

CLARIFICATION TO CONTRACT NOTICE No: 4

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 1:

1- In the Contract Notice, **21.2.b**, it states;

“The tenderer must be a registered firm or natural person legally capable of carrying out the specified assignment ; in case of consortium , this requirement applies to all members of the consortium . 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.” However, it also states; “ For purpose of tender evaluation, legal requirements must be respected by every member of a consortium while **for professional license only one member is sufficient to have it**” is this statement referring to a design license from Montenegro and that one firm in a consortium has to possess a valid license from Montenegrin Authorities? Can a consortium with no Montenegrin member (and no member with existing Montenegro Branchs) be acceptable per 21.3.b if all members of that consortium possesses the legal right to perform technical documentation/technical consultancy/design/engineering stated in their “certificate of incorporation”/”company main articles” in country(ies) they were established which the country(ies) does not require additional Professional license to perform such contracts?

2- In the Contract Notice, **21.3**, it states;

“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.;

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.”

Would a Referenced Project that meets both 21.3.a and 21.3.b criterias be accepted for both of the criterias?

ANSWER 1:

1. In accordance with Contract Notice, 21.2.b 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. For purpose of tender evaluation, legal requirements must be

respected by every member of a consortium while for professional license only one member is sufficient to have it.

In reference to the questions above:

Yes, the statement is referring to the License as an act confirming fulfillment of requirements for performing the activities engineering documents development, engineering documents review, building of structures or execution of specific structure building works and engineering supervision etc.

At the moment of tender submission, a consortium with no Montenegrin member (and no member with existing Montenegro branches) is eligible to participate in the tender procedure if all members of that consortium fulfill legal requirements and at least one member of the consortium has a professional license (in accordance with the laws of the country in which he is established).

However, 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 are to be covered by the Contractor).

2. As per PRAG 3.4.1.2. Publication of contract notices

"Please note that with a clarification, the contracting authority cannot give an opinion on the assessment of the application."