



**EUROPEAN UNION**  
DELEGATION TO THE REPUBLIC OF SERBIA

Finance and Contracts Section

Belgrade, 27.6.2012  
D-2941

**CONTRACTING AUTHORITY'S CLARIFICATIONS No. 3**

**Kolubara regional water supply scheme**

**Publication ref.: EuropeAid/131619/C/WKS/RS**

**Our reference no: 10SER01/03/31**

No	Question	Answer
1	<p>With reference to the provisions of 12.2, paragraph 3) Technical capacity of the tenderer, article 12 (Information/Documents to be supplied by the tenderer - Vol. 1_Sec 1_KOL_ITT),</p> <p>please confirm us if it is possible for a tenderer (economic operator), according to what provided in paragraph 3) article 12.2 of Vol.1_Sec 1_KOL_ITT, to make use of any kind of clubbing together/pooling with another company (not tendering) in order to meet some requirements.</p> <p>Could a tenderer (economic operator) rely on the capacities of other entities in order to meet financial and technical requirements?</p>	<p>In accordance with Article 12.2 of the Instructions to Tenderers the tenderer can rely on the capacities of other entities. Please note that such entities must respect the same rules of eligibility and notably that of nationality, as the economic operator.</p> <p>Some examples of when it may <i>not</i> be considered appropriate by the Contracting Authority are when the tender rely in majority on the capacities of other entities or when they rely on key criteria.</p> <p>Please check carefully the selection criteria stipulated in the mentioned Article 12.2 of the Instructions to Tenderers.</p>

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2	<p>One (1) Site Manager. He/she shall be a qualified civil engineer with at least 8 years of relevant professional experience and site management experience in at least two projects with a similar nature, size and complexity. Out of those 2 projects, at least one should be a construction contract according to FIDIC Plant Design-Build conditions. Please note that the site engineer, before the contract commencement date, should take the appropriate measures to have all the necessary professional licences issued or validated by the relevant National Authorities.</p> <p><u>Question 1:</u> Which are the "necessary professional licences"? Usually the Italian Site Manager are graduated at the professional high school (geometra) that (in the past) was almost equivalent to an Engineer with a short term university degree.</p> <p><u>Question 2:</u> Is the Italian high school certificate sufficient for the "validation" by the relevant National authorities ?</p> <p><u>Question 3:</u> Can this qualification be useful-or necessary-for the "validation of professional licence" as stated in the Procurement notice?</p> <p><u>Question 4:</u> Qualified personnel, with "necessary professional licence" and the relevant required experience can be employed in Serbia?</p>	<p>The professional requirements for the Site Manager are the following (please refer to the Procurement Notice paragraph 16.2.e):</p> <p><i>One (1) Site manager. He/she shall be a qualified engineer with at least 8 years of relevant professional experience and site management experience in at least two projects with a similar nature, size and complexity.</i> <i>Please note that the site engineer, before the contract commencement date, should take the appropriate measures to have <u>all the necessary professional licences issued or validated by the relevant National Authorities.</u></i></p> <p><u>Answer 1</u> For "necessary professional licences" please refer to the applicable law for construction in Republic of Serbia, namely "Planning and Construction Act". Individual licences should be issued or recognised by the Serbian Chamber of Engineers <a href="http://www.ingkomora.org.rs/">http://www.ingkomora.org.rs/</a></p> <p><u>Answer 2</u> This question should be addressed to the competent authorities, namely the Serbian Chambers of Engineers. <a href="http://www.ingkomora.org.rs/">http://www.ingkomora.org.rs/</a></p> <p><u>Answer 3</u> This question should be addressed to the competent authorities, namely the Serbian Chambers of Engineers. <a href="http://www.ingkomora.org.rs/">http://www.ingkomora.org.rs/</a></p> <p><u>Answer 4</u> Please refer to paragraph 12.1.9 of Instructions to Tenderers:</p> <p><i>Tenderers shall sign the Statement of Form 4.6.1.4 confirming that he has considered the need for at least one civil, mechanical and electrical engineer, which shall be in the possession of a license that has been issued in accordance with the applicable requirements, pursuant to the Planning and Construction Act of the Republic of Serbia. However they would not necessarily be the ones proposed for the key positions.</i></p>
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3	<p>With reference to the provisions of the paragraph 12.2, subclause 3)-a) (Technical capacity of the tenderer), article 12 (Information/Documents to be supplied by the tenderer - Vol. 1_Sec 1_KOL_ITT),</p> <p>Would you be so kind to clarify us if the tenderer must have completed as PRIME CONTRACTOR also the project with a minimum value of 5,000,000 EUR? It is not clear to us if "prime contractor" in that sentence refers just to the project with a minimum value of 8,000,000 EUR or to both the projects.</p>	<p>The requirement "prime contractor" refers to both projects.</p>
4	<p>On the drawing list there are 3 drawings which we can not find in Volume 5; <b>A-CV-18, B-CV-19</b> (on its place there is drawing B-CV-15 ones more) and <b>C-ST-02</b>. Could You please provide these drawings?</p>	<p>Please find enclosed to this clarification note the missing drawings: <b>A-CV-18; B-CV-19 and C-ST-02</b>.</p>
5	<p>In Vol 4.1 Kolubara RWS Preamble, point I.13 Class I: Pipework – Pipes is written, that "The outer diameter for steel pipes according to DIN EN 10220 is: OD 1016mm (wall thickness <b>10mm</b>) for nominal bore DN 1000" but in BoQ II.A.1 – number I 452 – I 458 is "nominal bore <math>\phi</math> 1016/<b>8mm</b>" Which wall thickness should be used?</p>	<p>The preamble should be read:</p> <p>"The outer diameter for steel pipes according to DIN EN 10220 is: OD 1016mm (wall thickness 8mm) for nominal bore DN 1000."</p>
6	<p>With reference to the provisions of Volume 1, section 4 (Additional Notice to Tenderers), please tell us who is/are the person/persons "authorised to sign on behalf of the tenderer", in case of joint venture, as, in case of joint venture, "each member of a joint venture/consortium must fill in and submit every form" of the Volume 1, section 4, as stated at point 7 page 3.</p> <p>Is this person the signatory of the tender empowered by the power of attorney?</p>	<p>The signatory of the tender shall be the representative of the joint venture/consortium empowered by the power of attorney. Either power of attorney shall be prepared by each member of the joint venture/consortium or the lead partner of the joint venture/consortium shall be appointed in an agreement and in the latter case the power of attorney from the lead partner is sufficient.</p>
7	<p>With reference to the provisions of the paragraph 12.2 of the article 3 (Technical capacity of the tenderer) - Vol. 1_Sec 1_KOL_ITT), please be so kind as to explain me what you mean by "prime contractor" and if that is different from the lead partner.</p>	<p>For "prime contractor" it is intended the "lead partner" of a Joint Venture / Consortium.</p>

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8	Could you please clarify what do you mean by prime contractor in case of a new consortium, in order to better understand which percentage of the works executed in the last five years each member should provided.	Please see answer number 7.
9	<p>In paragraph 12.2 Economic and financial capacity of the tenderer states that the tenderer has to demonstrate annual turnover in last 3 years since 01/01/2009 and it is also necessary to attach to Form 4.4 Financial statement company's previous 3 years certified statements of account. Our firm's country of origin is Czech republic where the financial statement can be compiled for "marketing year" which for year 1 starts on 1<sup>st</sup> April of year 1 and ends on 31<sup>st</sup> March of year 2. Legal obligation is to set the financial statement for year 1 by 30<sup>th</sup> September of year 2. In according to this fact we can submit certified financial statement for years 2008 (includes January – March 2009), 2009, 2010 and provisional uncertified statement for year 2011. Is it possible like this?</p>	Submitting the last three certified financial statements of the company and the uncertified provisional statement for year 2011 – as suggested by you – is acceptable in the case mentioned in your question.

**Annex:**

**Drawing number A-CV-18; B-CV-19 and C-ST-02.**