



Finance Contract:	SERBIAN INLAND WATERWAY INFRASTRUCTURE Finance Contract between the Republic of Serbia and European Investment Bank (Official Gazette of the Republic of Serbia - International Contracts No. 02/2019)
Name of the Procedure and Reference number:	Supervision of the phase reconstruction and extension of existing facilities and construction of new port capacities of the Port of Prahovo 342-01-00539/2022-06
Type of document:	Clarification No 2 to Tender Dossier
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## Clarification No. 2 to TD

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QUESTIONS	ANSWERS
<p><b>Question No 1</b></p> <p>Considering that in the Terms of Reference for the Project Supervision of the phase reconstruction and extension of existing facilities and construction of new port capacities of the Port of Prahovo is defined under section 2.2 Purpose:</p> <p><b>1. Purpose</b></p> <p><i>The purpose of this contract is as follows:</i></p> <ol style="list-style-type: none"><li><i>Provision of the construction supervision of the phase reconstruction and extension of existing facilities and construction of new port capacities of the Port of Prahovo:</i><ol style="list-style-type: none"><li><i>in the capacity of the “FIDIC Engineer” according to the FIDIC Conditions of Contract for Construction for building and engineering works designed by Employer (FIDIC RED Book, First Edition 1999) (hereinafter called “the FIDIC Red Book”, and</i></li><li><i>according to the provision of the “Rulebook on the content and manner of conducting construction supervision” of the Republic of Serbia (“Pravilnik o sadržini i načinu vođenja stručnog nadzora”) and respecting the relevant national legal framework.</i></li></ol></li><li><i>Supervision of the Environmental monitoring performed by the Works Contractor, including monitoring of works contractors' Social Action Plan.</i></li></ol>	<p><b>Answer No 1</b></p> <p>The Tender Dossier has been carefully tailored to follow technical requirements of these specific works, international good practices for procurement and contract management/implementation as well as PRAG and EIB procurement rules and local legislation. Services of supervision are complexed and the key experts and their qualification and experience is considered to be crucial for successful assignment. The supervision acts in accordance with the Serbian Law on Planning and Construction, therefore proposed timeline based on FIDIC is not relevant. The Employer is clarifying as follows:</p> <ol style="list-style-type: none"><li>Key Expert 1 – Team Leader needs to have relevant experience “under</li></ol>



<p>Could you please clarify why under section 6.1.1 Key experts it is required at Specific experience for Key expert 1: <b>Team Leader</b> and Key Expert 2: <b>FIDIC Engineer - Deputy Team Leader</b> that both experts need to have relevant experience <i>“under FIDIC conditions of contract or equivalent, or similar positions under similar IFI contract conditions, in the period of eight years immediately before the tender submission deadline”</i>?</p> <p>Namely, we find this requirement as a discriminatory one, since it is clear from the Scope of the Project that Supervision will be provided under conditions of <b>FIDIC RED Book, First Edition 1999</b> which implies that relevant expert’s experience <i>under FIDIC conditions of contract or equivalent, or similar positions under similar IFI contract conditions</i> is relevant not only in the last <b>eight years</b> but in the last 23 years considering that FIDIC RED Book didn’t have additional editions for the Construction Contract in the meantime?</p>	<p>FIDIC conditions of contract or equivalent, or similar positions under similar IFI contract conditions, in the period of ten (10) years immediately before the tender submission deadline</p> <p>2. Key Expert 2 needs to have relevant experience “under FIDIC conditions of contract or equivalent, or similar positions under similar IFI contract conditions, in the period of ten (10) years immediately before the tender submission deadline</p>
<p><b>Question No 2</b></p> <p>Considering the holiday season, which lasted from December 24th 2022 until January 8th 2023, coinciding with the preparation time needed for the proposal, we kindly ask to be granted an extension of the submission deadline by two weeks, i.e. February 13th 2023.</p>	<p><b>Answer No 2</b></p> <p>The Employer deems timeline of the procedure as well as time allowed for preparation of proposal in full conformity with recommendations given by the Guide to Procurement for projects financed by the EIB from September 2018 and Practical Guide for Procurement And Grants for European Union external actions – August 2020 and fully sufficient for preparation of proposals.</p>
<p><b>Question No 3</b></p> <p>In the ToR, para. 6.1, there is a quite wide overlapping of the two positions related to KE1 and KE2. Although there are some little</p>	<p><b>Answer No 3</b></p> <p>The TOR remains unchanged.</p>



<p>and minor differences, we kindly ask you to clarify whether this similarity is actually needed or if Key expert 2 has to provide some additional or different expertise.</p>																			
<p><b>Question No 4</b></p> <p>In the ToR, para. 6.1, the period of reference for similar projects carried out by the three Key experts is 8 years, while usually it is 10 years. Therefore, we kindly ask you if this reference period might be extended.</p>	<p><b>Answer No 4</b></p> <p>Please see answer under 1.</p>																		
<p><b>Question No 5</b></p> <p>Please kindly consider giving more detailed description of the Specific professional experience for Key Expert 3: Hydro technical Engineer. In particular, it is stated that the expert must have an experience on a "position for managing the technical elements of the works related to hydro-technical constructions on-site", which is rather broad. Would works such as river regulations, dam and port constructions fit the described condition?</p>	<p><b>Answer No 5</b></p> <p>The TOR remains unchanged.</p>																		
<p><b>Question No 6</b></p> <p>Considering that in the Terms of Reference for the Project Supervision of the phase reconstruction and extension of existing facilities and construction of new port capacities of the Port of Prahovo is defined under section 6.1.2 Non-key Expert indicative number of working days for key-expert and non-key experts are stated as following:</p> <p><i>Table 1: Indicative number of working days for key-experts and non-key experts</i></p> <table border="1" data-bbox="207 1350 963 1709"> <thead> <tr> <th></th> <th>Description</th> <th>Total (w/d)</th> </tr> </thead> <tbody> <tr> <td>Key-expert 1</td> <td>Team Leader</td> <td>400</td> </tr> <tr> <td>Key-expert 2</td> <td>FIDIC Engineer - Deputy Team Leader</td> <td>300</td> </tr> <tr> <td>Key-expert 3</td> <td>Hydro-technical Engineer</td> <td>300</td> </tr> <tr> <td>Non-key experts</td> <td>Subject to the assessment and proposal of the Services Contractor</td> <td>2200</td> </tr> <tr> <td><b>Grand total</b></td> <td></td> <td><b>3200</b></td> </tr> </tbody> </table> <p>Having above in mind could you please clarify that above number of working days per each category of experts is just indicative, as stated in ToR, and tenderer is allowed to propose different allocation of working days that is aligned with individual</p>		Description	Total (w/d)	Key-expert 1	Team Leader	400	Key-expert 2	FIDIC Engineer - Deputy Team Leader	300	Key-expert 3	Hydro-technical Engineer	300	Non-key experts	Subject to the assessment and proposal of the Services Contractor	2200	<b>Grand total</b>		<b>3200</b>	<p><b>Answer No 6</b></p> <p>The number of working days is <b>indicative</b> and deemed sufficient to cover tasks from the TOR for each key expert as well as non-key experts. Kindly note that this is a <b>fee-based</b> contract. It is consultant's responsibility to propose estimated number of working days – this is required by the organization and methodology total technical score being 50 points out of which timetable of activities including the number of experts day proposed carries 10.</p> <p>All the tasks from the TOR have to be covered and clear division of duties within the experts presented in a realistic timeframe of the assignment.</p>
	Description	Total (w/d)																	
Key-expert 1	Team Leader	400																	
Key-expert 2	FIDIC Engineer - Deputy Team Leader	300																	
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Republic of Serbia  
Ministry of Construction,  
Transport and Infrastructure  
Project Implementation Unit

approach as elaborated in the Organisation and Methodology within the Technical Offer of tenderer?	
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