

CLARIFICATION TO CONTRACT NOTICE No:2

Contract Title: TECHNICAL ASSISTANCE FOR PROJECT PREPARATION OF INVESTMENT PROJECTS IN THE TRANSPORT SECTOR IN MONTENEGRO

Publication Reference: EuropeAid/ 140118/IH/SER/ME

QUESTIONS & ANSWERS

Question 3:

1. Under **21. Selection criteria, point 2) a)** it is stated that at least 10 staff must be currently working for the candidate in fields related to this contract. Please clarify which fields are considered related to this contract.

2. Under **21. Selection criteria, point 2) b)** it is stated that at the moment of tender submission, the tenderer shall have a professional license(s), certificate(s) (or right), in accordance with the laws of the country in which he is established (or equivalent) for performance of the assignments.

Please clarify what kind of professional licences, certificates and other relevant documents are required in that respect.

3. Under **21. Selection criteria, point 3) a)** it is required that the candidate has provided services under (2) technical assistance service contracts of a minimum value of EUR 1,000,000 (proportion of the contract carried out by the legal entity for each contract), encompassing the preparation of project documentation in transport sector, such as pre-feasibility or feasibility studies, preliminary or detailed design, environmental impact assessment, cost benefit analysis, tender dossiers, etc.

Please confirm our understanding that it is sufficient that a single eligible project contains any kind of above listed document (preparation of project documentation in transport sector, such as pre-feasibility or feasibility studies, preliminary or detailed design, environmental impact assessment, cost benefit analysis, tender dossiers, etc.), i.e. it is acceptable that for example a project encompasses elaboration of environmental impact assessment for railroad infrastructure or elaboration of feasibility study for road infrastructure, and such references will be acceptable given that value of every single service has minimum value of 1.000.000 EUR.

4. Under **21. Selection criteria, point 3) b)** it is required that the candidate has provided technical assistance services as leader of consortium or single operator (including the preparation of project documentation, such as pre-feasibility or feasibility studies, preliminary or detailed design, environmental impact assessment, cost benefit analysis, tender dossiers, etc.) for at least two (2) infrastructure projects in the transport sector with a total investment costs of a minimum value of EUR 10 million equivalent for each infrastructure project.

Please confirm our understanding that it is sufficient that a single eligible project contains any kind of above listed document (preparation of project documentation in transport sector, such as pre-feasibility or feasibility studies, preliminary or detailed design, environmental impact assessment, cost benefit analysis, tender dossiers, etc.), i.e. it is acceptable that for example a project encompasses elaboration of environmental impact assessment for railroad

infrastructure or elaboration of feasibility study for road infrastructure, and such references will be acceptable given that value of every single service has minimum value of 1.000.000 EUR.

5. Under **21. Selection criteria** it is prescribed that with regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required.

Please confirm our understanding that in that respect it is acceptable for an economic operator to rely on capacities of members of consortium, and/or subcontractors, and/or third party, i.e. not just on one of the listed options.

ANSWER 3:

1. Please see the Contract notice section 7. Contract description.

2. The tenderer is required to have, as **21. 2) b)** states "professional license(s), certificate(s) (or right), in accordance with the laws of the country in which he is established (or equivalent) for performance of the assignments." Even though specific documents required by various countries might differ, the tenderer, *at the moment of tender submission*, should at least have:

- proof of company's legal existence in the country in which he is established – in Montenegro, for example, extract from the Central Register of Commercial Entities.

- professional license (s) needed to perform assignments outlined in the Contract Notice *in accordance with the laws of the country in which he is established*.

In Montenegro, this includes, but is not limited to:

a) Law on Spatial Planning and Construction (*currently in force*)

b) Law on Health and Safety at Work (*currently in force*)

c) Relevant Rulebook on licensing of foreign entities (*currently in force*)

d) etc.

Please note that, in order to be able to perform contractual activities, *the latest on the Commencement Date*, the Contractor will have to be accredited (authorized) and registered in accordance with the relevant legislation in Montenegro (all related costs to be covered by the Contractor).

3. Please see the Contract Notice Selection Criteria **21 3) a)** The candidate has provided services under (2) technical assistance service contracts of a minimum value of EUR 1,000,000 (proportion of the contract carried out by the legal entity for each contract), encompassing the preparation of project documentation in transport sector, such as pre-feasibility or feasibility studies, preliminary or detailed design, environmental impact assessment, cost benefit analysis, tender dossiers, etc..

It is crucial that *proportion of the contract carried out by the legal entity for each contract* is of a minimum value of EUR 1,000,000 under (2) technical assistance service contracts.

4. Please read carefully 21.Selection criteria point **3) b)**. The candidate has provided technical assistance services as leader of consortium or single operator (including the preparation of project documentation, such as pre-feasibility or feasibility studies, preliminary or detailed design, environmental impact assessment, cost benefit analysis, tender dossiers, etc.) for at least two (2) infrastructure projects in the transport sector with a total investment costs of a minimum value of EUR 10 million equivalent for each infrastructure project.

Criteria under question does not specify value of the specific services/activities.

5. Please read carefully the Contract notice **21 3)** An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. Some examples of when it may not be considered appropriate by the contracting authority are when the tenderer rely in majority on the capacities of other entities or when they rely on key criteria. If the tenderer relies on other entities it must prove to the contracting authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing a commitment on the part of those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility - notably that of nationality – and must comply with the selection criteria for which the economic operator relies on them. Furthermore, the data for this third entity for the relevant selection criterion should be included in the tender in a separate document. Proof of the capacity will also have to be furnished when requested by the contracting authority.

With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required.