



**CLARIFICATION TO QUESTIONS ON  
BIDDING DOCUMENTS**

**MILLENNIUM CHALLENGE ACCOUNT – MOLDOVA**

**On Behalf of:**

**THE GOVERNMENT OF MOLDOVA**

**Funded by**

**THE UNITED STATES OF AMERICA**

**Through**

**THE MILLENNIUM CHALLENGE CORPORATION**

**\*\*\***

According to IFB Section II 'Bid Data Sheet' ITB 11.1 (i) the Bidders are encouraged to request the electronic file of the BOQs. For this purpose the electronic editable versions of the BOQ (in MS Excel) are made available at the following link: <http://files.asd.md/Bidding Documents/BoQ in Excel.zip>. The files contain all necessary formulas so the bidders are required to input just unit rates for the pay items in the BoQs.

**Question 1:**

Referring to personnel for key position (based on item 5, Evaluation and Qualification Criteria) if we are going to bid for two lots combined, are we allowed submitting the same professional staff to coordinate both contracts?

**Answer 1:**

No. Please refer to the Bidding Documents, Part I – Bidding Procedures, Section III, page III-41, Clause 5 - Personnel- in case that a Bidder bids for multiple lots, the Bidder shall provide a separate team of key personnel for each lot, as per specific contract requirements, respectively.

**Question 2:**

Concerning the key equipment as required in item 6 of Evaluation and Qualification Criteria, if we are going to submit a proposal for lots combined, can we use the same equipment for two different lots?

**Answer 2:**

The Bidders are allowed to propose the same list of key equipment for a combination of lots (combination Lot 1 + Lot 2 and combination Lot 3 + Lot 4).

**Question 3:**

In accordance with Section III point 4.2 Similar Construction Experience in case we are going to submit a proposal for both lots combined (Lots 1 + 2 and Lots 3+4), are we allowed to propose the same contracts, proving the similar experience?

**Answer 3:**

Yes. The Bidders are allowed to propose the same list of contracts providing similar experience for a combination of lots (combination Lot 1 and Lot 2 and combination Lot 3 and Lot 4).

In addition, please note that in accordance with the provision in abovementioned section, on page III-30, Part I – Bidding Procedures of the Bidding Documents, each bidder will be eligible for being awarded maximum two contracts out of four.

**Question 4:**

In accordance with Section III point 4.2 Similar Construction Experience we would like to get also clarified; can we propose a contract with a value exceeding 80 mil.\$ within the last five years, instead of two contracts with a value of 40 mil.\$, submitting a proposal for lots combined?

**Answer 4:**

No. For submitting a proposal for combination of lots (Lot 1 + Lot 2 or Lot 3 + Lot 4), the minimum requirement refers not only to the minimal contract amount, but also to the number of such contracts. Therefore, in case that a Bidder is submitting a proposal for two lots combined (Lot 1 and Lot 2, or Lot3 and Lot 4) the combined requirements shall be 2 contracts within the last five 5 years, each with a value of at least \$ 40 million or equivalent.

**Question 5:**

The Bid Security could be in the form of Policy, released by an Assurance company (accepted by the Employer)?

**Answer 5:**

Please refer to Section I, Instructions to Bidders, ITB 19.

**Question 6:**

In case the bidder is a JV is it allowed that the Bid Security to be obtained by any of JV member, or by both members, according to their percentages in JV?

**Answer 6:**

Please refer to the previous answer.

**Question 7:**

Please, clarify to us how the classifying of financial proposal will work? Please, send us simulation/mechanism/formulae you will use for awarding.

**Answer 7:**

Please refer to the Case Study available at the following link: <http://files.asd.md/Bidding Documents/Case Study.pdf>

**Question 8:**

How many bids can submit one bidder and for witch lots?

**Answer 8:**

The bidders are not restricted in the number of bids they can submit, i.e. the bidders could submit their bids for 1, 2, 3 or all 4 lots. But each bidder, depending on his qualification, is eligible for being awarded maximum two contracts out of four.

**Question 9:**

Regarding Section III. Evaluation and Qualification Criteria – Sub-Factor 4.1. General Construction Experience, please clarify for all lots the phrase:

“the last five (5) years prior to Bid submission deadline”

Does it means 2011, 2010, 2009, 2008, 2007, or means the period 07 February 2007-07 of February 2012?

**Answer 9:**

This period shall be five years: 2007-2011.

**Question 10:**

Regarding Section III Evaluation and Qualification Criteria Sub- Factor 4.2. Similar Construction Experience, please clarify for all lots the phrase:

“the last 5 years” does mean 2011,2010,2009,2008,2007, or it means the last five years prior to submission date i.e. 07 February 2007- 07 of February 2012?

**Answer 10:**

This period shall be five years: 2007-2011.

**Question 11:**

Regarding Section III. Evaluation and Qualification Criteria – Sub-Factor 4.2. Similar Construction Experience, please clarify for all lots the phrase:

“2 contracts within the last 5 years, each with a value of at least \$ 20 million or equivalent”

“the last 5 years” does mean 2011, 2010, 2009, 2008, 2007, or it means the last five years prior to submission date i.e. 07 February 2007-07 of February 2012?

Are we allowed to present contracts which begun before “the last 5 years” but finalized in the last 5 years?

**Answer 11:**

This period shall be five years: 2007-2011. The bidders are allowed to present contract started before but completed after the year 2007.

**Question 12:**

Regarding Section III. Evaluation and Qualification Criteria – Sub-Factor 4.2. Similar Construction Experience, please clarify for all lots:

- *Is it allowed that only the leader to meet the requirement, i.e. the leader to present the “2 contracts within the last five 5 years, each with a value of at least \$ 20 million or equivalent”?*
- *In case of JV it is allowed that the leader to present 1 contract of at least \$ 20 million or equivalent, and the partner to present 1 contract, too, of at least \$ 20 million or equivalent?*
- *It is allowed to be presented only one similar contract which exceeds \$ 40 million? In case of JV who can present it: the leader or the partner?*
- *If a bidder submits bids for more than one lot-can he present the same 2 contracts of similar experience for all lots or combination of lots?*

**Answer 12:**

The answers are as follows:

- Yes
- Yes
- No, two contracts with the value at least \$ 20 million shall be presented because the criteria requires not only the contracts’ value but the number of contracts as well.
- The bidder shall clearly understand the selection process, which includes post-qualification stage. If the bidder wants to be awarded two contracts (the permitted maximum according to Section III: Evaluation and Qualification Criteria) he needs to present at least four (4) unique contracts – two for each Lot.

**Question 13:**

Regarding Section III. Evaluation and Qualification Criteria – Sub-Factor 4.3. Specific Construction Experience in Key Activities please clarify for all lots:

*In case of JV is it allowed that the leader to fulfill all the requirements?*

*If a bidder submits bids for more than one lot - can he present the same contracts for Specific Construction Experience in Key Activities for all lots or combination of lots?*

**Answer 13:**

Yes, in case of JV it is allowed that the lead meets 100% of the requirements.

See the Answer to Question 27 received during Pre-Bid Meeting:

[http://www.asd.md/ENG/docs/RRP\\_Minutes\\_of\\_Pre-Bid\\_Meeting.pdf](http://www.asd.md/ENG/docs/RRP_Minutes_of_Pre-Bid_Meeting.pdf)

**Question 14:**

Regarding Section III. Evaluation and Qualification Criteria – Sub-Factor 4.4. Environment and Social Management Experience please clarify for all lots:

*In case of JV is it allowed that the leader to fulfill all the requirements?*

**Answer 14:**

Yes, For Joint Venture or Association is allowed for Lead partner to fulfill all the requirements.

**Question 15:**

Regarding Section III. Evaluation and Qualification Criteria – Sub-Factor 4.5. Health and Safety Management Experience please clarify for all lots:

*In case of JV is it allowed that the leader to fulfill all the requirements?*

**Answer 15:**

Yes, For Joint Venture or Association is allowed for Lead partner to fulfill all the requirements?

**Question 16:**

During the Pre-Bid meeting it was specified that site managers to be authorized as “diriginte de santier” (site inspector), according to in force laws of Republic Moldova.

We didn’t find the position of “site manager” in any of the lists with key personnel for the 4 lots. Please clarify.

Please, clarify if the key personnel for each lot is required to be authorized according to Moldavian laws? As in Republic of Moldova similar contracts as complexity/technologies have not been realized yet, we consider that some inconsistency have occurred during the Pre-Bid meeting, and please clarify this issue.

**Answer 16:**

An authorized “Diriginte de santier” (site inspector) is required in accordance with the local legislation for many procedures, starting with the obtaining by the Contractor of the construction authorization and ending with the Works taking over.

The list of key personal provided in the IFBs is not intended to cover all positions needed to be filled in by a Contractor following contract award (e.g. accountants, site manager etc.). Moreover, it could be one of the key personal (e.g. Quality Control Engineer) authorized according to Moldavian laws to act as a “diriginte de santier”, otherwise the key personnel provided in the IFBs are not required to be authorized according to Moldavian laws.

**Question 17:**

Please send to us the Site-visit kick of meeting and Pre-Bid meeting report with all participants. We checked the ASD site and we didn’t find them.

**Answer 17:**

Please check web site of the State Road Administration: [http://www.asd.md/ENG/docs/RRP\\_Minutes\\_of\\_Pre-Bid\\_Meeting.pdf](http://www.asd.md/ENG/docs/RRP_Minutes_of_Pre-Bid_Meeting.pdf)

**Question 18:**

The contract for each lot will be VAT exempted?

If the contract is VAT exempted, than our potentially subcontractors, suppliers will be VAT exempted, too?

What is the procedure of exemption and according to which laws, regulations. Shall we present in our financial bid/s the unit rates for works with VAT or without VAT?

**Answer 18:**

See the Answer to Question 1 received during Pre-Bid Meeting: [http://www.asd.md/ENG/docs/RRP Minutes of Pre-Bid Meeting.pdf](http://www.asd.md/ENG/docs/RRP_Minutes_of_Pre-Bid_Meeting.pdf)

**Question 19:**

In Section IV .Bidding Forms, in the Form – “QUANTITY OF PETROLEUM PRODUCTS” it is stated that we shall receive the refund of VAT for the declared quantity/volume of petroleum products.

Please send to us the exactly list with all petroleum products VAT exempted.

What about the additional quantities/volumes of petroleum products, which will result from variation orders (additional quantities of works or other works, not included in BoQ's)-will be VAT exempted, too?

In relation with Question no. 14, too-only petroleum products will be VAT exempted?

The imported from other countries material/equipments will be VAT and import taxes/duties exempted, too?

**Answer 19:**

All the procurements under the entire project are VAT exempted. There are some differences in the application of the VAT exemption procedures for the petroleum products. For the tax exemption regulation please refer to the Answer to Question 1 received during Pre-Bid Meeting:

[http://www.asd.md/ENG/docs/RRP Minutes of Pre-Bid Meeting.pdf](http://www.asd.md/ENG/docs/RRP_Minutes_of_Pre-Bid_Meeting.pdf)

If the additional quantities of works are required, the Contractor will be requested to declare quantity/volume of petroleum products to be used for such additional works, and these additional quantities (if determined by the Engineer to be reasonable) will be VAT exempted as well.

**Question 20:**

What about materials/equipment shipped/delivered on site: will be paid to the Contract the value of these materials/equipments after site delivery?

**Answer 20:**

No, the materials/equipment will not be paid upon shipment/delivery on site.

**Question 21:**

What international norms/standards shall be used for CESM Plan and (ISO 14001, ISO 18001,SA 8000)?

**Answer 21:**

The Contractor can use ISO standards but not limited on it in preparation of CESMP and H&S Plan.

**Question 22:**

In case the Employer cannot procure the lands for specific section of M2 Chisinau-Sorooca road during the 120 days from Beginning order of works-will be the duration of works (the 24 months) be extended accordingly?

**Answer 22:**

Please refer to General Conditions of Contract, Sub-Clause 2.1 [*Right of Access to the Site*].

**Question 23:**

As the M2 Chisinau-Sorooca road section km 71+700 km 154+352 and R7 Sorooca-Drochia have been built 40 years ago, and have been locally repaired many times, with different types of asphalt mixtures and we do not know what quality of aggregates have been used is it mandatory to use cold-recycling technology?

**Answer 23:**

The technology provided in the Specifications shall be used.

**Question 24:**

In case of JV can the leader participate with a less percentage than the partner?

**Answer 24:**

Please refer to Section 3 Evaluation and Qualification Criteria.

**Question 25:**

Will the Contractor elaborate the “workshop drawings” and as-built drawings? If yes-where the Contractor shall include the costs for these?

**Answer 25:**

For the elaboration of the shop drawings please refer to the Answer to Question 47 received during Pre-Bid Meeting: [http://www.asd.md/ENG/docs/RRP Minutes of Pre-Bid Meeting.pdf](http://www.asd.md/ENG/docs/RRP_Minutes_of_Pre-Bid_Meeting.pdf)

As-built drawings and payment for these shall be done according to the specification 006.05 ‘As-built Drawings’

**Question 26:**

Did the Employer obtain all authorizations/permits/licenses necessary for works, according to Moldavian laws, rules and regulation i.e. authorization for works and permits from utilities providing companies?

**Answer 26:**

The authorizations/permits which shall be obtained by the Employer under the local regulations are (or will be) obtained by the Employer on the due time.

**Question 27:**

Is it necessary to work with authorized companies by local ministries/local authorities/local utilities providing companies for works like: railway works, communication works, power and illumination works, gas works, etc?

**Answer 27:**

There are no Nominated Subcontractors under the Works Contracts, but some of the activities listed in the question could be executed only by the companies licensed for such Works.

Please refer to the Answer to Question 46 received during Pre-Bid Meeting:  
[http://www.asd.md/ENG/docs/RRP\\_Minutes\\_of\\_Pre-Bid\\_Meeting.pdf](http://www.asd.md/ENG/docs/RRP_Minutes_of_Pre-Bid_Meeting.pdf)

**Question 28:**

Which are the authorizations/permits/licenses to obtain (if necessary) by the Contractor, in order to execute works like: railway works, communication works, power and illumination works, gas works, etc?

**Answer28:**

Please refer to previous question.

**Question 29:**

Please provide to us the geological study and hydrological study (part of feasibility study) for all lots.

**Answer 29:**

Feasibility study is available on MCA official web site.

**Question 30:**

Must we provide the Bid Security only in US \$, or we can provide it in any other currency? In this case what exchange rate will the Employer use to evaluate if Bid Security is in request amount?

**Answer 30:**

The Bid Security must be only in US \$.

**Question 31:**

The same question for cash-flow.

**Answer 31:**

Please refer to Section IV: Bidding Forms, Form Financial Resources.

**Question 32:**

Because our contracts are signed in different currencies (Euros, Romanian lei, Hungarian forints) which will be the exchange rate to use for general experience form, similar experience form, financial forms, etc: national Bank of Moldova exchange rate, European Central Bank exchange rate...?

For General and Similar Experience forms what exchange rate we shall use: from date of signing of contract, yearly average exchange rate or the year we finalized the contract?

**Answer 32:**

The bidders can use the sources of the exchange rates on their discretion.  
The yearly average exchange rates shall be used.

**Question 33:**

According to Section III A. Qualification, Factor 4. Experience, Subfactor 4.3 Specific Construction Experience in Key Activities if the Bidder is Joint venture or Association the requirement concerning Joint Venture or Association for Specific Construction Experience can be met by having a specialist subcontractor.

Please confirm that if the Bidder is a Single Entity the specific experience from indicated specialist



subcontractor will as well be accepted (as for the lead partner in case of Joint Venture or Association).

**Answer 33:**

Yes, a specialist subcontractor could be provided to fulfill the requirements of the Sub-Factor 4.3.

**Question 34:**

As you already previously defined that contractors has 6 bidding alternatives and only 2 lots maximum (Lot 1&2, Lot 3&4) could be taken by one contractor. In the light of this information, could the contractor specify same sources and documents such as “sub factor 4.2 Similar Construction Experience, sub factor 4.3 Specific Construction Experience in Key Activities, 5. Personnel and 6.Equipment” for Lot -1&2 and Lot -3&4.

More clearly, please clarify this mentioned documents can be used same for Lot -1 and Lot -3, and also Lot -2 and Lot -4.

**Answer 34:**

Yes

**Question 35:**

Could you please clarify; the beginning year which is mentioned in description of “for at least the five(5) years”.

**Answer 35:**

See the answers to questions nr. 9, 10 and 11.

**Question 36:**

When and how we can reach the questions and answers both for which have been mentioned in the meeting and other questions which have been asked after the meeting by the contractors.

**Answer 36:**

See the answer to question 17.

**Question 37:**

Regarding B 3. Financial Situation points 3.4 and 3.5, please instruct for which period/year must these ratios should be calculate.

**Answer 37:**

Please refer to Section IV ‘Bidding Forms’, Form ‘Financial Situation’.

**Question 38:**

Please specify an exchange rate, or a basis for conversion, for Euro- USD

**Answer 38:**

See the answers to question 32.

**Question 39:**

Please confirm if, besides the forms required to demonstrate our qualifications, Part I – Bidding Procedures, we need to provide additional documents, other than those specified in the forms. Also,

if there is necessary to provide additional documents, can they be presented as certified copies or they need to bear Apostille.

**Answer 39:**

No documents other than those provided in the Part I – Bidding Procedures are required.

**Question 40:**

Regarding point 3.3. Financial Resources, Section 3, Part 1 -Bidding Procedures, please inform us if we need to provide any other document besides the form.

**Answer 40:**

Please refer to the preamble to Section III: Evaluation and Qualification Criteria: ‘To demonstrate its qualifications, the Bidder shall provide all the information requested in the forms included in Section IV, Bidding Forms’.

The forms and documents required to be submitted/filled in by the bidders for the purposes of confirmation of bidder’s qualification are provided in the column ‘Documentation Required’ of the table provided in the Section III ‘Evaluation and Qualification Criteria’, Part B ‘Qualification’. For example to demonstrate its qualification under Sub-Factor 3.3 Financial Resources the Bidder shall provide Forms: Financial Resources and Current Contract Commitments.

**Question 41:**

Regarding the key personnel, please let us know if the form needs to be signed by each person.

**Answer 41:**

This is not required.

**Question 42:**

According to the legislation in power in Republic of Moldova, please inform us about the following:

- a. “the winter time period” for the road construction activity
- b. the main technical requirements for road activity in the mentioned period of time.

**Answer 42:**

The Contractor shall not be responsible for the winter maintenance works.

**Question 43:**

In case a bidder would like to submit a single offer for a combination of lots, please indicate the procedure for elaborating and presenting the tender documentation, respectively a package for each lot or a common package for a combination of lots. In case you accept the submission of a single common package for a combination of lots, please indicate if there will be a single letter of bid or a separate one for each lot.

**Answer 43:**

Please refer to the Answer to Question 38 received during Pre-Bid Meeting:

[http://www.asd.md/ENG/docs/RRP\\_Minutes\\_of\\_Pre-Bid\\_Meeting.pdf](http://www.asd.md/ENG/docs/RRP_Minutes_of_Pre-Bid_Meeting.pdf)

**Question 44:**

Please indicate the type of documents that the bidder can use in order to demonstrate access to or availability of financial resources according to item 3.3 BDS.

**Answer 44:**

Please refer to Section IV. Bidding Forms, Form Financial Resources

**Question 45:**

For fulfilling criteria presented at item 4.3 BDS, please indicate if the leader of a JV has to fulfill 55% of each mentioned key activity or 55% of the cumulated key activities?

**Answer 45:**

The JV Leader must meet at least 55% of each mentioned key activity (can be by having a specialist subcontractor).

**Question 46:**

Please indicate if for demonstrating similar experience requested at item 4.2 BDS, ongoing contracts, finalized contracts without a Taking-over certificate or partially taken over are accepted.

**Answer 46:**

Only contracts that have been **successfully and substantially** completed and that are similar to the proposed works will be taken into account. Ongoing contracts or contracts without taking-over certificate will not be taken into account.

**Question 47:**

Which requirements from the BDS must be fulfilled cumulatively in case bids are submitted for several lots?

**Answer 47:**

Please refer to the Note to Section III 'Evaluation and Qualification Criteria', Part B 'Qualification': *'In order to assess suitability for the award of more than one contract the Bidder must meet the requirements for the combined contracts by adding the requirements for the separate contracts in 3.2, 3.3(i), and 4.3 where the combined requirements will be the sum of the respective contracts.'*

**Question 48:**

Please clarify what is the meaning of "The Bidder must demonstrate that he has the key equipment listed hereafter" as required at item 6 "Equipment" BDS. You would like the bidder to present several other documents/information except for the ones in form "Equipment for construction"? If yes, please indicate what type of documents you require.

**Answer 48:**

Only Form Construction Equipment shall be presented.

**Question 49:**

Referring Instructions to Bidders – item 11.2, please clarify the following:

- In case a bid is submitted by several economic agents, what document would you like to be presented? Is it sufficient to present "JV Information sheet" and "BSF7 Party to Joint Venture information form"?
- What is the meaning of "Letter of intent to form JV/Consortium"? When do you want this document to be submitted (together with the bid/ when the contract is signed)?
- In case the consortium/JV agreement is required together with the bid documents, please detail the necessity of submitting the "Letter of intent to form JV/Consortium" if this

consortium/JV is already constituted? If an association participates at all 4 lots, please indicate if it is necessary to submit one or four JV agreements?

**Answer 49:**

The answers are as follows:

- General requirements to JVs are described in ITB 4.1, ITB 11.2, and ITB 19.7. The bidders shall submit ALL forms listed under the IFBs.
- Please refer to ITB 4.1: ***'Bids submitted by a JV or consortium shall include a copy of the JV/consortium agreement entered into by all members and shall indicate the parts of the Works to be executed by the respective partners. Alternatively, a Letter of Intent to execute a JV/consortium agreement in the event of a successful Bid shall be signed by all members and submitted with the Bid, together with a copy of the proposed agreement.'*** If the Bidders (in case of JV or consortium) have two options as stated under ITB 4.1, in both cases the documents shall be included in the bids submitted.
- If the JV/consortium is already constituted, the Bidder shall include a copy of such agreement as required under ITB 4.1. The same copy of such agreement shall be included in all four bids.

**Question 50:**

If there is the possibility to award several lots to the same bidder, please detail the procedure for submitting the financial bid by reference to item *14.6 ITB*.

**Answer 50:**

Please refer to Section III. Evaluation and Qualification Criteria, Part A. Evaluation and to the Answer to Question 38 received during Pre-Bid Meeting: [http://www.asd.md/ENG/docs/RRP Minutes of Pre-Bid Meeting.pdf](http://www.asd.md/ENG/docs/RRP_Minutes_of_Pre-Bid_Meeting.pdf)

**Question 51:**

Also, please clarify the content of *ITB 14.4*, because this clause cannot be found in the documentation.

**Answer 51:**

The question is not clear. ITB 14.4 informs the bidders that they can provide discounts. In case the Bidders decides to do so, the proposed discount(s) and methodology of discount application in the Letter of Bid.

**Question 52:**

Considering the references from *Instructions to Bidders ITB 40, 41* and analyzing ITB's content, we acknowledged that the indications between 2.2 and 7.1 are missing. Please detail.

**Answer 52:**

The question is not clear.

**Question 53:**

In case of a JV or association, Government- owned enterprise certification form stipulated in the forms "Bidder information sheet" , "JV Information sheet" and "BSF7 Party to Joint Venture information form" must be filled in both by the JV and by each partner

**Answer 53:**

Government-Owned Enterprise Certification Form shall be filled in by each JV partner.

**Question 54:**

Considering that the information and the documents requested in the forms “Bidder information sheet”, “JV Information sheet”, “BSF6 Bidder information form” and “BSF7 Party to Joint Venture information form” are the same, please indicate if it is necessary to submit all four forms together with the documents attached to it or it is accepted to fill in only one of them and submit a single set of attached documents.

**Answer 54:**

No, four separate bids shall be submitted. Please refer to Question 38 received during Pre-Bid Meeting: [http://www.asd.md/ENG/docs/RRP Minutes of Pre-Bid Meeting.pdf](http://www.asd.md/ENG/docs/RRP_Minutes_of_Pre-Bid_Meeting.pdf)