necessary to list the domestic bank account since IBAN and Swift refer to the accounts in foreign banks and whether this form should be signed by the bank?

**Answer no. 5:**

Form 3.4.2 Financial Identification, for items IBAN and SWIFT, the Tenderers should list the instructions for payment from abroad (IBAN and SWIFT codes) for the account which is listed in the form 3.4.1 General information about the Tenderer and article 5. Form of Contract Agreement (form 4.1).

For 3.4.2 Financial Identification, besides the authorized person of the Tenderer who submits the Tender, is to be signed also by the authorized person of the business bank in which the Tenderer has the account, who confirms by his signature that the listed data are credible.

**Question no. 6:**

**For Lot 2 – Reconstruction and extension of the training centre in Požega**

Qualification form 3.5.4 whether the Investor's certificate regarding the executed works has to be filled on the provided form? Is the previous certificate of the contracting authority not going to be accepted which contains all the listed data from the form?

**Answer no. 6:**

The Contracting Authority, as one of the evidence on the fulfilment of the condition of business capacity, shall accept filled and signed Investor's certificate on the executed works on the form which is not foreseen by the Tender Documents and which contains all the data listed in the Qualification form 3.5.4 which is a part of the Tender documents.

**Question no. 7:**

**For Lot 2 – Reconstruction and extension of the training centre in Požega**

Whether with the Form 3.5.8 Litigation History, Tenderers have to submit some kind of Confirmation that no litigation or court proceedings is being led against the business entity, or does the assumption stand that the business entity is not convicted just by being registered into the register of bidders, and if the confirmation has to be submitted which institution issues it and whether it is acceptable to submit a written statement given under criminal and material liability certified before a judicial or administrative authority, notary public or other competent authority of that state.

**Answer no. 7:**

Within their Tender, the Tenderers are to submit filled and signed Qualification form 3.5.8 - Litigation history, in accordance with the provisions of the Tender Documents.

Form 3.5.8 states that the Employer reserves the right to request Tenderers to provide evidence, in accordance with national legislation of the country 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 type of data that the Tenderers are supposed to fill in the mentioned form, the Contracting Authority may, should he deem it necessary in the evaluation phase, request evidence which confirm the data on the Decision in favour or against the Tender, data on the name of the client, cause of the court proceedings and the subject of the court proceedings, disputed amount, which could be for example a Decision of the court or a Decision of some other institution.

Date on the evidence, for which it was foreseen not to be older than 60 days prior to the tender submission deadline, refers to the date of verification of the documents, in case that as evidence, a certified copy of the documents is submitted.

**Question no. 8:**

**For Lot 2 – Reconstruction and extension of the training centre in Požega**

Form 3.9 Environmental and Social Covenant, whether under the Contracting Authority, where it is not listed in the brackets, Office for Dual Education and National Qualifications Framework is considered to be the Contracting Authority, and what is defined as the relevant document in the area of Environmental Protection, whether the Law on environmental protection and some regulations on limit values of polluting substances?

**Answer no. 8:**

The Contracting Authority in respect of the Tender Documents and form 3.9 is the Office for Dual Education and National Qualifications Framework.

In form 3.9 Environmental and Social Covenant, in part Protection of the Environment and Environmental and social performance, the estimates on the social impact and impact to the environment (e.g. ESIA - Environmental and Social Impact Assessment) and plans on influence on society and environment management (e.g. ESMP - Environmental and Social Management Plans) are considered to be the relevant documents, which have been created during the preparation of the design documentation and which should be followed and obeyed during the implementation of this project.

The mentioned documents are not created for the construction projects which are the subject of this procurement i.e. they are not a part of the design documentation, so the mentioned fields are not applicable, so the Tenderers are not to fill them in.

**Question no. 9:**

Tender Documents, Lot 1 – Subotica, requires the catalogues/technical sheets to be submitted for the following systems:

Video surveillance equipment

Equipment for fire extinguishing with aerosols in electrical and distribution cabinets

Fire alarm equipment

Equipment for anti-burglary system

Equipment for electronic and mechanical locking

Equipment for video interphones

Do you require, for the mentioned systems, equipment catalogues, or it is also necessary to submit catalogues for cables, ribbed hoses and small materials?

**Answer no. 9:**

Catalogues which are required within the Bill of quantities for Lot 1, in part AG works within the additional conditions for a specific type of equipment described starting from line 95 ending with and including the line 101, relate to the foreseen equipment.

**Question no. 10:**

Also for Lot 2 – Požega, it is required to submit the catalogues/technical sheets for the following systems:

Video surveillance equipment

Equipment for fire extinguishing with aerosols in electrical and distribution cabinets

Fire alarm equipment

Equipment for anti-burglary system

Equipment for electronic and mechanical locking

Access control equipment

Aggregates

Elevator

Active structural cable system

Do you require, for the mentioned systems, equipment catalogues, or it is also necessary to submit catalogues for cables, ribbed hoses and small materials?

**Answer no. 10:**

Catalogues which are required within the Bill of quantities for Lot 1, in part AG works within the additional conditions for a specific type of equipment described starting from line 36 ending with and including the line 47, relate to the foreseen equipment.

**Question no. 11:**

Tender Documents require one person for health and safety at work with the passed professional exam for performing the mentioned activities. Is it acceptable for the tenderer to have signed a contract with the legal entity for performing activities in the field of health and safety at work, who will then name the person with the passed professional exam to perform the mentioned activities? Everything is fully in accordance to the Law on Health and Safety at Work article 46.

**Answer no. 11:**

Volume I of the Tender Documents, Section II Instructions to tenders, part 2.3 Qualification data, within Additional conditions for participation in tender procedure clause 3. Personnel capabilities, under b) Professional personnel, foresees that the Tenderer in the month preceding the month of the publication of the Letter of invitation, has employed/engaged workers with the appropriate profiles and with the requested engineer licences, as the key personnel for the purposes of realization of this contract, among others, 1 person as a Health and Safety Officer with the certificate of examination.

Moreover, regarding the mentioned request, it is foreseen that the person responsible for health and safety at work has to have at least 5 years of experience on the position of licensed Health and Safety Officer.

Taking into consideration the mentioned, the Tenderer, in order to fulfil this condition, can, in his Tender, list the person responsible for Health and safety at work with the certificate of



examination for performing the mentioned activities and with the appropriate work experience, who shall be hired based on the contract concluded between the Tenderer and the legal entity for performing the activities of Health and safety at work. In that case, the Tenderer in his Tender, among other evidence foreseen by the Tender document as confirmation of the fulfilment of the mentioned condition, submits the copy of the Contract concluded between the Tenderer and a specified legal entity for performing the activities of health and safety at work.

Also, if the person that the Tenderer in his Tender names as the person responsible for health and safety at work, is not listed in the Contract between the Tenderer and the legal entity, the Tenderer with his Tender submits the copy of the contract of employment of that person with the legal entity for performing the health and safety at work.

Procurement Committee

