MEĐIMURSKE VODE d.o.o., ČAKOVEC
The North Western Regional Waste Water Project - Construction of sewerage system
Novo Selo na Dravi (Pumping stations, connecting pipes and collectors)
Procurement Ref. 7275-GPN-39990, published on the EBRD website, [www.ebrd.com](http://www.ebrd.com) on 10th Feb 2014

**QUESTIONS / ANSWERS**

Date: 28 May 2014

<table>
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<tr>
<th>No.</th>
<th>Question</th>
<th>Answer</th>
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<tbody>
<tr>
<td>1.</td>
<td>Poštovani, molim Vas da nam pojasnite na temelju kojeg zakona i zbog čega raplačujete natječajnu dokumentaciju, i zbog čega nije na hrvatskom jeziku, a od 01.07.2013. ista bi trebala biti objavljena na hrvatskom jeziku kao jednom od službenih jezika Europske unije?</td>
<td>Language of the procedure is English language, thus we cannot give answer to this question</td>
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<td>2.</td>
<td>Can we obtain tender documentation on Croatian language or some part of above (bill of quantities, technical data) Can you give us tender forms including Letter of Tender in tender data sheet (section IV) in word document Can you give us bill of quantities in Excell format in order to calculate and printing</td>
<td>We do not have translation of the original tender documentation on Croatian language. All official templates for Procurement of works are available on official EBRD website: <a href="http://www.ebrd.com/pages/workingwithus/procurement/project/standard.shtml">http://www.ebrd.com/pages/workingwithus/procurement/project/standard.shtml</a>. Templates are made available to tenderers in electronic version on CD that makes integral part of tender documentation. However, we can provide you with the Croatian version of bill of quantities, in pdf. form. We emphasize once again that the Croatian version of bill of quantities is not an official document of tender package, and is only of informative nature. For submission of your tender, please use the official documentation i.e. the bill of quantities on English language, stamped by the Employer, as you’ve received in your tender package.</td>
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<td>3.</td>
<td>Poštovani, pozivamo se na naputak Hrvatskih voda oko realizacije investicijskih projekata objavljen 05.03.2013. i upućen svim komunalnim trgovačkim društvima u kojem stoji da se mogu nudit cijevi čiji</td>
<td>Language of the procedure is English language, thus we cannot give answer to this question.</td>
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se stvarni profil ne smije razlikovati od korisnog više od 15%.

Postavljamo pitanje, glede troškovnika gore navedenog nadmetanja, da li možemo nuditi rebraste kanalizacijske cijevi DN250/214, DN315/271, te DN400/343, a vezano za navedeni naputak?

Nadalje, u troškovniku se opisuje dobava brizganih okana dok rotolijev nije dozvoljen. Konkretno, navedeni opis okana ne zadovoljava niti jedan hrvatski proizvođač. Ovakvim postupcima se direktno šteti našem gospodarstvu i zatire se domaća proizvodnja, a znamo da su okna iz rotolijeva jednako vrijedna. Posljednjih godina smo ugradili velik broj PE revizijskih okana diljem Hrvatske te možemo sa zadovoljstvom reći da takvi sustavi još dan danas uspješno funkcioniraju.

Prema gore navedenom postavljamo pitanje može li se u navedenoj stavi nudi PE revizijsko okno izrađeno tehnikom rotolijeva?

4. Regarding the above-mentioned soliciting for tenders we would kindly ask you to answer the following questions:

1. What is the exact thickness of excavation of macadam for preparatory works BoQ clause 6, 30 or 40 cm?

1. The exact thickness of excavation of macadam for preparatory works in Bill of Quantities, Clause 6 is 40 cm. Therefore, in Bill of Quantities two corrections are needed:

BoQ, page 101, 3) Settlement Novo Selo na Dravi, 3.1. Sanitary Sewerage network, Item 6. Excavation of macadam in a layer of 40 cm (not 30 cm)....
BoQ, page 76, 2) Settlement Totovec, 2.1. Sanitary Sewerage network, Item 6. Excavation of macadam in a layer of 40 cm (not 30 cm)....

Please make these corrections in BoQ in your tender. Notwithstanding, clarifications and answers on questions make integral part of tender documentation and this two corrections are considered to be registered in tender documentation.
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<th>5.</th>
<th>Regarding the above specified tender we would like to know if it is possible to get Schedules of prices/Bill of Quantities in excel file and if there is any possibility to get tender files in Croatian language?</th>
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<td>6.</td>
<td>Regarding the above specified Tender we have questions. In section III: Evaluation and Qualification Criteria, paragraph 2.4.1. General experience specified in part 1 Section III Table 2.4 is written that we have to have experience as prime contractor in the construction in projects of a nature and complexity comparable to the proposed contract of at least 10,000,00 meters. Is it appropriate reference if we have more projects and their sum exceeds 10,000,00 meters?</td>
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<td>7.</td>
<td>1) In paragraph 2.5 &quot;Personnel&quot; is said &quot;For each position the Tenderer will supply information (in table 2.5) on a first choice candidate and an alternate...&quot; and in &quot;Note&quot; is said – in total it should be seven different persons for position numbered from 1 to 7&quot;. Please give us explanation how many persons must we nominate in total? 2) In Paragraph 2.5. &quot;Personnel&quot; is said &quot;B.Sc. in Engineering is a degree awarded to a student after minimum four full years of studying engineering at university recognised by Croatian educational standard&quot;. According to Croatian standards, B.Sc degree is awarded after three years of studying (180 ECTS points) and M.Sc. degree is awarded after five years of studying (300 ECTS points). Do we need to nominate B.Sc. or M.Sc. Engineers and with how many points? 3) In Paragraph 2.7.&quot;Conformity of Material and Services&quot; is said &quot;Relevant proof of material quality as required by Croatian legal regulations for the construction, this documents should be in the Croatian language, if originals are in other European language, certified translation in Croatian language must be accompanied. For proof of testing results</td>
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language must be accompanied, this must be accompanied with testing results according document for the material quality is issued, document should be in English, if not, to original certified translation in Croatian language should be accompanied

It is unclear on which language proofs must be, on English or Croatian. If proofs are in original on German language, must we translate them on Croatian or English?

4) Please provide us Bill of Quantities and Forms in editable digital format (Excel and Word)

Please see the answer under point 2.

The "positive financial results for the last three years" is set as criteria only in Invitation for tenders as such. According to point 6.2 of Tender documentation, Part I - Section II: Tender Data Sheet, the Invitation for Tenders issued by Employer is not part of the Tender Document.

In tender documentation, Section III: Evaluation and Qualification Criteria, under 2.3.1 Historical financial performance, this criterion is not defined as "positive financial result for the last three years" Therefore we instruct you that the valid criteria for financial situation is given correctly only in Section III: Evaluation and Qualification Criteria, under 2.3.1 Historical financial performance. The tenderer must demonstrate the soundness of the Tenderer's financial position, showing long-term profitability. In order to adjust the correspondent Table 2.3 Financial Situation on page 30 of the tender documentation, with the requirement for 2.3.1. Historical Financial Performance, the last sentence "The company must show positive result over the last three years" is now deleted.

Therefore in Table 2.3 Financial Situation on page 30 of the tender documentation, the requirement for 2.3.1. Historical Financial Performance reads: "Submission of audited balance sheets or if not required by the law of the Tenderer's country, other financial statements acceptable to the Employer, for the last three (3) years to demonstrate the current soundness of the Tenderers financial position and its prospective long term profitability."
Tenderers."
In the Instructions to Tenderers which are part of the User Guide the criterion: "Historical financial performance" is defined as follows: "The audit balance sheet for the last [specify number of years] years shall be submitted and must demonstrate the soundness of the Tenderer's financial position, showing long-term profitability."
According to the concrete Invitation for Tenders and the Tender Document, in order to be deemed as qualified for the award of the contract, tenderers must fulfil the following historical financial performance criterion:
"Positive financial results for the last three years.
The audit balance sheet for the last three years shall be submitted and must demonstrate the soundness of the Tenderer's financial position, showing long-term profitability."
Comparing the Invitation for tenders and the Tender Document with the applicable User guide it is more than obvious that EBRD doesn't proscribe that the "Historical financial performance" criterion is proved by positive financial results over the last years. EBRD proscribes that the tenderer must demonstrate under its balance sheets the soundness of its financial position, showing long-term profitability. This is the case notwithstanding the fact that it might not have shown profits in financial results in the past years. Considering the mentioned, it can be concluded that the Invitation for Tenders and the Tender Document materially alter the criterion: "Historical financial performance" proscribed by EBRD.
According to the User guide, this criterion shouldn't be changed. Acting contrary represents a violation of EBRD rules, which justifiably questions the Tender's validity.
Subsequently, we invite you to clarify and amend the aforementioned criterion according to the EBRD rules, as well to reasonably extend the deadline for submission of tenders, in order that the tenderers can take the amendment into account.

10. 1) In OTHER WORKS Item No 8, Projector is specify crushed stone, but technical specification accept naturally occurring sandy gravels. Can we take technical specification as relevant?

2) Tender documentation isn't obtain in deadlines

1) Relevant description is in bill of quantities, Other works, item No.8: which is crushed stone. Technical specifications do not accept naturally occurring sandy gravels for buffer layer, but for backfilling of trenches.

2) The deadline for Tender submission is set for
and many time spend for translation acquire conditions for prolongation deadline for submit tender documentation. Due to mentioned, can you give a deadline prolongation for bid submit

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<th>11. Additional explanation</th>
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| 23/06/2014 by 10:00 h, local time. There are no justified reasons for prolongation of the deadline. |

This procurement (Ref. No. 7275-GPN-39990) is conducted according to “Procurement Policies and Rules” issued by European Bank for Reconstruction and Development, as the creditor from Loan agreement btw. Medimurske vode (the Borrower) and EBRD. As stated in point 3.18 of the “Procurement Policies and Rules” the language of the procedure is English. The costs for tender documentation can be requested according to tender documentation package.