

**Republic of Moldova
Ministry of Transport and Road Infrastructure**

STATE ROAD ADMINISTRATION

ROAD SECTOR PROGRAM

CLARIFICATION DOCUMENT No.1

**CLARIFICATIONS TO QUESTIONS ON THE PREQUALIFICATION DOCUMENTS
RSP/2017/PQ/01/W9**

**PROCUREMENT OF CONSTRUCTION
WORKS ON M3 ROAD
(FOUR CONTRACTS)**

Contract **RSP/W9/02**: “Construction of M3 Porumbrei – Cimișlia road, km 0+000 – km 19+010” (Financed by EIB)

Contract **RSP/W9/03**: “Construction of M3 Comrat bypass, km 0+000 – km 18+263” (Financed by EIB)

Contract **RSP/W9/04**: “Construction of M3 Vulcanesti Bypass km 0+000 – km 8+580” (Financed by EBRD through NIF)

Contract **RSP/W9/05**: “Construction of M3 Slobozia Mare Bypass, km 0+000 - km 18+290” (Financed by EBRD)

Issued on August 08, 2017

1. Question

The scope of works is defined by 4 contracts. For each contracts in the PQ docs is defined the specific requirements regarding experience, personnel, equipment, financial position and litigation history. To apply of all 4 lots is it necessary to submit 4 applications (one for each lot) or only 1 questionnaire for all lots?

Answer:

We confirm that one application may be submitted for all lots.

2. Question

The requirements regarding experience, personnel, equipment, financial position and litigation history are defined for each lot. If we want apply to all 4 lots, please clarify what it is meant for "for more than one lot: cumulative requirements of each individual contract". As an example, when you required:

- *Production and laying asphalt concrete on a single contract, in at least one year in the past 3 years at a rate not less than:*
 - *For Contract RSP/W9/02: 45 000 tonnes/year*
 - *For Contract RSP/W9/03: 51 000 tonnes/year*
 - *For Contract RSP/W9/04: 18 000 tonnes/year*
 - *For Contract RSP/W9/05: 37 000 tonnes/year*

For to apply of all 4 lots shall be demonstrated that the "Production and laying asphalt concrete on a single contract, in at least one year in the past 3 years at a rate not less than 51 000 tonnes/year (the maximum required value) or you must consider shall be demonstrated that the sum of all lots requirement in this case (45.000+51.000+18.000+37.000=151.000 tonnes/year)?

Answer:

We confirm that the one applying to all 4 lots shall demonstrate the cumulated rate, i.e. the sum of the rates per lot.

3. Question

Personnel Capabilities: In the Prequalification docs, pag. 23, item 3., is described: "For each contract and for each position applicants shall supply information in the relevant form (Section III, Prequalification Forms) on a main candidate and an alternate, each of whom should meet the experience requirements specified below" and "For more than one contract applicants shall provide different personnel for each contract and for each position." If the Applicant wishes to prequalify at 4 contracts, he must submit 2 CV for each position (a main candidate and an alternate) for each contract and so 8 CV for each position?

Answer:

In accordance with para 22.3 of the Prequalification Data Sheet, the Applicants shall provide different personnel for each position and for each contract for which they apply. However, a Prime candidate for one Lot can be the Alternate candidate for another lot.

4. Question

The scope of works is defined by 4 contracts. For each contracts in the PQ docs is defined the specific requirements regarding experience, personnel, equipment, financial position and litigation history. To apply of all 4 lots is it necessary to submit 4 applications (one for each lot) or only 1 questionnaire for all lots?

Answer:

Please refer to answer to question No. 1.

5. Question

Reference to Prequalification Application / Section II Prequalification Data Sheet / 22. Evaluation of Applications / 22.1.1. General Experience, it is mentioned that the turnover "The turnover value in other currencies than the defined currency should be recalculated into that currency based on the exchange rate as of the 1st of July of each year reported, as set by Financial Times." However, under the title of "22.1.2. (a) Specific Experience", there isn't mentioned any clarification for recalculation of other type of currencies except Euro. Therefore,

Could the Applicant use the currency rates of "Financial Times" for recalculation of the other types of currencies or is it acceptable to use local currency exchange rates of the Central Bank of the Country of the Applicant (i.e. TURKIYE). Please clarify?

Answer:

The values of the Contracts presented for Specific Experience, in other currencies than the currency defined in Prequalification Documents i.e. Euro, should be recalculated into the defined currency based on the exchange rate provided by Financial Times for the date of Contract completion.

6. Question

Reference to Prequalification Application / Section II Prequalification Data Sheet / 22. Evaluation of Applications I "22.1.2 (a) Specific Experience", it mentioned that "successful experience as a prime contractor in the execution of at least 2 (two) contracts of a magnitude comparable to the proposed contract within the last 5 years. For assessment purposes the values of the referred contracts shall be not less than the equivalent of;

- For Contract RSP/W9/02: euro 27 million equivalent;
- For Contract RSP/W9/03: euro 22 million equivalent;
- For Contract RSP/W9/04: euro 7 million equivalent;
- For Contract RSP/W9/05: euro 13 million equivalent.

For more than one lot: cumulative requirements of each individual contract.

Based on the above requirements, our question is that, in order to submit for more than one lot, is it acceptable to submit a 1 (one) contract value instead of 2 (two) in order to fulfil the cumulative requirement of each individual contract?

For example submission of;

1 contract with the value of 54 million Euro for Contract RSP/W9/02 instead of 2x27million Euro?

1 contract with the value of 44 million Euro for Contract RSP/W9/03 instead of 2x22million Euro?

1 contract with the value of 14 million Euro for Contract RSP/W9/04 instead of 2x7million Euro?

1 contract with the value of 26 million Euro for Contract RSP/W9/05 instead of 2x13million Euro?

Answer:

We confirm that it is preferred a submission of 2 (two) contract references of a value equivalent to the one required, but a submission of 1 (one) contract reference instead of 2 (two) will be accepted, provided that this contract will cover the cumulated value of 2 (two) contracts and that this one contract was performed within the comparable time period as the tendered one.

7. Question

According to the Instruction to Applicants, the Applicants shall have an average annual turnover as a contractor over the last 5 years (2012-2016). The turnover value in other currencies than the EURO should be recalculated into that currency based on the exchange rate as of the 1st of July of each year reported, as set by Financial Times. There are no cross rates for the Belarusian ruble BYR/ BYN in the Financial Times (fully for the specified period), as well as on the website of the National Bank of Moldova (for the date 01.07.2012). Is it possible to use the exchange rates listed on the website of the National Bank of the Republic of Belarus to determine the average annual turnover for the last 5 years (2012-2016)? If not, what the source of the currency exchange rate can be used for this purpose?

Answer:

According to para 22.1.1 "General Experience": "The turnover value in other currencies than the defined currency should be recalculated into that currency based on the exchange rate as of the 1st of July of each year reported, as set by Financial Times."

If the exchange rate for the currency in which is expressed the Turnover is not provided by the Financial Times, the exchange rate as of 1st of July of each year reported, as set by the National Bank of the firm's country of origin shall be used.

8. Question

According to the Instruction to Applicants, the Applicants shall have Specific experience as a prime contractor in the execution of contracts of a magnitude comparable to the proposed contract within the last 5 years.

We kindly request you to clarify:

In case the Contract price is expressed in Belarusian rubles. For which date (the date of the conclusion of the contract, the date of the last certificate of execution of works, etc.) the exchange rate should be applied in order to calculate the contract price into EURO? Similar to Item 1 of the above request, there are no cross rates for the Belarusian ruble BYR/BYN in the Financial Times (fully for the specified period), as well as on the website of the National Bank of Moldova (for the date 01.07.2012). Is it possible to use the exchange rates listed on the website of the National Bank of the Republic of Belarus to determine the contract price for the last 5 years (2012-2016)? If not, what the source of the currency exchange rate can be used for this purpose?

Answer:

The value of the Contracts presented for Specific Experience, in other currencies than the currency defined in Prequalification Documents i.e. Euro, should be recalculated into the defined currency based on the exchange rate provided by Financial Times on the date of Contract completion.

If the exchange rate for the Contract currency is not provided by the Financial Times, the exchange rate applicable is the one set by the National Bank of the firm's country of origin.

9. Question

According to the Instruction to Applicants, the Applicants shall demonstrate financial position (liquid assets, unencumbered real assets, lines or credit, and other financial means). To facilitate the assessment of information the applicants shall submit a summary of assets and liabilities, expressed in an equivalent of Euro converted based on the exchange rate reported as of the 1st of July of each year, as set by Financial Times. Similar to Item 1 of the above request, there are no cross rates for the Belarusian ruble BYR/BYN in the Financial Times (fully for the specified period), as well as on the website of the National Bank of Moldova (for the date 01.07.2012).

Is it possible to use the exchange rates listed on the website of the National Bank of the Republic of Belarus to determine the contract price for the last 5 years (2012-2016)? If not, what the source of the currency exchange rate can be used for this purpose?

Answer:

According to para 22.1.5 "Financial Position": "In case the applicant uses other currency, the calculations shall be based on the exchange rate, as set by Financial Times on the date of publication of the Invitation for Prequalification."

If the exchange rate for the currency in which is expressed the financial position is not provided by the Financial Times, the exchange rate applicable is the one set by the National Bank of the firm's country of origin.

10. Question

Is there a limit on the maximum number of participants in the JVCA?

Answer:

The number of the participants in a JVCA is not limited. However, the JVCA must satisfy the minimum qualification requirements specified in para 22.8 "Specific Requirements with regard to JVCA".

11. Question

Is it necessary to establish a legal entity on the territory of the Republic of Moldova to implement construction activities and obtain an appropriate special permit (license) at the time of submission of the application or tender offer?

Answer:

Only the awarded tenderer will be required to establish a legal entity and obtain appropriate permits / licenses in the Republic of Moldova in order to implement construction activities.

12. Question

Which state agency issues a special permit (license)?

Answer:

The institution issuing licenses for construction activities is the "Public Services Agency" (former "Licensing Chamber under the Ministry of Economy of the Republic of Moldova").

13. Question

What is the total investment amount?

Answer:

The estimated values of the works contracts are confidential.

14. Question

What is the percentage of finance by each party?

Answer:

- Contract **RSP/W9/02**: "Construction of M3 Porumbrei – Cimișlia road, km 0+000 – km 19+010" – Financed by EIB;
- Contract **RSP/W9/03**: "Construction of M3 Comrat bypass, km 0+000 – km 18+263" – Financed by EIB;
- Contract **RSP/W9/04**: "Construction of M3 Vulcanesti Bypass km 0+000 – km 8+580" – Financed by EU NIF managed by the EBRD;
- Contract **RSP/W9/05**: "Construction of M3 Slobozia Mare Bypass, km 0+000 - km 18+290" – Financed by EBRD.
- *The estimated values of the works contracts are confidential.*

15. Question

Timeline for the tender, after submission of interest

Answer:

According to para 1.4 of the Prequalification Data Sheet, the Tenders' submission for the procurement of works Contracts RSP/W9/02-05 is expected to take place in October, 2017 and the Contract Award in December, 2017.

16. Question

Referitor la proiectele mentionate mai jos se poate sa ne spuneti unde putem gasi valoarea contractelor si valoarea garantiei de participare? [Regarding to the projects mentioned above, please inform us where we can find the value of the contracts and of the tender guarantee?(SRA translation)]

Answer:

The estimated contract values are confidential.

Details on the Tender Security will be provided in the Tender documents. Only the prequalified tenderers will be requested to provide a Tender security.

17. Question

Since the Company wants to attend all the four tendering procedures for the above mentioned works contracts we want to inform you that, notwithstanding our efforts to complete in due time the prequalification documents we still need some further information and it takes some time to get all the required information from the local market and complete all the documents according with the requirements:

We would highly appreciate your understanding if you postponed with 30 days.

Answer:

We confirm that the Applications submission deadline is extended with one week, by August 14, 2017.