



REPUBLIC OF SERBIA
AUTONOMOUS PROVINCE OF VOJVODINA
CITY OF KIKINDA
CITY ADMINISTRATION
SECRETARIAT FOR PROJECTS
NUMBER: III-09-501-84/2021-7
DATE: 16.08.2021.
KIKINDA

OBJECT OF THE PROCUREMENT: Landscaping works – „Old pond“ Kikinda
REFERENCE NUMBER: RORS 373/Cityof Kikinda/TD4
CONTRACTING AUTHORITY: City of Kikinda
LAUNCHING DATE OF THE PROCUREMENT: 23/07/2021
performed under:
PROGRAMME: Interreg-IPA Cross-border Cooperation Romania-Serbia Programme
PROJECT TITLE: Ecosystems Rehabilitation and Preservation of Natural Values in Jimbolia and Kikinda
EMS CODE: RORS-373

CLARIFICATION 1

According to the Point 8. of the Instruction to tenderers, published in Volume 1 of the launched procurement procedure, ref. no. RORS 373/Cityof Kikinda/TD4, City of Kikinda, as a Contracting Authority, by this Clarification 1 provides answers to all questions duly submitted up to the date of this document.

Clarification contains 17 questions/clarification requests and 17 answers of Contracting Authority. Questions are presented in their original text.

QUESTION 1.

1. In the tender documentation, part „Economic and financial capacity of the candidate“ stands the following:

“it must have proven experience in each of the following fields of works: (1) ground works and construction of pedestrian paths or equivalent, (2) planting works, (3) installation of drainage and sewerage systems, (4) installation of public lighting, by implementation of at least one or more contracts of the total value of 350.000 € in the period of 8 years from submission deadline. (This means that the project(s) the tenderer refers to could have been started/implemented/completed at any time during the indicated period but it does not necessarily have to be started and completed during that period, nor implemented during the entire period); if a tenderer, in order to prove experience in all required fields of work, refers to more than one contract, their value will be calculated cumulatively.

(evidence of fulfillment of criteria: final acceptance certificate validated by Contracting Authority, or final statement of account validated by Contracting Authority, contracts or equivalent)”

The following should be clarified, so that there are no problem when evaluating the tender offers:

This means that the project(s) the tenderer refers to could have been started/implemented/completed at any time during the indicated period but it does not



necessarily have to be started and completed during that period, nor implemented during the entire period).

This formulation can be interpreted ambiguously:

- a) It can be interpreted that the project did not necessarily start and did not end in the specified period, ie. that the work was contracted in the period in question, but has not yet been completed. If it is interpreted in this way and if the tenderer receives a certificate from the contracting authority for the work in question, he meets the set criteria. Also, the job can be fictitiously contracted and get a fictitious certificate from the contracting authority, which can lead to confusion when evaluating the offers.
- b) Also, this can be interpreted as not necessarily that the work both started and ended in the stated period, which means that it started before that period and ended in the period in question. Such an interpretation would be legally correct.

Please clarify.

ANSWER 1.

The Contracting Authority draws attention to the fact that this selection criteria is stated in point 12.2.1, but not in the section "Economic and financial capacity of the candidate", but in the "Technical and professional capacity of the candidate". Thus, it is one of the criteria that prescribe the minimum technical and professional capacities of the candidate in order for one to be suitable for the award of the contract; not its economic and financial capacities. The criterion itself is set in that way having in mind the scope, type and complexity of the works to be performed. Also, it is set in accordance with the principles of the PRAG rules to allow competition and prevent discrimination of economic operators.

As for its interpretation, it implies that tenderer must have proven experience in every of the four mentioned fields of works. That experience is proven by execution of subject works in period of 8 years from submission deadline. So, in that period the tenderer could have started and completed the works; or, it could have completed the works, but their execution could had started before the stated period; or, the works could have started in stated period, but not completely finished in stated period. In every case, the tenderer must prove that the amount of the executed works meets (or exceed) the value mentioned in that criteria. That is in accordance to the point no. 2.4.11.1.3. of PRAG rules - "Verifying the technical and professional capacity of candidates or tenderers", which stipulated:

"Candidates/tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In the first case the project will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract or proof of final payment for services or final acceptance for supplies and works). In case of projects still on-going only the portion satisfactorily completed during the reference period (although started earlier) will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value".

Regarding the comment that *"the job can be fictitiously contracted and get a fictitious certificate from the contracting authority"*, we note that in Section 2 of this tender dossier, in Annex 1 of Tender form, tenderer declares that it fulfills the applicable technical and professional criteria indicated in section 12.2 of the tender specifications. Also, we note point 12.1 of Instruction to tenderers, which states that tender must comprise the information of relevant experience, where that evidence include successful experience as required under point 12.2.1 of ITT. At the end, Contracting authority notes the point 2.3.3.2. „Rejection from a given procedure“ of PRAG where it is stated that a contract for a given procurement procedure should not be awarded to economic operator who has misrepresented the information required by the



contracting authority as a condition for participating in the procedure or has failed to supply that information.

QUESTION 2.

2. In terms of technical and professional capacity of the candidate, you have defined criteria that are not logically related to the subject of the procurement. If you look at the project documentation, in part Volume 5, attachment no. 8 Planting plan 1.7.5-1 and attachment no. 9 Labyrinth planting plan, these drawings were made by a graduate engineer of architecture with licence no. 300, which can be seen from the search for the name of the architect from the site of the Chamber of Engineers and also from the technical design, which you published in the previous call that you suspended. Also, the drawings in Volume 5, 11 - Situation plumbing line and drawings under serial numbers 11, 12, 13, 14 and 15 were made by a civil engineer with licence no. 411, which can be seen from the search for the name of the architect from the site of the Chamber of Engineers and also from the technical design, which you published in the previous call that you suspended.

Why are you asked for a licence number 474 for a landscape architect in the criteria, when the design documentation which is the subject of the procurement, and which you published, was not signed by a landscape architect with licence number 374 or some other landscape architect, but only by an architect with licence number 300. The counterpart of the design licence number 300 is the licence number 400 for the responsible contracting engineer, so as a responsible contracting engineer in accordance with the Law, you should define in the criteria with licence number 400. In this way you restrict the competition, because the execution of the subject works as a responsible contractor can be performed by an architect with the licence of 400. With the criteria defined in this way you add unnecessary tender conditions and restrict the competition. Also, you are putting yourself in bad position because it will be left uncovered by the execution of works designed by an architect with the license number 300, and you are putting in question the very legality of the works.

The situation is similar with the part of hydraulic installations, where the design was done by an engineer with licence number 311, and you defined in criteria as the responsible contracting engineer with the licence number 414. Also, you defined in the criteria responsible contracting engineer with licence number 410, but the responsible designer with the licence 310 is not participated in making the design. In this way, you restrict competition, because the performance of the subject works as a responsible contracting can be performed by a civil engineer with 410 licence.

The criteria defined in this way are restrictive for tenderers who can perform the work on the basis of the developed design.

Please harmonize the subject criteria with the real needs of the project.

ANSWER 2.

As stated in Section 5.2, List of design documents available, Volume 5, the Conceptual project was created by:

- Biljana R. Čanković, graduate engineer of architecture, with personal licence no. 300 J530 10, as a main project architect
- Biljana R. Čanković, graduate engineer of architecture, with personal licence no. 300 J530 10, for volume 1, Project of architecture, no. IDP-03-15-1
- Aleksandar Stanković, graduate civil engineer, with personal licence no. 311 4621 03, for volume 3, Project of hydro-technical installations, IDP-03-15-3
- Žarko Popović, graduate electrical engineer, with personal licence no. 350 I885 10, for volume 4, Project of electrical installations, E - 31/20



In that sense, Contracting Authority ascertains that there is a mistake in the first paragraph of this question regarding the licence number of engineer who created the Project of hydro-technical installations and accompanying drawings under serial numbers 11, 12, 13, 14, 15 and 16 in Volume 5.

Regarding the comments that Contracting Authority should have set counterpart licences as criteria, Contracting Authority is not sure what is the purpose of that suggestion, or what is the meaning of counterpart licence. When setting this criterion, Contracting Authority had in mind only the nature of works foreseen by the Conceptual project. It is stated that Contracting authority should have set contracting engineer with licence number 400, since Project of architecture was made by an architect with licence no. 300. Contracting Authority notes that licence number 400, that comment suggests, is issued for Responsible contractor of buildings (serbian: visokogradnja) and internal installations of water supply and sewerage. If one checks the Technical specification and accompanied drawings, it becomes clear that this project does not contain any building construction or internal installations of water supply and sewerage. The same situation is with a comment that Contracting Authority should have set licence 411 for responsible contracting engineer; Contracting Authority keeps in mind that licence 411 is issued for Responsible contractor of building constructions and construction-craft works on facilities of building constructions (serbian: visokogradnja). Project did not foreseen those type/kind of works. In that sense, there is no equivalency or counterpart licences, nor any of the regulation knows that kind of institute.

As stated before, Contracting Authority set the criteria only according to the nature of works to be performed. Also, Contracting Authority set those criteria according to the positive laws and bylaws that regulate professional affairs of spatial and urban planning, preparation of technical documentation, execution of construction works and energy efficiency performed by licensed persons. Those acts precisely subscribe what kind of works contracting engineers can perform according to the licence they possess. Accordingly, Contracting Authority set this part of Technical and professional capacity of candidate.

More specifically, contracting engineer with licence number Pal 03-01 (474) was set as criteria since that licence is issued for a landscape architect that, among others, manages the execution of works of external, ie landscape architectural arrangement of free spaces. Since subject Conceptual project contains significant part of that kind of works, Contracting Authority finds appropriate for Contractor to engage that type of licenced engineer. That is not in purpose of adding unnecessary tender conditions or restricting of competition, but in function of ensuring quality of performed works.

The same situation is with set licenced engineer GI 04-02.1 (414); that type of licence is issued for engineer that manages construction, ie the execution of works for hydro technical facilities and systems of hydro-technical installations, performing construction and craft works on facilities for which hydro-technical projects and projects of hydraulic installations were made. Since subject Conceptual project contains "Project of hydro-technical installations" and foresees that kind of works, Contracting Authority finds appropriate for Contractor to engage that type of licenced engineer.

Regarding the licenced engineer with licence no. 410 that question challenges, that type of licence is issued for execution of works on facilities of building construction (serbian: visokogradnja), ground construction (serbian: niskogradnja) and hydro works. In that sense, that is not restrictive criteria, on the contrary. Beside, for that type of works Contracting Authority set options: GI 04-03.1 (412 or 415). However, since there is an option, Contracting Authority must have set the licenced engineer with licence no. 414 if the tenderer propose licenced engineer with licence 412 or 415. Conclusion is that if the tenderer engage licenced engineer with licence 410, it would fulfil the necessary criterion for ground-construction works and hydro-technical works.



Having in mind all mentioned above, Contracting Authority ascertains that this part of Technical and professional capacity of candidate is set according to the envisaged and projected works, as well as legal acts that regulate this area.

QUESTION 3.

3. Is the technical documentation done only at the level of conceptual design?

ANSWER 3.

Yes, the technical documentation is done only at the level of the Conceptual project (serbian: Idejni projekat). For that purpose, the competent body issued Location conditions, including the conditions of all holders of public authority. According to that and Conceptual Project, the competent authority issued a Decision on approving the execution of works.

QUESTION 4.

4. There is no normal cross-sectional profile in the design, no longitudinal profile, no excavation width, no elevation axis, are the given quantities credible?

ANSWER 4.

Contracting Authority draws attention to the Volume 5 of the tender dossier where, under serial no. 5, Drawing 1.7.2, cross-section views are presented. Mentioned drawing contains information on excavation width and depth; beside, excavation width and depth are described in Technical specification, Volume 3, as well as in Bill of quantities. Elevation axis can be deduced from Cadastral-topographic plan, which is presented also in Volume 5.

Regarding the quantities in Bill of quantities, Contracting Authority can only state that Bill of quantities was designed/created by the same licenced engineers and architects that created the Conceptual project.

QUESTION 5.

5. Considering that there are no elevation, nor KTP (cadastral-topographic basis), will the Contracted authority accept excess works if they appear?

ANSWER 5.

Contracting Authority draws attention to the Volume 5 of the tender dossier where, under serial no. 1, Cadastral-topographic plan was presented. That document contains elevation points. Beside, elevation points are presented in Drawing 1.7.1 Situational - levelling solution, which is present in Volume 5.

Regarding the excess works, we draw attention to the Articles 37, 49. and 50. of the General conditions, presented in Volume 2 of tender dossier.

QUESTION 6.

6. Possession of the geotechnical laboratory was not set as a criterion for tenderers, will the Contracting authority hire a control laboratory to check the works and what kind of experiments will it do and according to which standards?

ANSWER 6.

Contracting Authority notes that this tender procedure is open for selection of works contractor, not for performance of service. Accordingly, Contracting Authority does not see the necessity for tenderers to possess the geotechnical laboratory.



All installed materials, products, or works procedures, must contain appropriate accompanying documentation which proofs/declares that all mentioned is installed and performed according to the positive SRBS standards. Foreseen quality of works and compliance with standards is obligation of Contractor and it will be checked by the Supervising Authority (hired by the Contracting Authority). In that sense, it is the Contractor obligation to prove the fulfilment of all positive standards that applies in this area of works. How the contractor will perform that task, is it going to be by it's own laboratory, or by any other mean, it is not of interest of this tender procedure and can not be set as criteria for selection. Beside, that kind of condition would be highly discriminative, which is not in accordance with the principle of fair competition.

For further information we note Articles 40, 41. and 42. of the General and Special Conditions, Volume 2 of the tender dossier.

QUESTION 7.

7. How far is the transport of reeds, grass and plants to the landfill? Which landfill is used? Are special deposit costs paid and at what price? We need it because of the more accurate price that we calculate.

ANSWER 7.

Contracting Authority ascertains that Conceptual project, as well as Bill of quantities, foreseen works of clearing the terrain, after which the transport of reeds, grass and plants to the landfill must be performed. It is up to the Contractor to determine which landfill will be used, as well as conditions and price for it's usage.

For information purpose only, Contracting Authority states that at the territory of the City of Kikinda, where subject works will be performed, there is registered Regional landfill where all kinds of communal waste can be deposited. Distance of the landfill from works site is approximately 5-7 km.

QUESTION 8.

8. In the Bill of quantity form, Position 7 in construction works, the Contracting authority request is rectified sand, we ask the Contracting authority to provide the characteristics necessary for its usability.

ANSWER 8.

Contracting Authority notes that rectified sand (Serbian: refulisani pesak) should satisfy the California load-bearing capacity index (CBR) greater than 8% and that the organic material content must be less than 7%.

As stated in answers no. 6 and 11. of this clarification, for further information we note Articles 40, 41. and 42. of the General and Special Conditions, Volume 2 of the tender dossier.

QUESTION 9.

9. In the Bill of quantity form, Position 7 and 8, the same amount of 2.100 m² is given, which is not technologically correct and according the rules of the profession, each previous layer must be wider; will the Contracting authority accept any excess works?

ANSWER 9.

Contracting Authority draws attention to the Volume 5 of the tender dossier where, under serial no. 5, Drawing 1.7.2, cross-section views are presented. Mentioned drawing contains information on excavation width and depth of layers. Technological correctness of projected



solution is a competence of Conceptual project designer, whose obtained licence guarantee or indicate expertise.

However, if during the execution of works it turns out that certain solutions cannot be technically performed, the Supervision Authority has the jurisdiction to approve the changes. For more information on this matter Contracting Authority refers to the Articles 37, 49. and 50. of the General conditions, presented in Volume 2 of tender dossier.

QUESTION 10.

10. Is there a geotechnical study for the subject design, on the basis of which the calculation of the road construction was performed, whether the planed construction will withstand the entrances of service and delivery vehicles, in case of deformations, whether the contractor will be obliged to repair them. There is no subject data, 70% of the work is on excavation with tampons and paving.

ANSWER 10.

Having in mind the location and purpose of space where the subject works will be performed, it is evident that constructed paths and green areas (as well as the whole area) is not meant for motor vehicles traffic. It is park area, designed for rest, recreation and socio-cultural activities. For that reasons, geotechnical study was not asked from the designer, nor is it contained in Conceptual project. Beside, the scope and nature of works do not request that type of soil study.

However, since this question relates to necessity of soil study, Contracting Authority emphasizes/refers to the Article 30. of Special Conditions, presented in Volume 2 of this tender dossier.

If, after the completion of the works, the damage is done by the third parties (unauthorized entry of motor vehicles or similar entry of service and delivery vehicles), the responsibility for the damage lies with those legal or natural persons. The obligation of the contractor is only in cases of damage and deformation that occur during normal usage.

For more information we refer to article 61. of General Conditions, presented in Volume 2 of this tender dossier.

QUESTION 11.

11. In the Bill of quantity form, Position 9, 10 and 11, pressed concrete curbs are required in the description. Are they single-layer or double-layer, what characteristic should they satisfy, and in terms of strength, frost effect, water absorption?

ANSWER 11.

Contracting Authority notes that procurement and installation of pressed concrete curbs are set in position I.10 - Construction works, of Bill of quantities. Position I.9 defines procurement, transport, spreading and charging of levelling buffer layer of stone, and position I.11 defines procurement and installation of pressed concrete plates. From that perspective, Contracting Authority can not determine the exact scope and nature of the question, but it will provide an answer having in mind the context of other questions, as well as descriptions in Technical specification and Bill of quantities.

As described in Technical specification (Volume 3) and drawings in Volume 5, at the works location there are existing walking paths. So, foreseen works should be by appearance harmonized with the existing ones. Regarding the pressed concrete curbs (position I.10), they should be single-layer. The other pressed concrete elements (position I.11) should be double-layer. Pressed concrete elements should be of 1st class, as stated in Bill of quantities.



As for characteristic they should satisfy, Contracting Authority notes that all tests of concrete elements have been defined by appropriate SRPS standards. In that sense, we refer to our answer no. 6 of this clarification. For further information on this matter, we refer to Articles 40, 41. and 42. of the General and Special Conditions, Volume 2 of the tender dossier.

QUESTION 12.

12. In the Bill of quantity form, in the position 12, tactile plate for the blind persons is 6.7 pcs/m in the description, which means that the dimensions are 30/15cm, the standard for this type of plate are 30/30cm. Please give us the dimensions that will be installed, square plates are drawn in the design.

ANSWER 12.

In the Technical specification, Volume 3, it is defined that the pressed concrete elements for guiding the blind (tactile fields), should have dimension 30/30cm. That is also defined by the drawing "Detail A", no. 1.7.3. Color of the tactile fields is yellow.

The Position 12 in Bill of quantities specified procurement and transportation of tactile plates /guidance for blind/ in two rows. It did foreseen 6.7 pcs/m, which when calculated could mean that those tactile plates should be in dimensions 30/15cm.

However, the calculation and unit price should be presented in meters, not in pieces of installed plates. Amount/length is set to be 660 m. In that sense, the tactile plates should be 30/30 cm, which is technically correct given the total length of the plates to be installed. Beside, from that perspective it is clear how the tenderer could calculate it's unite price.

QUESTION 13.

13. Bill of quantities, Construction works, Position 18, procurement and installation of pipes for information signs, which signs are installed, whose obligation is to install them?

ANSWER 13.

Position 18, Construction works, defines the procurement and setting of galvanized pipes 2", height 2m, with concrete foundation. Purpose is for placement of notice signs. In Technical specification, Volume 3, it is said that "*in the immediate vicinity of the slope and in a safe place, it is obligatory to place boards with notices and warnings for the use of the slope exclusively in accordance with the planned purpose, respecting the projected direction of sledding, as well as usage of slope only with parental supervision*".

In that sense, it is an obligation of the Contractor to performed works under Position of 18, Construction works. Exact position of placement will be defined by a designer/architect or Supervision Authority when the execution of these works comes in line.

QUESTION 14.

14. In the design, in the description states that the widths of the walking paths are 2 and 3 meters, none of the dimensions of the plates (30cm and 15cm) fit into the with of 2 meters, does that mean that they have to be cut?

ANSWER 14.

In the Technical specification presented in Volume 3 of this tender dossier it is written that "*inside the subject area, the project envisaged the construction of pedestrian communications/paths whose width varies: 1.80 m would be diagonally placed strokes through green areas, 3.00m are the main paths and paths along the perimeter of the canal*". That



description is in textual part of the Conceptual project, which is further elaborated in the drawings.

In that sense, Contracting Authority draws attention to drawing Detail A, no. 1.7.3, presented in Volume 5 of the tender dossier. That drawing contains sketches of paths tiling, including exact dimensions of the paths and pressed concrete elements. It is visible that width of the paths is 324cm and 204cm totally, with all components. According to that drawing the tenderer should be able to conclude do the plates needs to be cut.

QUESTION 15.

15. In the situation from the project, the stack of plates is at angle of 45 degrees, that the whole plate is cut to the curb and guide for the same, which means that in case there is about 2km of incision. It is necessary to know because of the formation of the price and deadline.

ANSWER 15.

Contracting Authority draws attention to the Volume 5 of the tender dossier where, under serial no. 6, "Detail A", Drawing no. 1.7.3, architect/designer defined how the plates are placed and fitted. As seen from there, the plates are placed perpendicularly between the curbs, not at an angle of 45 degrees.

That Drawing also gave a characteristic detail near "Owl" labyrinth - between zones Z3, Z4, Z5 - where plates fitting deviates from the dominant scheme. Also, deviation from dominant scheme occurs when changing the direction of the trail. However, the length that question implies is significantly less than stated 2 km. In that sense, it is up to the tenderer to perceive the Conceptual project, as well as site situation, and according to that, to determine the exact length of incision which would be input for price formation.

QUESTION 16.

16. As the project design is at conceptual level, there is no precisely defined technical description of works for positions of earthworks and construction works, we ask the Contracting authority to determine the bearing capacity of the bedding, sand compaction and bearing capacity of the stone layer.

ANSWER 16.

Contracting Authority draws attention to the Volume 4 of the tender dossier where in Bill of quantities, positions I.7 and I.8 - Construction works, compaction of rectified sand and break stone layer have been set - $M_s = 3,00 \text{ kN} / \text{m}^2$.

QUESTION 17.

17. On the part of the route, there is certain number of trees with diameter of over 10cm, which is intended for removal, while in the Bill of quantities that position does not exist. Please make the correction in the Bill of quantities with the correct number of pieces.

ANSWER 17.

In the Bill of quantities, Volume 4, in part Construction works, position I.2, works on clearing the terrain are described. The position is as follows:

"Clearing the terrain and removal of reeds, grass and vegetation on the part of the park area that is brought to the purpose of landscaping and construction of pedestrian paths. Take care that the trees larger in diameter of $\varnothing 10 \text{ m}$ are kept, according to the project. The landscaping plan defines which trees are



*retained and which are cut down with the removal of stumps. **The position also includes cutting trees with stumps, according to the landscaping plan***".

It is evident that the Bill of quantities foreseen the removal of trees and that calculation of price should be presented in m2. It is up to the tenderer to offer its unit price in accordance with the position description, Landscaping plan, other relevant specifications of the Conceptual design project, as well as site/terrain situation.

