



EUROPEAN UNION

Delegation of the European Union to Bosnia and Herzegovina

## **Clarification No.1 to the Contract Notice and Tender Dossier**

**Publication Ref:** EuropeAid/139-948/DD/WKS/BA; EC/BiH/TEN/17/008

**Project title:** Reconstruction of Zenica and Orasje Prisons, Bosnia and Herzegovina

**Question 1:** Could you please send us BoQ in Bosnian language for procurement of „Reconstruction of Zenica and Orasje Prisons, Bosnia and Herzegovina “LOT 1 and LOT 2.

The Bosnian translation would be for easier preparation only. This way we would exclude any misinterpretations.

**Answer 1:** The BoQ in local language is not available. As specified under article 10.1. of the Instructions to tenderers, 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.

**Question 2:** Item 8.”Eligibility and rules of origin” section of the Works Contract Notice for subject project states that:

“Participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium - of tenderers) which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under the Regulation

(EU) N°236/2014 establishing common rules and procedures for the implementation of the Union's instruments for external action (CIR) for the applicable Instrument under which the contract is financed”

However Selection Criteria; 16.2.A.b of the same document states that:

“It must be duly authorized/licensed to perform the works under this contract in accordance with the relevant law in force in BiH. Relevant licence must be submitted together with the offer.”

We consider that works contract notice has a contradiction in the manner of eligibility. Our company is Ankara-Turkey founded and eligible for bidding according to the item 8 and is not eligible according to item 16 since we have no authorization/licence in BiH.

Please clarify; do you intend to revise item 16 so that companies not licensed in BiH could also participate in bidding.

**Answer 2:** Point 8. "Eligibility and rules of origin" and point 16. "Selection criteria" of the Contract Notice are regulating different/separate compliance aspects. The candidate must first meet the eligibility and origin rules specified under point 8. of the Contract Notice. The selection criteria (i.e. economic and financial, technical and professional capacity of candidate) specified under point 16. of the Contract Notice is then applied only to tenderers of eligible nationality and compliant with the rules of origin as per the above-mentioned point 8.

In accordance with the above, we find no contradiction in the Contract Notice and therefore provision regarding the relevant license specified under point 8. (Selection Criteria) of the Contract Notice remains the same.

**Question 3:** In the part of Tender Documentation „2. *Technical and professional capacity of candidates*”, under “C” says:” The tenderer shall present experience in implementation, as a prime contractor, of at least 3 projects of similar nature and complexity with cumulative value of these projects exceeding 3 000 000 EUR (three million euro).”

Our question is what it implies “**projects of similar nature and complexity**”, in other words, will be taken into account any construction projects which involve works similar to the project concerned, or those have to be works on the construction of prison facilities, and for which a period of time are they required (over the last how many years?)

**Answer 3:** Nature and complexity is related to the type and scope of the construction works, regardless of the intended use of the facility. In accordance with the technical capacity criterion specified in the Contract Notice, there is no time period limitation.

**Question 4:** In the part of Tender Documentation:" 1.Economic and financial capacity of candidate - B) For Lot 2, under item „C" says: „Tenderer must have access to sufficient credit and other financial facilities to cover the required cash flow for the duration of the contract. In any case, the amount of credit available must be at least 140 000 EUR (two hundred thousand euro)."

Amounts written in numbers and letters are different. Which amount is correct?

**Answer 4:** The amount written in number (140 000) is correct. Please see Corrigendum No.1 to the Contract Notice.

**Question 5:** What is the estimated procurement value or budget of Tender EC/BIH/TEN/17/008?

**Answer 5:** In accordance with the European Union procurement procedures, the estimated budget information for a works contract is not to be disclosed.

**Question 6:** 8. Eligibility and rules of origin, “Origin of purchased material up to 100,000 euros” Also refers to the origin of purchased material up to 100,000 euros from Bosnia and Herzegovina ?

**Answer 6:** Supplies to be purchased with value below 100,000 euros may originate from any country including Bosnia and Herzegovina. Please also note that Bosnia and Herzegovina is an eligible country of origin for purchase of goods of any value.