
**REPUBLIC OF MOLDOVA
ROAD SECTOR PROGRAM**

STATE ROAD ADMINISTRATION

CLARIFICATION DOCUMENT NO. 1

**Answers to the Requests for Clarification received
from prospective Tenderers**

**Rehabilitation of M3 Chisinau – Giurgiulesti Road, km
96+800 – km 171+290 and km 179+650 – km 190+750
under the Contract RSP/W10/01**

Issued: April 06, 2018

1. Question

As regards to the tender procedure for the adjudgement of the public procurement contract having as object Contract RSP/W10/01: “Drum Rehabilitation of M3 Chişinău – Giurgiuleşti road, km 96+800 – km 171+290 and km 179+650 – km 190+750”, in order to demonstrate the experience in the executed works, please confirm that we can present as a proof a modernization work of airport moving surfaces (airport runway execution) with elastic road system (3 layers of asphalt mixtures, base layer of broken stone optimal mixture and ballast forming layer) with the specification that these works are superior in terms of their complexity which assumed the execution of comparable works as operations, technologies or equipment used with those that define the main object of the contract and / or purpose of the object of the contract of execution of works.

Answer 1

The specific experience requirements are clearly stated in Tender Documents, Section III, Evaluation and Qualification Criteria. Thus, the Contractor will be evaluated in accordance with these criteria based on the physical size, complexity, methods/technology and/or other characteristics described in Section VII, Work’s Requirements.

Therefore, the project in modernization work of airport will be accepted for evaluation and will be counted for specific experience, only if the works will demonstrate compliance with the required qualifications criteria.

2. Question

Please let us know when and under what conditions we can visit emplacement for the auction mentioned above, date and time.

Answer 2

No site visit shall be organised by SRA. The Amendment No. 1 dated March 19, 2018, has been issued in this sense. The Tenderer may visit the site at his convenience, however, it is the tenderer’s responsibility to ensure staff are equipped with proper safety gear.

3. Question

In Part 1 - Section III. Evaluation and Qualification Criteria, 2.4.2(f) "cold recycling of asphalt pavement on a single contract executed within the last three (3) years at a rate not less than: 25000 tonnes/year." Moreover, based on BOQ and Drawings, the cold recycling of asphalt was used in base course. Please clarify whether the cold recycling of asphalt is applied to base course?

Answer 3

We confirm that cold recycling of asphalt is used in base course.

4. Question

In Part 1- Section III. Evaluation and Qualification Criteria, 2.4.2(f) "cold recycling of asphalt pavement on a single contract executed within the last three (3) years at a rate not less than: 25000tonnes/year." If the cold recycling is applied to pavement layer, as the technological process of hot recycling of asphalt is same as cold recycling of asphalt and condensation of pavement is better than cold recycling of asphalt. Does the hot recycling of asphalt meet the requirement of cold recycling of asphalt?

Answer 4

Cold recycling technology is different to that of hot recycling, therefore the latter one shall not be considered for the purpose of evaluation under this criterion.

The Cold recycling process requires the milling and removal of old asphalt pavement materials, blending this material with fresh crushed granular materials (50%) and an additive such as cement (3%) mixing and compacting to form a new pavement layer. This is done by transporting the milled material off site and re-processing through a pug-mill with the addition of fresh crushed material and cement.

Hot recycling is done in-situ using a recycling train to heat the old asphalt pavement, mill out the old asphalt to the required depth add fresh hot asphalt and then to re-compact as would be done for Asphalt pavement works.

The two processes are not similar as they require different types of equipment, materials and work methodology for implementation.

The hot recycling of asphalt does not meet the requirement of cold recycling of asphalt.

5. Question

In Part 1 - Section III. Evaluation and Qualification Criteria 2.4.2(b) and 2.4.2(c). What's the difference between prime contract and main contract? In addition, besides the required experience numbers are different between 2.4.2(b) and 2.4.2(c), is there any other difference?

Answer 5

2.4.2 Specific Experience 2.4.2 (b), gives the alternative to the Contractor. The Contractor could be either the prime contractor or a subcontractor, in order to demonstrate successful experience in the execution of at least 2 (two) contracts of a magnitude comparable to the proposed contract within the last five years, and each of the contracts shall be not less than the equivalent of 20 m Euro.

In 2.4.2 Specific Experience 2.4.2 (c), the Contractor has to demonstrate participation in 1 (one) contract of a similar magnitude as the main (prime) contractor and the value shall be not less than the equivalent of 20 m Euro.

6. Question

In contract data, the provisional sums is 10% of the contract, while in BOQ, the provisional sums is 3 million euro. Which one is prevail?

Answer 6

The provisional Sums for contingencies included in the Contract is 3 m Euro, as provided in the Bill of Quantities, while 10% refers to adjustment as per GCC13.5.(b)(ii) of the Contract Data and these shall be read in conjunction with General Conditions of the Contract.

7. Question

Our Tender Security will be issued by Bank of China, which is one of the top four major state-owned commercial banks in China with good reputation. If we could not provide the credit rating document, is the bank acceptable by you?

Answer 7

It is the Tenderer's responsibility to ensure that the Bank they select for provision of the Tender Security does have a minimum credit rating of: B3/B-/B- or an equivalent assurance of creditworthiness of an issuing Bank.

The Standard & Poors Credit Rating assessment for the Bank of China is available in the internet.

8. Question

In Part 1- Section IV: Tender Forms, Form FIN- 1: Financial Situation and Form FIN-2: Average Annual Construction Turnover, the source of the exchange rate of the two forms is different. One is from Financial Times while the other is from the central bank of the tender's country. Does it mean that we need to use two exchange rates in the forms? If not, which one is prevail? In addition, if we need to calculate other data, which exchange rate is prevail?

Answer 8

Form FIN-1 and Form FIN-2 have been amended as follows: "as set by the central bank of the Tenderer's country or by Financial Times, if the former is not available". These changes have been applied through Article 10 and Article 11 of the Amendment No. 2.

9. Question

Is there any tax preference of this project? If so, please specify the sorts of taxes and preferential degree.

Answer 9

Please refer to clause 14.1 of Section VIII: Part B: Particular Conditions of Contract (PCC) and ITT 14.7 of Section II: Tender Data Sheet.

10. Question

Whether the quotation of this project includes VAT? If so, do we need to add one line in summary sheet to show the VAT? Or add the VAT into integrated unit price?

Answer 10

Please refer to answer no.9.

The Project benefits from VAT exemption with the right to deduct, therefore no new item shall be added. VAT shall not be integrated into the unit price.

11. Question

If the tender security is issued by a Chinese bank, is it acceptable?

Answer 11

Yes, provided that it complies with the conditions as addressed at answer no.7 above.

12. Question

Can we choose a Chinese insurance company to underwrite?

Answer 12

No, you cannot choose an insurance company to underwrite (irrespective of nationality).

In case it is meant the issuer of the tender guarantee, it is hereby emphasized that the issuer of such guarantee shall be a bank. No instrument issued by insurance companies will be acceptable and tender containing such an instrument in lieu of a bank guarantee shall result in rejection of the tender.

13. Question

Could you provide the Excel version of BOQ?

Answer 13

An excel version of Bill of Quantities will be sent to the potential Tenderers.

However, in case of any discrepancy between the PDF version of the BoQ provided in the tender documents and electronic version of the same, the former shall prevail.

Thus, it is at the Contractor's choice how to submit the Bill of Quantities.

The tenderer may opt to prepare the BoQ by manually filling in the printed BoQ provided in PDF format by hand with an indelible ink pen, or to insert the pricing data using the computer based Excel file, checking for compliance with the BoQ version in the tender documents, and to print the same.

All pricing data that is input (irrespective which of the methods above (manual or electronic) is used to prepare the BoQ) is to have a maximum of two absolute decimal places to eliminate rounding errors in the cost calculations.

14. Question

Please specify the "regulating layer" in specification, which layer does it mean specifically?

Answer 14

Regulating layer is being referred to throughout the text of Technical Specifications for pavement, base courses (cold recycling) and for bridges. Tenderers have to take into consideration that these Technical Specifications are standard specifications, and shall be read in conjunction with Tender Documents (Drawings and Bill of Quantities). For this Contract the regulating layers for pavement and base courses are not used.

The Technical Specifications and Bill of Quantities have been adjusted to this effect, the reference to the regulation being deleted. Please refer to the Article 5 and Article 8 of the Amendment no.2.

15. Question

The amount of BOQ 20101.1, does it mean the amount of filling with designated material or the amount of backfilling with excavated material?

Answer 15

The unit price of item 20101.1 consists of the total unit cost of providing from an authorized quarry suitable fill material meeting the Technical Specification requirements. The unit cost includes purchase, haulage, compaction and all miscellaneous costs associated with the work.

16. Question

There is no content of KM96+800-KM 151 + 200 in drawing.

Answer 16

The Amendment No.2 has been issued in this sense.

17. Question

Please specify the Item 20107 in BOQ. What is the unit of it?

Answer 17

The unit of measures for item 20107 “Re-grading of shoulders” is square meter. The Amendment No.2 has been issued in this sense.

18. Question

Can you provide a list of the underground pipeline network company, which is involved in this project? And the relevant contact person and information.

Answer 18

The Employer is responsible for co-ordinations with the owners of the utilities and obtaining Technical conditions.

19. Question

Please specify the location of borrow area and spoil ground.

Answer 19

It is responsibility of the Contractor to locate and supply borrow material from a licensed quarry for any additional embankment material that may be required. The Contractor is advised that the process of opening and obtaining the necessary permits for a quarry is very complex and takes significant time. The Contractors are advised to seek existing licensed quarries that have material complying with the technical specifications requirements.

It is a Contractor’s responsibility to locate spoil ground locations and to obtain all necessary approvals.

20. Question

Whose responsibility will be at this stage to show where to take the materials for embankments, the designers, SRA’s or the Contractor’s? Some drawings are showing some information in the Tender Documents, but it is only 1/3 of what is needed.

Answer 20

Please refer to answer no.19 above.

21.Question

Which kind of documents will be provided by the Employer, and which Technical Documents shall be provided by the Contractor during the project implementation?

Answer 21

All documents provided by the Employer are included in the Tender Documents.

The Contractor during project implementation shall provide the documents specified in the Contract and/or any other documents requested by the Engineer according to the provisions of the Contract.

22.Question

Are there any tax exemptions, as for example VAT?

Answer 22

Please refer to answer no. 9 and 10 above.

23.Question

Are there any working limits for work with local people?

Answer 23

Normal working hours are 40 hours per week, based on 5 day, also refer to the Contract Data Sub-Clause 6.5 of Section IV: Tender Forms, the locally recognized days of rest shall constitute all Saturdays and Sundays and all government recognized public holidays.

For further information, consult the Labour Code, No. 154 dated 28.03.2003.

24.Question

Are you going to show any disposal areas? If not, are we going to pay anything for these disposal areas?

Answer 24

Please refer to answer 19 above.

25.Question

Are there any limitations for working hours according to Moldovan Law? Can we work in night shifts?

Answer 25

Refer to answer no. 23 above.

Night shift work is possible provided labour and environmental laws are obeyed.

26. Question

A Tender Security shall be submitted by a Consortium? Can any of the Consortium members submit it separately?

Answer 26

Please refer to the Clause 19, Tender Security, ITT 19.7, which stipulates that “The tender security of a JVCA shall be in the name of the JVCA that submits the Tender.”

27. Question

Can we issue a Tender Security from a Chinese Bank?

Answer 27

Refer to answer no.7 above.

28. Question

We did not find out the drawings of 24 Pedestrian bridges ("Bill No.300 Item No.50403"), Please clarify.

Answer 28

The Amendment No. 2 has been issued in this sense, which includes Pedestrian bridges found in the Drawings DE 103-106.

29. Question

In the Pre-tender Meeting, the Engineer demonstrated the main work of section 2 (km 151 +200 □ km 190+75) as "rehabilitation of 2 bridges + one bridge should be replacement with culvert", but the BOQ is described as "there is one bridge needed to be rehabilitated (km 170+458) and one new bridge needed to be constructed (km 151 +251)". Please clarify?

Answer 29

There is one bridge to be rehabilitated (km 170+458) and one new bridge to be constructed (km 151 +251).

30. Question

Please briefly explain us the procedure of the acceptance of Site Laboratory, and by whom?

Answer 30

The procedure of the acceptance of Site Laboratory is described in the Technical Specifications Chapter 005 [Laboratory].

31. Question

What is the procedure of temporary land acquisition?

Answer 31

Technical Specifications, Chapter 016 [Compliance with Environmental Management Plan Requirements], under para: 016.10 Siting of Camps, etc, provides the relevant procedures.

32. Question

What are the policies of temporary importation and permanent importation?

Answer 32

The Custom Code of the Republic of Moldova (code no. 1149 dated 20.07.2000) governs the import of any goods (including equipment and materials) and services into the country of the Client for the purpose of project implementation.

In accordance with the Government Decision no. 246 of April 8, 2010, the project benefits from custom incentives. Specifically, the import of goods, services performed by the domestic suppliers and their intermediaries, on the territory of the Republic of Moldova, for implementation of the investment assistance projects, financed from loans and grants provided by IFI, benefit from exemption from excise duty, customs duties, fee for customs procedures and VAT exemption without the right to deduct.

33. Question

What is the relevant requirements of labor permits of Chinese staff and Labor, and what about the percentage of local staff and worker that we have to employ during implementation or there is no relevant requirement?

Answer 33

There is no percentage set for local vs foreign personnel to be employed.

The requirements to comply with in respect of the foreign personnel to be employed during the project implementation could be found on the web site of the competent institution, the Bureau of Migration and Asylum (<http://bma.gov.md>).

34. Question

During the implementation, do we have to subcontract the whole work to Moldovan company or we can choose to select part of work to local company?

Answer 34

It is at the tenderer's discretion whether to subcontract a part of the works or not.

In accordance with Section VII: Part A: general Conditions of the Contract, sub-clause 4.4, [Subcontractors]"During the implementation of the works Contract, the Contractor shall not subcontract the whole of the works. The Contractor shall be responsible for the acts or defaults of any Subcontractor, his agents or employees, as if they were the acts or defaults of the Contractor."

35. Question

Is a notary public certification required over a certification (with a seal) from the professional certified translation company on the documents that are translated into English?

Answer 35

Only key documents' translations shall be endorsed by a licensed public notary.

They shall include the Registration certificate, Tender Security, Audited Reports, as well as the Power of Attorney.

36. Question

In case if for some reason such a notary public certification is required on translation, is it necessary also to apply to the Ministry of Foreign Affairs for an "apostile". The apostile procedure is quite lengthy and could take about 2 weeks to obtain such.

Answer 36

No apostile is required for translations endorsed by a licensed public notary.

37. Question

There are some places in the Tender Documents where it is asked to provide "balance sheets", while in some places it is asked to provide "financial statements". Is it necessary to submit copies of full "financial statements" ("financial reports") with all appendixes/annexes for each year 2013, 2014, 2015, 2016 (statements for year 2017 are not ready yet), or only "balance sheet" of the Tenderer or "balance sheet" and "Profit and Loss" statement could be submitted in order to fulfil the requirement for paragraph 2.3.1 "Historical Financial Performance"?

Answer 37

Full financial statements for the years 2012, 2013, 2014, 2015, 2016 shall be submitted.

38. Question

We do not have year 2017 financial statements prepared yet. According to Law, we need to prepare such statements by August 1, 2018. Considering the requirement in paragraph 2.3.1 to submit "audited balance sheets... for the last five [5] years", shall we submit such statements for the year 2012?

Answer 38

Refer to the answer no.37 above.

39. Question

We are asking the Employer (State Road Administration) to consider the submission of several contracts by the Tenderer executed within a 24-month period in the period of 2014-2017 of rather than one contract in order to fulfil the requirement for paragraph 2.4.2 (g): "Stabilised Base Course production in one (1) contract in at least one year in the past three (3) years at a rate not less than: 51.000 m3/year."

Answer 39

Evaluation will be based on the criteria given in paragraph 2.4.2 (g).

40. Question

According to the Tender Documents, including the Invitation for Tenders, the tender submission deadline is currently set for April 13, 2018 10:00 am.

We are asking to extend the tender submission deadline to at least April 30, 2018.

Due to an unexpected cancellation by the Employer (the State Road Administration) of the site visit scheduled for March 20, 2018, the Tenderer needs extra time to arrange for its visit to the site, which add-up time to the tender preparation process. We consider such additional visits of our technical specialists to the site necessary to conduct in-depth analysis in order to enable preparation of a good quality tender offer to the Employer. On March 16, 2018, we received an email announcement from the Employer (SRA) reconfirming that it would be organizing a site visit on March 20, 2018 after the pre-tender meeting. The Employer sent a site visit cancellation note on March 19, 2018 at 16:36 informing the registered Tenderers about the site visit cancellation. No new date for organizing such a site visit by the Employer has been received from SRA up to date.

The volume of technical documentation and information is provided in a too large for its in-depth study for such a short time frame with currently set tender submission deadline. It shall be also taken into a consideration that our company [reference to name removed] is registered in the [reference to the country removed] and just as in the most Western European countries, there are 4 days (March 30 – April 02) of official state holidays (Easter) which fall within the tendering period. This puts our companies in noncompetitive situation comparing to our competitors from Republic of Moldova for which these days are normal working days. During these state holidays all translation companies, notary companies, Ministries, governmental institutions (which would need to issue various statements on our company for this tender) and other businesses in [reference to the country removed] will be closed.

Answer 40

The submission deadline shall be extended until April 27, 2018. The Amendment No. 2 has been issued in this sense.

41. Question

No minutes of the pre-bid meeting held on March 20, 2018 at your premises and presentation materials demonstrated at the meeting could be found on www.asd.md web site, unlike as it is in similar occasion for other tenders conducted by your Administration. Could you make these materials available and post it on your internet home page as soon as possible?

Answer 41

The Minutes of Pre-Tender Meeting shall be published on the Employer's official web page along with the Clarifications No.1 and Amendment No. 2 Documents, at the same time with the latter ones being issued to the potential Tenderers.