



EUROPEAN UNION
DELEGATION TO THE REPUBLIC OF SERBIA

Finance and Contracts Section

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CONTRACTING AUTHORITY'S CLARIFICATIONS No 4
Construction of Substations 400/110 kV Vranje-4
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| No | Question | Answer |
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| 1 | Vol.1, Sec.1, Cl.12.2 "Technical and professional capacity of candidate" and "Works procurement notice", Clause 6 refer to the same requirements but are still not identical; please, advise which one prevails. | <p>The two mentioned documents are setting identical requirements and the last paragraph of Vol.1, Sec.1, article 12.2 of Instructions of Tenderers is just an additional explanation to tenderers.</p> <p>Please observe the below selection criterion on the technical and professional capacity of candidate as published in the Procurement Notice:</p> <p>He must have completed at least two design projects of the same nature (substations of 400 kV or above) and at least two civil works projects of the same nature (substations of 400 kV or above) of comparable value (not less than 2,500,000 Euro), which were completed during the following period: October 2006 - up to the deadline for submission of offers.</p> <p>Please refer to Q&A no.19 of the Contracting Authority's clarifications no.4 as well.</p> |

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| <p>2</p> | <p>Vol.1, Sec.1, Cl.12.2, "Technical and professional capacity of candidate" (a) and (g): Please, confirm that this requirement is considered fulfilled if a nominated Subcontractor has relevant local licences and permits or one of the licences while the Tenderer has the other one.</p> | <p>Vol.1, Sec.1, article12.2 allows that the necessary technical and professional capacity is added to the consortium only by members of the consortium. Subcontractors are not members of the consortium and have no contractual link with the Contracting Authority. Therefore, the requirement on the necessary technical and professional capacity is not considered fulfilled if the Tenderer does not possess relevant local licences and permits and he wants to use the licenses and permits possessed by the nominated Subcontractor. The requirement is considered fulfilled if the necessary technical and professional capacity is provided by members of the consortium.</p> |
| <p>3</p> | <p>Vol.1, Sec.1, Cl.12.1.9, The Tenderer is required to provide "details of the accommodation and facilities to be provided for the Supervisor". According to the correspondent Form 4.6.8, we conclude that the "Supervisor" is equal to "Engineer" but the Tender documents do not define conditions that the accommodation and facilities should fulfil. Please, advise.</p> | <p>Term Engineer is proper, and the term Supervisor should be considered equal to the term Engineer wherever it appears.</p> <p>Please find below the standard request with regard to accommodation: Fully furnished and equipped office accommodation of a reasonable standard and of approximately 10 square metres for each expert of the Engineer's team will be provided by contractor in Vranje including heating, cooling, cleaning and telephone and internet access. The costs of the communications of the experts must be paid by the consultants to contractor (from fee rates).</p> |
| <p>4</p> | <p>Vol.1, Sec.5, Administrative Check-list, Item 6: the given limit for submitting data on a Subcontractor is 10%, while Vol.1, Sec.4, Form 4.6.3.4 defines 5% as a limit. Please, clarify which data prevails.</p> | <p>Please, consider the 10% limit valid.</p> |
| <p>5</p> | <p>Vol.2, Sec.2 (FIDIC), Cl.6.6, the Contractor should "provide facilities for the Employer's Personnel as stated in the Employer's Requirements". The Vol.2, Sec.3, Cl.6.6 requires deletion of a sentence that does not exist in the FIDIC, Cl.6.6. Please, clarify if the Contractor shall provide the reference facilities and which sentence should be deleted.</p> | <p>The sentence that should be deleted is as in FIDIC: "The Contractor shall also provide facilities for the Employer's Personnel as stated in the Employer's Requirements". The meaning of this deletion is that the Contractor is not obliged to provide facilities for the Employer.</p> |

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| <p>6</p> | <p>Vol.2, Sec.3, Page 6: Please, confirm that the contents of the page are consistent; it should refer to Clause 3.1 only, but some paragraphs refer to Clauses 3, 5, 8 and 13;</p> | <p>We confirm that the content of the sub-clause 3.1 (Engineer's duties and Authority) is consistent. This sub-clause informs the Contractor that Engineer should obtain the specific Approval of the Employer (or Beneficiary in case of sub-clause 5.2 speaking on Contractor's documents) before carrying his duties; the specific cases where such instruction would result are named.</p> |
| <p>7</p> | <p>Vol.2, Sec.3, Page 6, Sub-Clause 5.2: Please, confirm that all technical documentation shall be submitted to the Engineer only (as per Vol.3, Sec.1, Cl.1.16) but that all documentation shall be approved by the Beneficiary as well.</p> | <p>As explained above, the Engineer is obliged to obtain the specific approval of the Beneficiary prior to approving the Contractor's Documents. This is consistent with other clauses in the Particular Conditions (for example 1.10 on use of Contractor's documents, 2.1 on the right to access the site, etc.) The reason for this is the fact that the Beneficiary will have a significant role in the provision of the construction permit in direct communication with local authorities, and after the implementation is completed he will possess the HV substation in question and will be responsible for its operation and maintenance.</p> |
| <p>8</p> | <p>Vol.2, Sec.3, Page 12 (Additional Sub-Clause 4.25: Work register): Please, confirm that the documents required to be kept on site are of the same contents as Construction Journal and Construction Log (Serbian: "građevinski dnevnik" and "građevinska knjiga"), according to the Serbian Law. In other words, our understanding is that the Contractor should prepare double documents for the supervisor delegated by the Beneficiary, according to the Serbian Law, and for the Engineer, according to the Tender Documents. Please, confirm or clarify.</p> | <p>The Contractor has to fulfil all obligations as responsible contractor for required site documents, according to the Serbian Law (Serbian: "građevinski dnevnik", "građevinska knjiga", "knjiga inspekcije", etc), to be filled in Serbian language. The Contractor will be also obliged to prepare his weekly and daily plans and reports in English language.</p> |
| <p>9</p> | <p>Vol.3, Sec.1, Cl.1.1, 4th bullet: Please, confirm that the Contractor is obliged to submit all relevant standards used for design to the Engineer; please, note that the number of standards of interest and total price of the documents to be purchased for this purpose would be a significant item.</p> | <p>The List of all relevant standards (SRPS, DIN, EN, VDE, etc) to be used for design, clearly specified, is a sufficient document for approval.</p> |

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| <p>10</p> | <p>Vol.3, Sec.1, Cl.1.1.1, 1st paragraph: Please, confirm that the executive and detailed design are not two separate sets of documentation;</p> | <p>The executive and detailed designs are two separate sets of documentations. According to the Serbian Law on Planning and Construction (Official gazette of Republic of Serbia no.24/2011) detailed design has to be approved by independent technical control and submitted to the Ministry for construction permit; Executive design is set of documentation with specific details needed only for construction phase.</p> |
| <p>11</p> | <p>Vol.3, Sec.1, Cl.1.17, 1st paragraph: It is stated that "Contractor's chief designer and senior designers must have certificates for design works that permit them to design HV substations"; As this requirement ensures that the design will be performed according to the local Laws, please, confirm that for the Design Manager it is not mandatory to have a local licence.</p> | <p>According to the Serbian Law on Planning and Construction (Official gazette of Republic of Serbia No 24/2011) Design company, chief designers and senior designers who execute and sign Design Documents must have local Company licence and Personal licences. If the Design manager is a natural person and previous mentioned criteria are fulfilled, than it is not mandatory for Design manager to have the local personal licence.</p> |
| <p>12</p> | <p>Vol.3, Sec.1, Cl.1.17.1, 1st paragraph: Please, clarify the sense of this sentence, if possible. What is a Construction Drawing and how it is obtained? Is there any connection between this and Workshop Drawing?</p> | <p>According to Vol.3, Sec.1, Cl. 1.17.1.1 Construction drawings are all drawings for a complete definition of civil design, detailed and executive. Yes, Workshop Drawings are the part of executive design as well as setting out details of form-works, details of reinforcement of cable trenches, drainage ducts, reinforcement details for foundations for gantries, apparatus supports, power transformer, oil ducts and oil pit, reinforcement details for control building and relay buildings, interior of control building, details for outdoor water supply and sewerage, planting grass, etc.</p> |
| <p>13</p> | <p>Vol.3, Sec.1, Cl.1.17.1, 1st paragraph: Please, define the position of the Supervising Engineer, as this position is not given in the Vol.2, Sec.1 and Sec.2. Is this a representative of the Employer, Engineer or Beneficiary?</p> | <p>The Contracting Authority to the Engineer is the European Union Delegation to the Republic of Serbia (EUD) on behalf of and for the account of the beneficiary country. The Engineer is representative of EUD, with a duty to assist both the Contracting Authority and the Beneficiary in the implementation of the project.</p> |

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| <p>14</p> | <p>Vol.3, Sec.1, Cl.1.18.2: Please, confirm that this requirement is in accordance with the Vol.4, Sec.2 i.e. that purchase and erection of "Power systems", "Conductors and connectors", "Power cables and terminals" and "Insulators" are included in the Contractor's scope of work</p> | <p>The Vol. 3, Sec. 1, Cl. 1.18.2 you are referring to contains the requirement regarding Purchase design.</p> <p>The Contractor's scope of work is defined in Vol. 3, Sec 2 – Works Technical Specifications and Vol. 3, Sec. 3 Installations Technical Specifications and it is in line with WORKS PROCUREMENT NOTICE: “The subject of the contract shall be the civil and electromechanical design and civil works including supply and installation of the equipment and materials such as steel structure, main grid earthing and lightning material, outdoor lighting, HVAC, fire fighting and fire alarm systems according to the technical specifications of 400/110 kV Vranje 4 Substation”.</p> |
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| <p>15</p> | <p>Vol.3, Sec.1, Cl.1.17, 1.18 and 1.19: According to our understanding, the Contractor shall prepare the following design sets (documentation): Detailed Civil Design (submittal to Engineer), Purchase Design (submittal to Engineer), Detailed Electromechanical Design (submittal to Engineer), Design Project (submittal to Beneficiary) and "As built" Design. Please, confirm and clarify the difference between Detailed Design and Detail Project and provide a short List of contents, if possible.</p> | <p>The sub-clause 1.19.3 should have been named Detailed Design instead of Detail Project (omission in translation), so there is no difference between the two terms. Detailed Design has to comprise all domains of substation and has to be prepared in accordance with Serbian Law on Planning and Construction, and it includes: Auxiliary supply (AC, DC and MV) system in substation: specifications, calculations, terms and conditions, general drawings (single pole and principle diagrams), budget Substation protection and control system: specifications, terms and conditions, control and protection equipment, functions, general drawings (principle diagrams) and budget Telecommunication substation system: specifications, terms and conditions, telecommunication equipment, functions, general drawings (principle diagrams) and budget Executive Design (circuit and wiring diagrams) for above mentioned systems are not in the scope of Detailed Design. Therefore list of contents for Detailed Design is: General Documentation-fire fighting equipment, staff protection Site levelling, drainage system, roads within S/S, cable ducts and trenches, and fence with gates Steel structure- 400kV & 110kV gantries and apparatus supports Foundations for 400kV & 110kV gantries and apparatus supports Foundations for 300 MVA power transformer, oil ducts and oil pit Control building and Relay buildings Water well, outdoor water supply and sewerage Access road Control building and Relay buildings - Electrical building services : earthing, lightning protection, lighting, power outlets Control building and Relay buildings - Electrical building services: telecommunications and fire fighting alarm system Heating, Ventilation and Air Conditioning for Control building</p> |
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| <p>16</p> | <p>Vol.3, Sec.1, Cl.1.19.3: The defined content of the Detail Project contains the "Environmental Study", which, according to Vol.3, Sec.1, and Cl.1.1 is to be provided by the Beneficiary. Please, clarify.</p> | <p>The part of Environmental study refers to measures to prevent, reduce and eliminate environmental impact of works, that have to be fulfilled by Detailed Design in terms of reduction of electromagnetic field, prevention of land contamination, underground water contamination in a case of accidents, etc during construction. Environmental Study provided by Beneficiary is a Study comprising environmental impact of the Substation.</p> |
| <p>17</p> | <p>We refer to the Clarification to Tender Dossier No.3, Item 3, regarding licenses of Engineering Chamber of Serbia for all key staff of the Tenderer. We have contacted the Serbian Chamber and, besides submitting relevant documentation, it is necessary to take a state exam to get the license, which is not realistic to undertake for our staff. We fully understand the fact that the Tenderer should qualify responsible engineers with local licenses, for site works and design according to the local Law on Construction. On the other side, we do not see a need to require this for the Project Manager, Design Manager and Site Manager. This excludes from the competition an international company like ours, which does not want to hire literally all staff locally. Please, clarify."</p> | <p>Please see the Q&A No 11 of the Contracting Authority's clarifications no.4.</p> <p>The works tendered have to be performed in accordance with local laws (especially Law on Planning and Construction (Official gazette of Republic of Serbia No24/2011) and standards as they are subject to local inspection during the execution and after the completion for the purpose of issuing of the permit for use of the constructed object.</p> |

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| <p>18</p> | <p>A foreign private company, which possess all requested capacities by its own means financial, technical and professional, as well as which has a valid licences from Ministries and authorities of its country of registration both for the company and its key staff employees engineers. But the foreign company has not these licences issued by the Serbian Ministries and authorities. However the foreign company has registered company in Serbia and legal link between these two companies is that both companies are founded by the same natural person who is 100% owner of both companies. The company in Serbia possess necessary licences, both for company and its key staff engineers, which are issued by the Serbian Ministries and authorities. Our question is: Can the foreign company participate in the tender as an individual tenderer relying on the capacity of its Serbian company regarding necessary licences (according to tender dossier Volum1. ITT, Clause 12.2, last passage) ? Or should the foreign company use its Serbian company as a subcontractor ? Or should foreign company use its Serbian company as a consortium's member ? Please clarify.</p> | <p>Please see the Question and Answer No 2 Contracting Authority's clarifications no.4. The requirement related to necessary licenses is considered fulfilled if the necessary technical and professional capacity is provided by members of the consortium.</p> |
| <p>19</p> | <p>According to tender dossier (Volum1. ITT, Clause 12.2) it is said: "The tenderer must have completed at least two design projects of the same nature (substations of 400 kV or above) and at least two civil works projects of the same nature (substations of 400 kV or above) of comparable value (not less than 2,500,000 Euro), which were completed during the following period: October 2006 - up to the deadline for submission of offers". Our question is: Do you mean 2,500,000 Euro in total ? Or per project ? Because we had completed several project (substations of 400 kV or above) as the "turn-key projects" Please clarify.</p> | <p>Each reference project must have a comparable value not less than €2.5 million.</p> |

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| 20 | <p>Our question is: (according to tender dossier Volume1. ITT, Clause 12.2,(f)) Must the key staff-engineers be permanently employed with us? Or could be some of them temporary employed, until finalization of the project in subject and after that up to expiration of warranty period? Or could be some of them engaged under the "Contract of Service" which will be in force until finalization of the project in subject and after that up to expiration of warranty period? Please clarify.</p> | <p>The tenderers are expected to propose their personnel to be employed in the contract, which must be available for carrying out the tasks required as per the Contract requirements, in terms of contractor's responsibilities.</p> <p>Please look at the Forms 4.6.1.1 where the overview of the Tenderer's personnel is required, and also Form 4.6.1.2, where the years of experience (with the company / in construction) is requested.</p> |
| 21 | <p>Who is obliged to obtain necessary building/construction permit from the local Serbian Ministries and authorities? the Beneficiary "EMS" or "the Contractor" or ("the Employer")? Please clarify.</p> | <p>The Beneficiary (EMS) will apply for the construction permit to the state institution in charge, based on the Detailed Design.</p> <p>Contractor produces the Detailed Design, which is, as per the Article 135 of the Serbian Law on planning and construction, one of submittals for the construction permit, after the Detailed Design has been technically controlled and accepted by the independent authorised body.</p> |
| 22 | <p>Is there any possibility to organise a new site visit?</p> | <p>No. This possibility was not provided with the Procurement Notice.</p> |
| 23 | <p>Is there any possibility to make offer without this site visit?</p> | <p>In the Clause 13 of the Procurement Notice it was stressed that the site visit was mandatory, and the date of it was scheduled for 8 August 2011.</p> <p>The date of the site visit was chosen to give sufficient time to tenderers to prepare their offers after the site visit and the Clarification meeting that was held on 11 August 2011.</p> <p>There is no possibility to make an offer without the site visit.</p> |