

SUBJECT: Further information and clarification of the Contract Documents for the Public Procurement No. 031-2/19 – Procurement of the service for the selection of Technical Support/Technical Consultant for the construction of the faecal sewerage network in Bratmilovce and 15 settlements in the vicinity of Leskovac, within the frame of the implementation phase of the “Wastewater management in Leskovac” Project ORIO 10/SB/01.

On 25 December 2019, the Procurer received an electronic request from a stakeholder for further information and clarification of the Contract Documents for the Public Procurement No. 031-2/19, which was entered into the Registry of the Procurer under the number 3191-404/2019-11 on the same day. On 27th December 2019 the same person submitted a repeated request for the correction pertaining to question 2. The request was entered in the records book of the Contracting Authority under reference number 3198-404/2019-11 the same day

The stakeholder asked the Procurer the following 5 (five) questions relating to the above public procurement, demanding an answer:

1. Please clarify the deadline for the implementation of the Contract in subject. In the Model Contract, the Special Conditions of Contract (page 36/106), it is stated under heading 1.1.10. the time-limit for completion is 18 months (including a 12-month period for reporting any shortcomings), while Addendum 4 –Time Schedule of Services, the table showing 18 months. According to the aforesaid, it can be concluded that the period for the preparation of the Main Design, Bid Documents Dossier and the Technical Supervision of Construction is only six months?

We assume that the deadline for the implementation of the Contract in accordance with heading 1.1.10. Model Contract is actually 18 months +12 months (period for reporting any shortcomings). We ask you to clarify as well as to correct Item 1.1.10 in Special Conditions of Contract and Addendum 4 - Time Schedule of Services. We remind you that in accordance with the FIDIC contracting conditions, the period for reporting any shortcomings is a part of every subcontract agreement and the consultancy agreement.

2. On page 6/106, Business capacity, item 2.1. you state: “The Bidder should prove that the workprocess (business activity) of the Bidder is harmonised with the appropriate standards(certificates), namely:quality management system –

ISO9001:2015;- environmental management system – ISO14001:2015;- health protection and safety at workmanagement system - ISO 45001:2018.”

The aforesaid standard ISO 45001:2018 is not in accordance with the global – international regulations which defines the importance of standard OHSAS 18001: 2007, which is in force all over the world, and in our country as well, until 11th March 2021, given that the recertification of these certificates is done each 3 years, due to which the OHSAS 18001:2007 is still in force until the aforesaid date and that the companies who own this certificate are obligated to recertify by 11th March 2021.

According to the aforesaid the request in terms of this certificate should say: health protection and safety at workmanagement system – OHSAS 18001: 2007 or ISO 45001: 2018. Please provide a clarification and correction of the contract documents.

To verify our claims, please contact any certifying authorities in the Republic of Serbia or SGS Serbia, <https://www.sgs.rs>, Certification Department.

3. On page 12/106 you say that the methodology and the work plan drawn up in free form and in no more than 5 (five) pages. The following sentence states: “Withproposed methodology The Bidder describes the method and work plan in accordancewith the set requirements of the technical specification and the tender documentation.By using the methodology, the Bidder further elaborates and details the activitiesspecified in the Addendum 4 Time Schedule of Services”.

Why is the methodology and the work plan limited to 5 (five) pages, when it is common knowledge that these types of documents normally contain a lot more pages and since they must contain everything aforesaid? Limiting the number of pages is an unorthodox practice for the drawing up of the methodology and we ask you to enable the Bidders to submit their methodologies theythink they should submit, which would contain the above

4. Given the fact that the Bids could be submitted in Serbian or English, we assume that the Commission has no issues with the English language so we ask you to please confirm whether the Bid prepared in Serbian language may contain different biographies, contracts with contracting authorities, certificates from contracting authorities in English.
5. On page 16/106 of the Contract Documents, Item 6.3 as a member of the technical supervision team a Mechanical Engineer, with a licence 330 or 430 is requested. The licence normally requested toperform the activities stipulated in the public procurement pertaining to mechanical engineering works is licence 332 –Responsible Designer for Mechanical Installations for Water Supply, Industrial Waters, Hydrotechnical and Hydropower Facilities or 432 – Responsible Contracting Engineer for Mechanical Installations for Water Supply, Industrial Waters, Hydrotechnical and Hydropower Facilities.

We ask you to please modify the Contract Documents by enabling the technical supervision over mechanical engineering tasks to be performed by persons possessing licences 330, 430, 332 or 432.

Acting in accordance with the received Request, in accordance with Article 63 of the Law on Public Procurement (*Official Gazette of the Republic of Serbia*, No. 124/2012,14/2015 and 68/2015, hereinafter: LPP), the Producer shall also provide and publish an answer to the questions as follows:

1. The Contracting Authority provided the answer to this question on the Public Procurement Portal on 23rd December 2019 with additional information and clarifications no. 3176-404/2019-11 which state: The stipulated time-limit for completion and implementation of this contract is 18 months (including the time planned and provided for the provision of training stipulated in Item 2.1.2.4) and 12 months for the removal of shortcomings.
2. The proposal of the interested person is accepted and the compliance with the standard (certificate) pertaining to the health protection and safety at work management system can be proved by submitting a copy of the OHSAS 18001: 2007 or ISO 45001: 2018 certificates.
3. The proposal of the interested person is accepted, and the Bidders may draw up the methodology and the work plan in free form on however many pages they feel is necessary.
4. The Bid prepared in Serbian language may contain resumes, contracts with contracting authorities or certificates from contracting authorities in English.
5. The technical supervision over mechanical engineering works may be performed by a person holding licence no. 330 or 430 or 332 or 432.

The Contracting Authority will make the changes to the Contract Documents in a timely manner and publish the changes in the manner stipulated by the provisions of the Law on Public Procurements.

For the Commission
Ivan Lekić

