

Clarifications for the following Procurement:

Preparation of project documentation for increasing the safety on the railway level crossings in the Western Balkans

PS/SRV/LCS/005/2023

Questions and answers:

1. ITT, page 12, Criterion 2: Could you please explain this request, as we find it unreasonable («Ratio between total assets and total liabilities should be above 1.00.»)

Answer 1: We confirm the requirement for the ratio to be above 1.00

2. ITT, page 13, point i.: Does the term «statement of financial position» mean «balance sheet»? Please confirm.

Answer 2: Correct. The current accounting terminology has replaced the “Balance sheet” with Statement of Financial Position”

3. ITT, page 13, point i.: Does the term «profit or loss account» mean «Income statement»? Please confirm.

Answer 3: Correct. We confirm.

4. ITT, page 14, point c.: Is an «Income statement» sufficient as evidence for a «statement of overall turnover»? Please confirm.

Answer 4: Yes. An income statement issued in a manner satisfying the statutory requirements of the country where it issued.

5. Annexe 5: Could you please publish a new Annexe 5 form with the correct text in the second table («Name of the lump-sum services»)?

Answer 5: It is an omission. The updated new form is given at the end of this document.

6. Annexe 6: Could you please publish a new Annexe 6 form with the correct indication of the tendering procedure. Who is the contact person («Attn:«)?

Answer 6: The contact is given in ITT, SECTION I: CONTRACTING AUTHORITY, I.1) NAME AND ADDRESS

7. ITT, page 22: Which «supporting documents» are required in «The Tenderer (or the leader in case of joint tender) must provide a Financial Identification Form (Annexe 9) with its supporting documents.»?

Answer 7: Please refer to the template Financial Identification Form included in Annex 9 of the Tender Documents.

8. ITT, page 25, Evaluation of the Technical Offers: Where in the tender documents is the »requested form«?

Answer 8: We hereby confirm that no pre-defined form for the Technical Offer exists.

9. The tender documents do not mention anything about powering the equipment. This represents a high cost in the implementation of the project. Is the power supply for the level crossing devices the subject of another call for tenders, as this is not even dealt with in Annex 13? Otherwise, we propose to amend the bidding documentation with corresponding requirements regarding power supply issues (for example, specification of possible power supply sources - public grid or overhead contact line).

Answer 9: The Tenderer need to prepare technical and procurement documentation to improve the safety of railway level crossings in the Western Balkans. This includes the administrative and technical aspects of the tender documents for the improvement of signaling and control-command systems. The contractor will also be responsible for defining the technical requirements (conditions) of the supply and installation of equipment and related works. This means that all aspects need to be taken into consideration which will allow the future installation and related works are done seamlessly, without any obstacles and issues, and this includes also the specifications for possible power supply sources.

10. The tender documentation does not state how the devices are to be monitored for the purpose of maintenance (diagnostics)? Is this part of this tender?

Answer 10: The Tenderer need to prepare technical and procurement documentation to improve the safety of railway level crossings in the Western Balkans. This includes the administrative and technical aspects of the tender documents for the improvement of signaling and control-command systems. The contractor will also be responsible for defining the technical requirements (conditions) of the supply and installation of equipment and related works. This means that all aspects need to be taken into consideration which will allow the future operations are done seamlessly and without any obstacles.

11. The tender documents do not mention any reference to cooperation with road infrastructure managers. Will the Contracting Authority (TC) ensure their participation in the site visits to assess the condition of the roads and the road signalling at level crossings? This is urgently needed for the preparation of the BoQ. How will the project implementation proceed if the participation of road authorities, road and average traffic data is not ensured, which may lead to its delay? We propose to amend the bidding documentation with clear requirements about this issue (for example if the level crossing shall be fully closed with diversion of traffic or the alternating propulsion of cars in each traffic line).

Answer 11: Contracting Authority together with the Infrastructure Managers will secure all relevant contacts, if needed. However, it will remain the responsibility of the tenderer to obtain all necessary information and liaise with the relevant authorities for securing their permissions, attendance or other necessary support. The Tenderer is not obliged to perform prioritisation of the

LCs since this was done by TCT and for this please check the Annex 13. The Tenderer need to prepare technical and procurement documentation to improve the safety of railway level crossings in the Western Balkans. This includes the administrative and technical aspects of the tender documents for the improvement of signaling and control-command systems. The contractor will also be responsible for defining the technical requirements (conditions) of the supply and installation of equipment and related works.

12. Please explain in more detail the required content of the BoQ for two different types of civil works:

- »standardised crossing roads«

Answer 12a: Roads which are in line of the relevant national standards regarding their widths and other elements of the cross section and for which it might be possible to pre-identify the concerned works/activities and their quantities for the width for maintenance of which the railway infrastructure managers are responsible (at each side from the axis of the permanent way), i.e. such BoQ would include fixed activities and their quantities for the concerned crossings / roads.

- »comprehensive various civil works«.

Answer 12b: A list of all potential civil works / activities linked to installation of the equipment and reconstruction of various concerned roads. Based on it, the exact applicable activities and related quantities will be estimated for each level crossing. These BoQ would logically include also the works / activities identified in BoQ for “standardised crossing roads”.

13. Due to the complexity of the call for tenders and the need to obtain the required references and other documents in time, please extend the deadline for submission of the tender by 14 calendar days.

Answer 13: The new deadline is 14.07.2023 12:00h CET. The corrigendum is published accordingly.

14. Instruction to tenderers, par. III.1.1.b) Enrolment in a relevant professional or trade register (page 12/29) is stated that „...it legally carries out its professional activity on the market“. Can you please clarify does this mean compulsory possession of the corresponding company license(s) for design/installation of railway equipment (including the level crossings) in the country of origin/other WB6 country?

Answer 14: The tenderer must be enrolled in a relevant professional or trade register in accordance with the legal requirements of the country where the economic operator is established. This is a general requirement, not related to the technical certification that might be needed in certain jurisdictions for being allowed to perform railway related works or equipment installation. In addition, the tenderer will have to comply with the legal requirements in all Regional Partners for the activities to be performed as described in the TD if those activities require adequate licenses.

15. Technical Specifications-Services, par. 3.3. Services and activities to be performed, Task 2: Data collection and site visit for determining the current situation of the level crossings (page 5): It is stated that “...level crossings shall be visited, inspected and considered in the tender documents”. Please confirm our understanding that the term “tender documents” is related to the tender for procurement of works on level crossings, not to this tender.

Answer 15: We confirm that the term “tender documents” in the context quoted in your request for clarification is related to the tender documents for procurement of works on level crossings, not to this one.

16. We are very interested in applying, however for a good quality offer we would need more time, and as of now, the indicated deadline of 30.06.2023 does not seem feasible for us.

Answer 16: Please check answer number 13.

17. We would like to know if there is a specific format to be used for the submission of the Methodology or Technical Proposal. If not, or if we will be using our format, would that lead to a potential penalization?

Answer 17: There is no format for the Methodology and Technical Proposal. The Tenderer can use the format they prefer to best fit the proposal and there will be no penalties for using individual formats.

18. Extension of the time for submission. As the requirements in the Instruction for Tenderers are many, including acquisition of International Experts from Western Balkan countries, we shall ask you kindly to extend the date of submission for 3 weeks i.e. until 21/7/2023.

Answer 18: Please check answer number 13.

19. Scope of the procurement. You mention that the estimated value without VAT is 120.000 euros. Question: In our proposal will be a value equal or less than this. Does it mean the winner will receive all net amount proposed without including VAT? Please clarify.

Answer 19: The contract amount will be the lump sum submitted by the Successful Tenderer in its financial offer. The offer and the payments are without VAT as per the TD. The Contract Price shall be paid in full, subject to the successful delivery and acceptance of all services. The schedule of payments is provided in Article I.5.2 of the draft service Contract (Annex 10)

20. Section 3- Legal- Economic-Financial and Technical Information. In III.1 Conditions of participation, you specify that participation is open in equal terms to all natural and legal person or association of such persons. Question: Is it eligible for our company to formulate the economic operation in joint venture with a natural expert, being the natural person as joint venture partner or sub consultant or third person? Please clarify.

Answer 20: AS per III.1: Participation in this procurement procedure is open on equal terms to all natural and legal persons or associations of such persons established in:

- **Member State of the European Union;**
- **A Member State of the European Economic Area;**
- **A South East European signing party of the Transport Community Treaty.**

Joint tenders of natural and legal persons meeting the conditions above are also allowed. See also Section III.1.8 of the Instructions to Tenderers.

21. III.1.3) Technical and Professional ability. In criterion 1 of the Main Services Provided, you have specified that the candidate «that in the last 5 years until the deadline for submission of the Tender they have properly provided at least two similar projects in scope and complexity completed in the last three years preceding the tender submission deadline, with a minimum value for each of them of €80.000 ».

- a. Question 1: Are the projects experience is limited in the last 5 years or in the 3 years?
- b. Question 2: In the sense of similar projects please note that there is experience of two huge projects with contract values of several million euros each and include more than 500 level crossings without specifying 80.000 euros value. Are these 2 projects eligible to cover that criterion? That can be a reason to modify the specific criterion with a corrigendum (in accordance 1.3.2 Modification of the Tender documentation) and comply with the European Law for competition on equal terms.

Answer 21a: The Project experience shall be valid for the last 5 years.

Answer 21b: If the value of the project is with a minimum value of €80.000, that project will be considered as eligible. We don't see the need for the criterion to be corrected.

[Letterhead of the undersigned, if any]

FINANCIAL PROPOSAL

To the Permanent Secretariat of the Transport Community

Call for tenders Ref. (PS/SRV/LCS/005/2023)

Invitation to tender [insert identification data of the invitation for tenders by number and short title or subject matter]

The undersigned [insert name of the signatory of this form], representing:

[only for natural persons] himself or herself	[only for legal persons] the following legal person:
ID or passport number:	Full official name: Official legal form: Statutory registration number: Full official address: VAT registration number:

offers to [insert accordingly the subject matter of the procurement procedure/contract: to provide the services (identification of the services) or to supply the (identification of the goods)] as follows:

No.	Name of the lump-sum services	Amount (EUR)
1	Preparation of project documentation for increasing the safety on the railway level crossings in the Western Balkans, PS/SRV/LCS/005/2023	
	Total	

The above amounts are free of all duties, taxes, and other charges, including VAT, as the Secretariat is exempt from such charges under Article 10 of the Agreement between the Republic of Serbia and the Transport Community regarding the seat of the Secretariat.

This Financial Proposal shall be valid and remain binding upon us for [insert the validity period of the offer] from the final date from submission as per the tender documentation and may be accepted at any time before the expiration of its validity period.

Until the conclusion and signing of the contract, this offer, together with the communication sent by you by which our offer is established as successful, will constitute a binding contract between us.

We understand and agree that, if our tender is determined to be successful, we will provide the performance security in accordance with the provisions of the [insert the name of the document, as the case may be].

We understand you are not bound to accept any the lowest price offer or any other offer you may receive.

Signed in [Place] on [dd/mm/yyyy]

Name (in capital letters), function, company, and signature: