

CLARIFICATIONS TO PREQUALIFICATION DOCUMENTS No 1

COUNTRY: **Bulgaria**

PROJECT: “**Municipal Infrastructure Development Project**”

**Procurement of Civil Works for Completion of Plovdivtsi Dam
And The Pertaining Water Treatment Plant**

CONTRACT: **MIDP-PQ-ICB-2**

LOAN/CREDIT No.:

ANSWERS TO QUESTIONS AND CLARIFICATIONS

Question No.	Page No.	Clause No.	Question/Clarification	Answer	Amendment required (yes/no)
		<i>SECTION I</i>			
1.	11	Section I. Instruction to Applicants, 15.2	<p>On page 11, paragraph 15.2 of Section I. Instruction to Applicants from prequalification documents, is written that copies of the original Application is marked with a stamp "COPY".</p> <p>Does Employer, has requiring that the stamps "COPY" to be labeled "COPY 1", "COPY 2" and "COPY 3" or it is enough, that the copies to be clearly marked with stamp "COPY" on each page of the respective copies.</p>	It is enough to clearly mark them with stamp “COPY”.	No
2.	11	Section I. Instruction to Applicants, 15.1 and 15.2	When applying documents in the Application, which are not in the original, they must be clearly marked with a stamp "TRUE COPY" or "TRUE TO ORIGINAL". Please specify the correct text labeling.	The documents which are required in “TRUE COPY” should be verified as a true copy by a notary public and then stamped “TRUE COPY”. (see ITA 11.1 (d))	No

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3.	8	Section I. Instructions to Applicants, 7.1	<p>In Prequalification documents, Section I. Instruction to Applicants, item 7.1 it is written that the Employer shall forward a copy of its response to all prospective Applicants who have obtained the Prequalification Document directly from the Employer.</p> <p>Please clarify if does it mean that we have to buy the documentation officially?</p>	<p>The Prequalification documentation is officially published on the web page of the Employer (www.mrrb.government.bg) and free to be downloaded. Copies of all responses to requests for clarifications shall also be published in the website of the Employer. In addition, copies of the same responses would be sent directly to potential applicants who have submitted requests for clarifications.</p>	No
4.			<p>In the Request for prequalification sent to us on 14 January 2013 by you it is written that “<i>address for information and submission of expression of interest is:</i>”.</p> <p>Please advice, is it necessary before submission of our Application to provide you with a letter for expression of interest in participating in the procedure?</p>	<p>No, you don't need to provide a letter for expression of interest.</p>	No
5.			<p>What the expected minimal value for the project “Construction of Plovdivtsi Dam And Water Treatment Plant” is and from where, till what date and at what price the documentation for the procedure can be bought.</p>	<p>The letter of Invitation and the relevant documentation are available on our web page www.mrrb.government.bg, where you can find all the information for this stage of the procedure.</p>	No
		SECTION II			
6.	19	Section II. Prequalification Data Sheet	<p>In Section II. Prequalification Data Sheet (PDS), ITA 1.1. it is written that the Contract No. is MIDP-PQ-ICB-2 Municipal Infrastructure Development Project:</p>	<p>The prequalification procedure is being held under Contract No MIDP-PQ-ICB-2 which is part from</p>	No

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		ITA 1.1	<p>Construction of Plovdivtsi dam and PWTP, as well as the ICB No. and title are: MIDP-CW-ICB-2.</p> <p>In the same time in Request for Prequalification the Contract No. and the title of the Contract are different from PDS, namely: Contract No.: MIDP-CW-ICB-2 and name: Construction of Plovdivtsi Dam and Water Treatment Plant”.</p> <p>Please clarify, which is the right number and title of the contract and what the applicants shall write when filling in the application forms.</p>	<p>Contract No MIDP-CW-ICB-2. The prequalified contractors shall bid under Contract No MIDP-CW-ICB-2.</p> <p>Regarding the name of the project, you may write: “Construction of Plovdivtsi dam and Potable Water Treatment Plant”.</p>	
7.	20	Section II.Prequalification Data Sheet, ITA 10.1	Do you know if the working language of this project is English?	The working language of Municipal Infrastructure Development Project is English.	No
8.	21	Section II. Prequalification Data Sheet, ITA 14.2	<p>In ITA 14.2 it is clarified that when in the respective Application form a monetary amount should be given this amount should be also stated in EUR equivalent using the rate of exchange taken from the publicity available sources, which in our case pursuant to PDS is Bulgarian National Bank. The contract amounts are in different national currency for which there is no information for exchange rates on the web site of the Bulgarian National Bank, so called cross rates.</p> <p>Please, confirm that for purpose of submitting information for the exchange rates different from the EUR exchange rate of the BNB against the Bulgarian Lev the applicants can use the cross rates of the ECB for the relevant periods, or the information published in the Financial Times</p>	<p>In case that the Bulgarian National Bank does not provide information about the exchange rate of the currency you intend to convert, the European Central Bank or Financial Times should be the source for it. The applicant shall make sure that BNB does not provide this information and indicate it in its application.</p>	No
9.	21	Section II. Prequalification Data Sheet, ITA 15.2	How many CD-s has to submit the Applicant- one, just for Original, or 4- 1 for the original and 3 for the copies	This is an optional requirement.	No

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10.	21	Section II. Prequalification Data Sheet, ITA 11.1 (d)	<p>The Applicant shall submit with its application, the following additional documents:</p> <ul style="list-style-type: none"> - True copy of document for legal company registration and certificate of good standing/ certificate for current status; foreign companies submit equivalent document of the respective country; - True copy of certificate from the Bulgarian Construction Chamber; foreign companies submit true copy of equivalent document accompanied by official translation in English; - List of relevant objects executed in the last 10 years accompanied by references for satisfactory execution of the task assigned (conformity with the norms of construction); - True copy/copies of relevant ISO certificates;” <p>Please confirm that it is not obligatory the copies of documents (incl. Company registration documents, Certificates, Financial statements, etc.), part of the Application, to be notary verified.</p>	According to Section II, PDS, ITA 11.1 (d) you must provide true copies of the documents stated there- this means notary public to have signed/verified only the documents listed as “true copy of...”.	No
11.	21	Section II. Prequalification Data Sheet, ITA 11.1 (d)	Please, kindly clarify for us if the translation of the documents must be legalized or not.	The list of documents, which shall be legally translated, is clearly stated in ITA 11.1 (d) (true copies) except for the list of relevant objects and the enclosed references.	No
12.	21	Section II. Prequalification Data Sheet, ITA 11.1 (d)	<p>For Bulgarian Applicant, registered in the Commercial Register to the Registry Agency of Bulgaria, is it enough to submit only true copy of BULSTAT registration or Certificate with United Identification Code issued by Registry Agency of Bulgaria in 2013 in order to meet simultaneously the following two requirements: To submit “True copy of document for legal company registration and certificate of good standing/ certificate for</p>	The BULSTAT registration does not give the information required by the quoted documents in ITA 11.1.	No

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			current status”, according to Section II, PDS, ITA 11.1 (d) <input type="checkbox"/> To submit copy of “Articles of Incorporation (or equivalent documents of constitution or association), and/or registration documents of the legal entity, in accordance with ITA 4.5.”, according to the remark No 1of the Form ELI -1.2 in Section IV?		
13.	21	Section II. Prequalification Data Sheet, ITA 11.1 (d)	The Form of “List of relevant objects” is free format at the discretion of the Applicant or there are some requirements in this matter?	Please use forms EXP-4.1, EXP-4.2(a), EXP-4.2 (b)	No
14.	21	Section II. Prequalification Data Sheet, ITA 11.1 (d)	If the information in the “List of relevant objects” is the same as in one of the Forms, mentioned in item 1, is it enough to attach to the relevant Form the references for satisfactory execution only and not to submit separately this List	Yes, it is enough.	No
		SECTION III			
15.	25	Section III. Qualification Criteria and Requirements, 2.4 Litigation history	In Section III. Qualification Criteria and Requirements, Sub-factor 2.4 Litigation history it is required that the applicant shall have no consistent history of court/arbitral award decisions against the Applicant since 1 st January [2002]. Additionally, the footnote (no.6) connected to this requirements clarifies that The Applicant shall provide accurate information on the related Application Form about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five years, that actually means 1 st January 2008. Please clarify which year has to be taken when providing the information.	The text is revised. Please refer to AMENDMENT No 2 to the prequalification documents.	Yes
16.	26	Section III.	Section III. Qualification Criteria and Requirements, Sub-	You are allowed to submit financial	No

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		Qualification Criteria and Requirements, 3.1. Financial capabilities	<p>factor 3.1. Financial capabilities pointed out that the audited balance sheets for the last 5 years shall be submitted and must demonstrate the current soundness of the Applicant's financial position and indicate its prospective long-term profitability. It means that the applicants shall provide audited balance sheets for the years 2008, 2009, 2010, 2011 and 2012.</p> <p>Taking into consideration that the final balance sheets of the company are not prepared yet, as well as the auditor's statement will be issued in the middle of the May 2013 after the shareholders' meeting , please confirm that for the purposes of prequalification the applicants shall submit financial information for the years 2011, 2010, 2009, 2008 and 2007.</p>	information for the above mentioned years.	
17.	28	Section III. Qualification Criteria and Requirements 4.1 (a)	If the Applicant plans to subcontract more than 10% of the scope of works should the subcontractor meet the requirement in Section III. Qualification Criteria and Requirements; 4.Experience; 4.1 (a) General Construction Experience: Experience under construction contracts in the role of prime contractor, JV member, sub-contractor, or management contractor for at least the last [10] years, starting 1st January 2002 ?	Yes, the subcontractor should meet this requirement.	No
18.	28	Section III. Qualification Criteria and Requirements, 4.2 (a)	<p>In Section III. Qualification Criteria and Requirements; 4. Experience; 4.2 (a) Specific Construction & Contract Management Experience is stated. " A minimum number of similar contracts specified below that have been satisfactorily and substantially completed as a prime contractor, joint venture member, management contractor or sub-contractor between 1st January 2002 and application submission deadline: Similarity shall include :</p> <ul style="list-style-type: none"> - <i>execution and putting into operation of at least 1 dam classified by ICOLD (International</i> 	The two contracts required for meeting the requirements of EQC 4.2(a)(i) must be for the construction of dams, and each of them must include either construction and putting into operation of dam classified by ICOLD (International Commission on Large Dams) as "large", or construction of at least	YES

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			<p><i>Commission on Large Dams) as "large"</i></p> <p>- <i>construction of at least 1 PWTP with capacity 150l/s"</i></p> <p>Does this mean that the Applicant shall have executed and put into operation at least 1 dam classified by ICOLD (International Commission on Large Dams) as "large" and at least 1 PWTP with capacity 150l/s" i.e is it obligated to have a contracted PWTP?</p>	<p>one PWTP with capacity 150l/s. If one contract meets the requirement of "large" dam, then the other contract must meet the requirement of construction of the PWTP. In the case of JV, all parties combined have to meet the requirement. The requirement is for the construction of dams, and rehabilitation of dams would not meet the requirement. See Amendment Nr. 2</p>	
19.	29	Section III. Qualification Criteria and Requirements, 4.2 (a)	<p><i>"A minimum number of similar contracts specified below that have been satisfactorily and substantially completed as a prime contractor, joint venture member, management contractor or sub-contractor between 1st January 2002 and application submission deadline; Similarity shall include :</i></p> <p>- <i>execution and putting into operation of at least 1 dam classified by ICOLD (International Commission on Large Dams) as "large");</i></p> <p>- <i>construction of at least 1 PWTP with capacity 150l/s."</i></p> <p>The two conditions must be satisfied with only one contract or can be satisfied with two separate contracts?</p>		YES
20.	29	Section III. Qualification Criteria and Requirements 4.2 (a)	<p>In Section III. Qualification Criteria and Requirements, point 4. „Experience, 4.2 (a) Specific Construction & Contract Management Experience“ is listed the following requirement:</p> <p>“... i) A minimum number of similar contracts specified below that have been satisfactorily and substantially completed as a prime contractor, joint venture member, management contractor or sub-contractor between 1st January 2002 and application submission deadline;</p> <p>Similarity shall include:</p>		YES

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			<p>- execution and putting into operation of at least 1 dam classified by ICOLD (International Commission on Large Dams) as "large"</p> <p>- construction of at least 1 PWTP with capacity 150l/s</p> <p>(i) 2 contracts, each of minimum value EUR 16 million [sixteen million]. ...”</p> <p>/The similarity shall be based on the physical size, complexity, methods/technology and/or other characteristics described in Section VI, Scope of Works. Summation of number of small value contracts (less than the value specified under requirement) to meet the overall requirement will not be accepted./”</p> <p>Please clarify whether the above minimum requirements mean that the candidate must demonstrate experience in:</p> <p>experience in construction of at least two hydro technical projects – contract value not less than EUR 16 million [sixteen million] each.</p> <p>and also separately the candidate must have completed a minimum of:</p> <p>“...- execution and putting into operation of at least 1 dam classified by ICOLD (International Commission on Large Dams) as "large".</p> <p>- construction of at least 1 PWTP with capacity 150 l/s ...”</p>		
21.	29	Section III. Qualification Criteria and Requirements, 4.2 (a)	On the page 29 from Prequalification Data Sheet for PQ procedure for project “Construction of Plovdivtisi dam and the Pertaining Water Treatment Plant”, point 4 and subsection 4.2a - Specific Construction & Contract Management Experience in the Requirement’s column is		Yes

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			<p>written: “.....(i) 2 contracts, each of minimum value EUR 16 million [sixteen million].”</p> <p>Does the mentioned above requirement apply to the construction of Dams or construction of Pertaining water treatment plants?</p>		
22.			<p>Please confirm, that “large” dam according to ICOLD is dam with high, greater then 15 m, or dam with high greater than 10 m and crest length at least 500 m, or dam with high between 5 and 15 m and volume greater than 3 Mill.m3.</p>	<p>Any of these requirements corresponds to the definition of ICOLD for a large dam, therefore it is applicable</p>	No
23.	28	Section III. Qualification Criteria and Requirements 4.2(a)	<p>In accordance with Section III. Qualification Criteria and Requirements, Sub-factor 4.2(a) the applicant shall provide information about execution and putting into operation of at least 1 dam classified by ICOLD as "large".</p> <p>Please confirm that it is acceptable for the Employer, the relevant ICOLD classification of the executed dams to be proven through self-declaration by the applicant.</p>	<p>The confirmation of the ICOLD classification may be through self declaration of the Applicant, if it corresponds to the requirements for the minimum height of the dam, crest length, volume, etc, and if they are supported by relevant documentary evidence, as per the provisions of ITA 11. . See question and answer above.</p>	No
24.	29	Section III. Qualification Criteria and Requirements 4.2 (a)	<p>In Section III. Qualification Criteria and Requirements, point 4.2 (a) - Specific Construction & Contract Management Experience concerning Pertaining Water Treatment Plant (PWTP) is requiring:</p> <ul style="list-style-type: none"> - Construction of at least 1 PWTP with capacity 150l/s. <p>Question:</p> <p>Our company has evidence for completion of total rehabilitation of PWTP with capacity 150l/s and for contract value more than 16 million euro.</p> <p>Rehabilitation includes execution of construction and technological activities for the renewal and expansion of existing PWTP.</p> <p>Is this evidence material is sufficient to fulfill the above</p>	<p>We do not have the full information and, during clarification stage, we cannot provide any opinion on whether any evidence provided to support qualification requirements would be accepted. However, as indicated in the response related to EQC4.2(a)(i) above, the requirement is for the construction of dams, and rehabilitation would not meet this particular requirement. The applicant should provide documentary evidence which they consider</p>	Yes

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			stated requirement.	relevant to prove their experience for construction of at least 1 PWTP with capacity of 150 l/s.	
25.	29	Section III. Qualification Criteria and Requirements 4.2. (a)	What type of construction has to be the contract with satisfies the minimum value of 16 Mill.Euro.	The requirement of minimum number of 2 contracts with minimum amount of 16 mln. Euro each, should be with similar assignment, i.e., they must be for the construction of dams, and each of them must include either construction and putting into operation of dam classified by ICOLD as “large” or construction of at least one PWTP with capacity of 150l/s. See Amendment No. 2.	Yes
26.	29	Section III. Qualification Criteria and Requirements 4.2. (a)	If a participant is a JV, consisting of 2 partners, is it acceptable for Employer each of the Partners to has 1 contract of minimum value of 16 Mill. Euro.	According to Section III, 4.2 (a) all parties combined must meet this requirement of two contracts with minimum value of EUR 16.million. Please see Amendment No. 2	No
27.	28	Section III. Qualification Criteria and Requirements 4.2. (a)	In Section III. Qualification Criteria and Requirements; 4. Experience; 4.2. (a) Specific Construction & Contract Management Experience is stated: “(ii) For the following specialized works, the Employer permits specialized subcontractors as per ITA 24.2: <i>Construction of Potable Water Treatment Plant</i> <i>Geodesy works</i> <i>Construction- erecting works</i> <i>Earthworks”</i> If the Applicant plans to subcontract more than 10% of the scope of works should the subcontractor have completed	The subcontractor should demonstrate his qualification and experience for the specific works which shall be subcontracted to him. So, he should have completed not all of the listed works, but the works which shall be subcontracted to him.	No

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			all the above listed works or the Employer will accept completed 1 or more specialized works in order to cover the requirement?		
28.	29	Section III. Qualification Criteria and Requirements 4.2. (a) ii	If the Applicant plans to subcontract more than 10% of the scope of works should-the subcontractor have completed the specialized works in similar contracts (Dams and PWTPs)?	It is highly recommended that the specific works have been completed under a similar project. If Applicants plant to propose subcontractors to carry out any works, such subcontractors should have adequate experience to carry out such works.	No
29.	30	Section III. Qualification Criteria and Requirements, 4.2 (b)	According the tender documentation, one of the minimum requirements for specific experience in construction is " <i>at least 1000 m3 asphalt-concrete diaphragm</i> ". Is it acceptable for similar works of this requirement to be, completed works in construction of road pavements (roads) with asphalt- concrete?	The criterion " <i>at least 1000 m3 asphalt- concrete diaphragm</i> " doesn't refer to completed works in the construction of road paving (roads). They must be for hydro technical structures	No
		SECTION IV			
30.	36-37, 25	Section IV. Application Forms, Form CON-2, Section III, Qualification Criteria and Requirements, Sub-factors 2.1 and 2.2	Section IV. Application Forms, Form CON-2 makes reference to Section III, Qualification Criteria and Requirements, Sub-factors 2.1 and 2.2 only. Pursuant to the requirements pointed out in Section III, Qualification Criteria and Requirements, Factor 2 each applicant shall provide information regarding its “Non-performing contracts” (sub-factor 2.1), “Pending litigation” (sub-factor 2,3), as well as its “Litigation history” (sub-factor 2.4). Based on the above we think that there is a mistake made in Form CON-2 due to the following: - In the line of “Pending litigation” is written sub-factor	The text is revised. Please refer to AMENDMENT No 2 to the prequalification documents. Revised Form CON-2 is attached as annex to Amendment 2	YES

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			<p>2.2 instead of 2.3; - The line for “Pending Litigation” appears two times but the line for “Litigation History” is missing</p>		
31.	34	Section IV. Applications Form, Forms ELI-1.1	<p>In Prequalification documents, Section IV. Applications Form, Forms ELI-1.1 and ELI-as item 2 it is written that the Applicant should provide information regarding the organizational chart, Boar of Directors <u>and the beneficial ownership</u>.</p> <p>Please clarify, what is to be meant by “beneficial ownership” and what kind of documents are required to be provided by the applicants?</p>	It is meant the distribution of shares between the shareholders as an official extract from the Trade register	No
32.	41	Section IV. Application Forms , EXP- 4.1 General Construction	<p>According the tender documentation, in form EXP- 4.1 General Construction Experience is stated “Identify contacts that demonstrate continuous construction work over the past 10 years pursuant to Section III, Qualification Criteria and requirements, Sub-Factor 4.1. List contacts chronologically, according to their commencement (starting) dates”.</p> <p>Please, explain the meaning of the phrase “continuous construction work”- to have performed construction works without interruption or to have performed construction works in each year from 1st of January 2002 till 1st of January 2012?</p>	The meaning of the phrase "continuous construction work" means that you should not have terminated implementation of any construction works for long time periods.	No
33.			<p>In the case of a JV Applicant, is it enough the Forms below mentioned to be filled only by each JV member- Form CON–2, Form FIN – 3.1, Form FIN - 3.2, Form EXP - 4.1, Form EXP - 4.2(a), Form EXP - 4.2(a) (cont.), Form EXP - 4.2(b)? Having in mind the remarks in this matter under the name of each Form, there are some</p>	Each form contains instructions for filling under its title.	No

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			hesitations should these Forms to be filled by the JV?		
34.	41	Section IV. Application Forms, EXP-4.1 EXP-4.2	“Relevant objects” means the general construction experience that has to be presented in Form EXP-4.1, the specific construction experience, that has to be presented in Form EXP-4.2 (a), the construction experience in key activities, that has to be presented in Form EXP-4.2 (b), or something different from the above mentioned?	The information required in the above mentioned Forms is enough to cover this requirement.	No