

## CLARIFICATION TO CONTRACT NOTICE NO.1

**CONTRACT TITLE:** SUPPORT TO PROJECT PREPARATION FOR ENVIRONMENT AND CLIMATE CHANGE SECTOR IN MONTENEGRO

**Publication reference:** EuropeAid/139893/IH/SER/ME

### QUESTIONS & ANSWERS

**Question 1:** Regarding 21/2/b of the Service Contract Notice, please clarify the following: „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 assignment ( design review and supervision)“ – is it enough for one member of the consortium to have the aforementioned professional license(s), certificate(s)?

**Answer 1:** According to the section 21/2/b in the Contract Notice „For the purpose of tender evaluation, legal requirements must be respected by every member of a consortium while it is sufficient for only 1 member to have a professional license.“

**Question 2:** Regarding 21/2/b, does 'at the moment of tender submission' refer to the date 12th August 2019, the deadline of the application, or the eventual later date of the submission of the proposal by the shortlisted tenderers?

**Answer 2:** „At the moment of tender submission“ in Contract Notice section 21/2/b refers to the later date, the date of the submission of proposal by shortlisted tenderers.

**Question 3:** Regarding 21/2/b, can you please clarify what is being referred to exactly under 'legal requirements', in the sentence "For the purpose of tender evaluation, legal requirements must be respected by every member of a consortium"?

**Answer 3:** Please refer to the part in section 21/2/b in Contract Notice „On the commencement date, at the latest, the tenderer will have to possess a professional license(s), certificate(s) (or right), in accordance with the relevant legislation of Montenegro (all related costs, both for the legal body as well as the contractor's personnel, shall be included in the contract price). This includes but is not limited to:

- Law on Spatial Planning and Construction of the Structure ("Official Gazette of Montenegro", No. 064/17 from 06.10.2017, 044/18 from 06.07.2018, 063/18 from 28.09.2018, 011/19 from 19.02.2019)
- Law on health and safety at work Official Gazette of Montenegro', no. 34/14), 044/18 from 06.07.2018.“

Therefore, the legal requirements must be in accordance with relevant legislation of Montenegro, including the above mentioned and other relevant laws.

**Question 4:** Regarding professional capacity of candidate:

What does the following phrase mean?

“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”

Is it referring to the inscription of the Company in a National Identity or Fiscal Register? Or, is it referring to the personal professional licenses of the company employees?

**Answer 4:** Please refer to the section 21/2/b in the Contract Notice “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 assignment (design review and supervision)”

**Question 5:** Regarding professional capacity of candidate:

“For the purpose of tender evaluation, legal requirements must be respected by every member of a consortium while it is sufficient for only 1 member to have a professional license”

In one hand, could you clarify which are the mentioned legal requirements?

And in the other hand, does it mean that in case of a consortium, only one company must have “professional license” during the tender phase? And, what are exactly the scope of this “professional license”? Is it referring a company registering or personnel licenses? Shall be those register/license in Montenegro?

**Answer 5:** According to the section 21/2/b in the Contract Notice “For the purpose of tender evaluation, legal requirements must be respected by every member of a consortium while it is sufficient for only 1 member to have a professional license” .

Please refer to the part of section 21/2/b in Contract Notice that states „On the commencement date, at the latest, the tenderer will have to possess a professional license(s), certificate(s) (or right), in accordance with the relevant legislation of Montenegro (all related costs, both for the legal body as well as the contractor's personnel, shall be included in the contract price). This includes but is not limited to:

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- Law on health and safety at work Official Gazette of Montenegro', no. 34/14), 044/18 from 06.07.2018.“

**Question 6:** Regarding professional capacity of candidate:

In case of a Consortium, on the commencement date, ALL the members must be registered as a company or branch in Montenegro? Or is it enough that one member will be registered?

**Answer 6:** According to the section 21/2/b in the Contract Notice, for the professional capacity of candidate You can refer to the • Law on Spatial Planning and Construction of the Structure ("Official Gazette of Montenegro", No. 064/17 from 06.10.2017, 044/18 from 06.07.2018, 063/18 from 28.09.2018, 011/19 from 19.02.2019).

**Question 7:** Regarding professional capacity of candidate:

Could you clarify if all the contractor's personnel must be registered as professionals in Montenegro?

**Answer 7:** According to the section 21/2/b in the Contract Notice, for the professional capacity of candidate You can refer to the • Law on Spatial Planning and Construction of the Structure ("Official Gazette of Montenegro", No. 064/17 from 06.10.2017, 044/18 from 06.07.2018, 063/18 from 28.09.2018, 011/19 from 19.02.2019).

**Question 8:** With regards to the subject project, chapter 21.2.b), „For purpose of tender evaluation, legal requirements must be respected by every member of a consortium while for professional licence only one member is sufficient to have it“:

- Could you please clarify what is understood by legal requirements?
- „For professional licence only one member is sufficient to have it“ This assertion seem to be in contradiction with the previous wording where apparently a certificate or right in accordance with the laws of the country of establishment would be enough. Could you please clarify this point?

**Answer 8:** Please refer to the part of section 21/2/b in Contract Notice that states „On the commencement date, at the latest, the tenderer will have to possess a professional license(s), certificate(s) (or right), in accordance with the relevant legislation of Montenegro (all related costs, both for the legal body as well as the contractor's personnel, shall be included in the contract price). This includes but is not limited to:

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