



EUROPEAN UNION

Delegation of the European Union to Bosnia and Herzegovina

Sarajevo, February , 2017

**Clarifications No.1 to the Tender Dossier  
Reconstruction of the Sava defence embankment in the Brcko District area (BiH); Sections  
II, III, IV and V**

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**Question No. 1:**

We hereby kindly ask you to clarify whether it is necessary, for the submitted documentation that is originally written in local language, to be translated by a certified court interpreter or just translated into English?

We would also like to know whether the copies that shall be submitted as supporting documents must be officially certified by court or other authority.

**Answer no. 1:**

Please refer to Volume 1, Section 1: Instruction to Tenderers as follows:

Article 10.1: *"The tender and all correspondence and documents related to the tender exchanged by the tenderer and the Contracting Authority must be written in the language of the procedure, which is English. All correspondence relating to payments, including invoices and interim and final payment certificates, must also be sent to the Contracting Authority in English";*

Article 10.2: *"If supporting documents are not written in one of the official languages of the European Union, a translation into the language of the call for tender must be attached. Where the documents are in an official language of the European Union other than English, it is strongly recommended to provide a translation into the language of the call for tenders, in order to facilitate the evaluation of the documents".*

Please note that translation into English does not have to be a certified one, however, it must be of the acceptable quality in order to facilitate the evaluation of the documents.

**Question No. 2:**

Since we are registered firm in Republic Srpska we are holder of a licence to execute the construction works in accordance to the Laws and Regulations of Republic Srpska.

Do we need to provide in our offer the licence under the Regulation of Brcko District or would it be sufficient to provide a statement declaring that in case we are awarded the Contract we will obtain a license under the Brcko District Rule Books and Regulations.

**Answer no. 2:**

The tenderer must be holder of the required license at the time of the submission of the offer.

Please refer to the Works Contract Notice, Article 16.1.a): *“The tenderer must be a registered firm or natural persons capable to carry out the specified works. It must be duly authorized/licenced to perform the works under this contract in accordance with the relevant law in force in BiH (i.e. in particular the Brcko District Rule Books on conditions for provision of technical design, revision, construction and supervision of 26 and 27.04.2011).”*

**Question No. 3:**

In the Bill of quantities section III, II Earthworks item with the following description; “Mechanical excavation of the remaining part of the embankment according to individual cross sections. The calculation should include excavation for the filter layer and excavation for the benching of the existing embankment. The material will be transported transversally up to 15 m, next to the embankment toe on the water side. The excavated material will be used for the reconstructed embankment, according to technical requirements for the execution of works. During excavation, care should be taken to avoid any damage to the existing piezometers on the embankment route. Calculation per tabular bill of quantities for earthworks. Calculation per m<sup>3</sup>.”

Has no unit neither quantity written.

Please give us missing information in order to complete our offer.

**Answer no. 3:**

Please refer to Corrigendum no. 1.

**Question No. 4:**

Is it acceptable to bid rely on external experts for the position of Site Manager, ie attached the contract which the engineer binds it to be available in case of being selected as the best bidder?

**Answer no. 4:**

Yes it is acceptable for the Tenderer to outsource an expert for the position of the Site Manager. Copy of the Contract for the engagement of the particular expert being a key staff is not required to be enclosed in the offer.

**Question No. 5:**

In some countries is not provided professional examinations for engineers. Since the tender documentation requirements passed the certification exam (i.e. that the candidate is a chartered engineer under the legislation applicable in Bosnia and Herzegovina), does that mean that the bid can't be submitted to the engineers from other countries?

**Answer no. 5:**

Please refer to the Works Contract Notice, Article 16.2, second bullet point: the Site Manager is to be with the following qualifications:

- “is a chartered engineer under the legislation applicable in Bosnia and Herzegovina (“polozen strucni ispit”);”

Therefore, the expert proposed, regardless of his/her nationality, needs to comply with this requirement.

**Question no.6:**

Preparing the tender for reconstruction of Sava dike in Brcko District, specifically in the Bill of Quantity referring to section III of STAC.4 +646.13 to the STAC.6+138.33, II earthworks, Position 5. "Machine excavation of the remaining part of the embankment..." we realized that is not provided the necessary amount of work associated with the measurement unit in position 5.

In our opinion, after analysing the balance of the soil cross-section of this section reconstruction related to the amount of excavated soil for this position 5, should be between approximately 20,000.00m<sup>3</sup> and 25,000. M<sup>3</sup>.

According to Section 18. Notice of competition please explain the above dilemma.

**Answer no. 6:**

Please refer to Corrigendum no. 1.

**Question no.7:**

In the Bill of Quantities of Reconstruction of the Sava Defence Embankment in the Brcko District BiH area, Section III, Earth Works, Item no. 5 follows:

In the Bill of quantities section III, II Earthworks item with the following description; "Mechanical excavation of the remaining part of the embankment according to individual cross sections. The calculation should include excavation for the filter layer and excavation for the benching of the existing embankment. The material will be transported transversally up to 15 m, next to the embankment toe on the water side. The excavated material will be used for the reconstructed embankment, according to technical requirements for the execution of works. During excavation, care should be taken to avoid any damage to the existing piezometers on the embankment route. Calculation per tabular bill of quantities for earthworks. Calculation per m<sup>3</sup>.

The Quantity of the item above is missing.  
Please provide us with the missing quantities.

**Answer no. 7:**

Please refer to Corrigendum no. 1.

**Question no. 8:**

Volume 1, Section 1: Instruction to tenderers, Item 12.3, Tenders submitted by companies in partnerships forming a joint venture/consortium must also fulfil the following requirements:

The tender must include all the information required in 12.1 above for each member of the joint venture/consortium and summary data for execution of works by the tenderer.

Considering that 12.1 includes also 12.1.13 Tender guarantee, does this mean that each member of consortium has to submit the mentioned tender guarantee.

**Answer no. 8:**

Only one Tender guarantee, for the amount indicated in the Volume 1, Instructions to Tenderers, Article 15.1 shall be submitted as a part of the tender respecting all the requirements specified in the same Article 15.

**Question no.9:**

**Volume 1, Section 4 Questionnaire: additional notice to tenderers, Item 7.**

1. Each member of a joint venture/consortium must fill in and submit every form.

Taking into consideration what is stated here, is it necessary that each member of the consortium submits, for example, form 4.6.1. Professional experience of Key staff (Site Manager), considering that as a consortium we rely on one member who meets the criteria.

**Answer no. 9:**

In case the question is about Form 4.6.1.3: Professional experience of Key staff, Curriculum Vitae, this is to be provided only once.

**Question no.10:**

Is it necessary that each member of consortium submits the following forms or is it sufficient if the leading member submits the following forms or it is sufficient if the leading member submits the mentioned requirement.

4.6.3. Work plan and programme (proposed location of main office, stations, warehouses, scheduled plan etc)

4.6.7 Quality assurance system(s)

4.6.8 Accommodation for the supervisor

**Answer no. 10:**

The Forms 4.6.3, 4.6.7 and 4.6.8 are to be provided only by the leader of consortium on behalf of the consortium as whole.

**Question no.11:**

**Volume 1, Section 2: Tender form, Item 3, TENDERER'S DECLARATION(S)**

As part of their tender, each legal entity identified under point 1 of this form, including every consortium member, as well as each capacity-providing entity and each subcontractor providing more than 10% of the works, must submit a signed declaration using this format, together with the Declaration of honour on exclusion and selection criteria (Annex 1) (insert Form a.14).

Is it necessary that each member of consortium submits the separate declaration using format where each member would have to enter the tender price and similar common information for consortium or it is sufficient if only the leading member of the consortium fills out this declaration and all other consortium members submit the Declaration of Honour on Exclusion and Selection criteria (Annex 1).

**Answer no.11:**

Each consortium member must submit signed Declaration using the format provided together with the Declaration of honour on exclusion and selection criteria (Annex 1) (insert Form a.14 of General Annexes of PRAG).

**Question no. 12:**

Is the (Form a.14) the form which refers to Annex 1-Declaration of honour on exclusion and selection criteria or is there some other separate form.

**Answer no. 12:**

The Form a.14 is the form which Annex 1-Declaration of honour on exclusion and selection criteria refers to.

**Question no.13:**

In the tender, we downloaded from the portal of public procurement we noticed that the missing part that refers to Tender Form for a works Contract; Section 2; Tender form Volume 2, under 3, so please make supplement tender documents and provide us with the missing part.

**Answer no. 13:**

The Tender Form is published in the Tender Dossier.ZIP, Volume 1 Final, d4c\_tenderform\_en.doc.

**Question no.14:**

Does the value of the offer should include the amount of VAT, since the form for making offers no column in which we enter the value of VAT.

**Answer no. 14:**

The price of the offer shall exclude VAT.