
**REPUBLIC OF MOLDOVA
ROAD SECTOR PROGRAM**

STATE ROAD ADMINISTRATION

**CLARIFICATION DOCUMENT No.1 TO THE
TENDER DOCUMENTS**

**Construction Works on M3 Slobozia Mare Bypass, km 0+000
– km 16+598 (remaining works) under the Contract
RSP/W15/04**

Issued on June 14th, 2024

Question 1

In accordance to the PREAMBLE TO THE BILLS OF QUANTITIES: "1.4 Tenderers should refer to all the relevant sections of the contract documentation, and shall satisfy themselves of the site and contract conditions, and these Preambles, before entering rates or prices against each item in the Bill of Quantities. "

BoQ Item 10201 "Removal of topsoil stockpiles - loading, transporting and stockpiling at a new location" 222 500 m3.

Considering that these works are not indicated in the drawings, please provide additional clarification regarding these works, namely, confirm the actual presence of work at the construction site, the place of excavation and stockpiling of this type of soil?

Answer

There are currently temporary stockpiles of topsoil situated at several locations adjacent to the project road. This material shall be used for BOQ Item 20401 "spreading on embankment slopes of min 150 mm thickness, light compaction".

There will however be a remaining unused quantity of the stockpiled topsoil material.

The Employer may require the relocation of this material to alternate locations that are yet to be confirmed.

Tenderers should therefore make provision in this BOQ Item 10201 for the Loading / transportation and rebuilding of these topsoil stockpiles.

Tenderers should assume the topsoil will require transportation for a distance of up to 20km from the current stockpile locations.

Please refer to Volume 6.2 of Tender Documents "Temporary Stock area" in order to identify the location of temporary stocks.

In addition, the sub-chapter 102.02 "General" of the Technical Specifications has the following requirement:

"The existing stockpiled material shall be set aside in areas of 20 km distance selected by the Public Authorities."

Question 2

According to the drawings, sheet No. 17, Types of road pavement, it is indicated that, at km 0+000 - km 0+200, km 0+960 - km 3+060, km 16+560 - km 16+598, it is necessary to arrange all layers of road pavement, including and crushed stone sub-base layers.

Taking into account that these works on the above-mentioned section were finished at the stage of backfilling of the roadbed, there are no work interns in the BoQ on the backfilling of the roadbed to the design levels. According to the requirements of the preamble to the BoQ, para 1.4, the actual

condition of the subgrade on the section km 0+960 - km 3+060 does not allow to start of construction of 15 cm drainage layer of crushed stone without filling the subsoil to the design levels.

The BoQ Item 20105 provides only shaping of a subgrade layer, which may not be sufficient at the works execution. Please provide additional clarifications and comments on this matter?

Answer

Please refer to BoQ Items 20102, 20201 and 20104. The material resulting from excavation may be sufficient for adjustment of the sub grade layer to formation level.

Also BoQ Item 20101.1 (Minor Intersections) requests the Contractor to “*Provide suitable materials for fill in embankment, incl. haulage and compaction (resulted from trimming of slopes and material for re-use, or borrow).*” Should added embankment material be required to bring the embankment to its formation this Item may be used for payment.

The Contractor is therefore responsible to locate and develop (including all extraction clearances and approvals) a suitable source of borrow material for embankment construction.

Question 3

BoQ Item 20103 "Select Fill to Shoulders (Shoulder fill)" provides for shoulder filling in the amount of 16 537,86 m³.

- 1) Please provide additional information regarding the availability of this volume of material on the site (stockpile, etc.) or locations of soil borrow pits with the available amount of soil suitable for these works?
- 2) According to the Specification 201.14. "Construction and Shaping of Shoulders" there is a requirement that the material for the shoulders filling should be mixed with soil and material from the existing road structure demolition in the proportion of 50/50. At the same time, item 10306 "Removal of old road pavement under pavement" provides for dismantling of only 2000 m² of existing road surface. Please provide additional information regarding the availability of additional material from the demolition of road pavement on the site or the locations of stockpiles and their quantity?

Answer

Please refer to Answer No.2. The Contractor must develop a source of material that complies with the requirements of the Technical Specification 201.03.

Question 4

According to a BoQ subtitle the permanent road marking is made of 2-component cold plastic.

According to the requirements of the specification, clause 702.02 lists several types of materials, namely paint, thermoplastic and cold plastic. Given that the information in the drawings is missing,

please provide additional clarifications regarding the type of material to be used for the permanent road marking for this project.

Answer

Please refer to the Technical Specification 702.02 Materials (a) General Requirements Ref - Point 4, the permanent road marking shall be "*Road Marking made of 2-component cold plastic.*"

The Construction Drawings are graphical representations, illustrating its layout, components, framework, and dimensions.

Question 5

BoQ Items 50105.1 and 50106.5 provides for the construction or extension of several concrete culverts with a diameter of 1 m (L-7.64 m) and 2x2.5 m (L-12.88 m), respectively.

Given that the drawings indicate all the culverts that require additional reinforcement of the head walls (inlets and exits) with monolithic concrete, please specify the exact location (KM+) or sheet in the drawings for the culverts that require new construction.

Answer

The construction of culvert inlets and outlets in concrete to culverts is excluded from the scope of work, as follows:

- item 50103.1 "*to Pipe culverts \varnothing 1 000 mm*" shall be deleted from the scope of work.
- item 50104.1 "*Box Culverts, 2 x (2,5 m x 2,0 m), (span x rise)*" shall be deleted from the scope of work.

The construction of new concrete pipe culverts:

- item 50105.1 "*to Pipe culverts \varnothing 1 000 mm*" shall be deleted from the scope of work.

The construction of new concrete to box culverts:

- item 50106.5 "*Box Culverts, 2 x (2,5 m x 2,0 m), (span x rise)*" shall be deleted from the scope of work.

Please refer to Addendum no.1 in this respect.

Question 6

According to the Contract Date - Time for completion = 365 days and Defect Notification Period = 730 days. According to Article 004 of the Technical Specification: "The Engineer's Contract office will be paid for as a lump sum to include all specified furniture and equipment", at the same time it is noted: "Throughout the construction period and for as long thereafter during the Defects Liability Period as the Engineer may require, the offices shall be maintained, repaired and serviced by the Contractor." BoQ item 00402 provides only 12 months for office maintenance.

Will the Office be required to be maintained during the Defects Liability Period?

Answer

No. Engineer's Contract office shall be maintained during the work performance period and for a period of four months after the Taking-Over of the project to allow the Engineer to complete project completion tasks. See Addendum no.1 to the Tender Documents.

During the Defects Notification Period no permanent presence of the Engineer on site is required and no need for an office and the maintenance thereof is required.

Question 7

According to the Scope of Works, the length of the bypass is 16.6 km with 2 lanes road. BoQ item 10101 provides only 12,8 km for surveying and sitting out works. Please clarify the discrepancy.

Answer

The quantity for surveying and setting out works has been changed as follows:

Item	Description	Unit	Quantity
	SITE PREPARATION / PREGĂTIREA ȘANTIERULUI DE LUCRU		
10101	Surveying and setting out works / Lucrări de trasare și pichetare	km	16,60

Please refer to Addendum no.1 in this respect.

Question 8

The Section IV: Eligibility and Qualification Criteria, (Table 2. Financial Situation) states: Financial soundness shall be demonstrated by annual financial statements:

- confirmed by audit statements; or
- by tax returns/acceptance by the tax authorities of the Participant's country of incorporation or domicile.

Considering that the deadline for completing the audit has not yet come, will the Client be satisfied with the reporting for 2023 issued according to the standards of the Participants' country, verified by a receipt of controlling authorities.

Answer

Yes. However, the Client could request reports for such period during the evaluation process.

Question 9

According to the requirements of Technical Specifications, para 504 and BoQ for concrete works it is provided for the use of concrete in accordance with the requirements of the SM EN 206, SM 324 standard.

At the same time the drawings for the installation of drainage structures indicate the use of concrete mixtures according to Gost 26633-91 and Gost 7473-94, which are not currently valid.

Please provide detailed explanations regarding the valid standards and requirements applicable for the preparation of concrete mixtures for the project.

Answer

Participants shall refer, in the first instance, to the Technical Specifications, as the primary source of technical information, which is higher in the ranking of priority conferred by tender/contract documents.

Construction Drawing are complementing the technical solutions set forth in the Technical Specification on any specific matter.

For Concrete works it is provided for the use the requirements of the SM EN 206 and SM EN 324 standards.

Question 10

According to the Drawings and BoQ Item 60201 "Provision and complete installation of metallic Guard Rails (crash barrier) = 7058 m.

The Drawings and Specifications lack detailed specifications regarding the type and containment strength of the Guard Rails, please provide additional information and clarification.

Answer

The specifications regarding the type and containment strength of the Guard rails have been specified in the amended Technical Specifications, sub-chapter 601.04 "Guardrail supplementary requirements", as per the Addendum no.1 to the tender documents, issued on the event date with these clarifications.

Additionally, detailed Construction Drawing to volume 3.3 "Road Marking and signing" has been added.

Please refer to Addendum no.1 in this respect.

Question 11

Due to the uncertainty regarding the requirements of Criteria 3.1, 3.2 and 3.3 of IV - Eligibility and Qualification Criteria please clarify the following:

Can the Participant provide two substantially completed contracts, each worth more than EUR 8 million, to confirm GENERAL EXPERIENCE (the nature, complexity, methods/technologies used, or other key characteristics of the contract, as described in Table 3-1, "Definition of Similarity"

comply, except for a minor difference in terms of physical size) and SPECIFIC EXPERIENCE will be confirmed by other contracts?

Answer

On the certainty of the qualification requirements, it is worth noting that the fact that any prospective Participant's actual matter of facts as to its past experience does not match the exact metrics of the qualification criteria in the tender documents, does not make such criteria less certain or lacking it.

In the specific matter at hand, the language of the requirement is self-explanatory.

The purpose of clarification process is to provide clarity in the matters where there is ambiguity in the requirements of the tender documents. Where there is no such ambiguity in the tender requirements, likewise in the case at hand, the task to appreciate whether and to what extent the Participant's experience and qualifications suits the respective requirements/criteria in the tender documents rests with the Participant itself, which is ultimately responsible to exercise its engineering and commercial judgement in deciding whether its situation qualifies under the respective criteria.

Clarification by the Employer of the tender document is not meant to and shall not replace the tender proposals evaluation process.

The tender compliance will be determined from the face of the tender itself during the evaluation stage. The Employer is not in the procedural position to exercise evaluation judgement at this (clarifications) stage neither to express its opinion outside of the tender evaluation process on whether a previous experience of any prospective Participant is sufficient to qualify or not.

Question 12

According to Criteria 3.1 General Experience, it is required to demonstrate minimum of two (2) contracts, each with a value of works, implemented by the Participant, of at least EURO 8 million equivalent.

Can one of those contracts be demonstrated by two contracts completed for the construction of a single project. (Due to limitations in our country's procurement laws, the main contract could not be amended to include the additional work. Therefore, a separate contract was established for these unforeseen works not included in the initial project scope.)

Answer

Please refer to the answer to the Question 12 above, which is equally relevant in the matter at hand under this instant question.

Question 13

However, we would like to find out who is the current contractor and what is the reason of the termination of the contract?

Answer

The matter of relationship with a previous contractor and the reasons for sections of the road which represent parts of the scope under the tender procedure at hand stays outside of this procurement procedure. In addition, the scope of the tender in question is different from the scope of the previous contract, despite having parts overlapping with the previous one.

Question 14

The item description states: "Removal of topsoil stockpiles - stripping, loading, transporting, and stockpiling at a new location."

To better understand the scope and logistics of this task, could you please provide the following details:

The specific location of the current topsoil stockpiles that need to be removed.

The designated new location where the topsoil stockpiles are to be transported and stockpiled.

The distance in kilometers that the topsoil will need to be transported.

I have reviewed the project drawings but was unable to find this information. Your assistance in providing these details would be greatly appreciated to ensure accurate planning and bidding.

Answer

Please refer to Answer No.1.

Question 15

According to the BOQ, there is one box culvert and one pipe culvert to be constructed. However, the project drawings indicate the presence of several more culverts. To ensure accurate understanding and planning, could you please provide the following details:

1-The exact kilometer points (chainages) where the specified box culvert and pipe culvert are to be constructed.

2-Clarification on whether the additional culverts shown in the project drawings are also part of the current contract scope. If so, please provide their specific works and any additional details.

3-If the additional culverts in the drawings are not entirely new constructions but have remaining works to be completed, could you specify what exact works are still required for each of these culverts?

Answer

Please refer to Answer No.5

Question 16

Bill Item No: 30302 - "Drainage layer of optimal mixture of ballast 0-63":

The item description does not provide detailed specifications regarding the properties of this material. Could you please provide:

The specific technical properties and composition requirements for the "optimal mixture of ballast

0-63".

Any grading requirements, including particle size distribution, for the ballast mixture.

Information on any quality standards or tests that the ballast mixture must meet.

Any additional requirements or considerations for the installation and compaction of the drainage layer.

Answer

Please refer to the CHAPTER 303 “Repair of Existing Carriageway, Widening and New Pavement” of the Technical Specifications. The Sub-Chapter 303.04 “Construction Procedures” describes and provides specific technical properties and composition requirements. The respective sub-chapter provides all necessary information for building and follows the standards’ requirements.

Question 17

Bill Item No: 30801 - "Base course of natural aggregates stabilized with cement, C5/6, h-220 mm":

Similarly, the technical specifications for this item are not clearly mentioned. Could you please provide:

The specific technical properties and composition requirements for the base course material.

The required proportions and type of cement stabilization (C5/6).

Any relevant quality standards or tests for this material.

Details on the required thickness and compaction procedures for the base course.

Additionally, could you provide information on certified suppliers in Moldova who can provide these materials? Having access to a list of certified suppliers will greatly assist in ensuring compliance with project specifications and quality standards.

Answer

Please refer to the Chapter 308 “Cement – Stabilized base works” of Technical Specifications.

The referenced chapter describes the procedures for Cement – Stabilized base construction.

The specific technical properties and composition requirements, including proportions, quality standards are described in the sub-chapters 308.02 - 308.03 of the Technical Specifications.

The Employer cannot provide the list of certified suppliers in Republic of Moldova.

Question 18

The current deadline for the submission of tender documents is set for June 24, 2024. However, we would like to bring to your attention that Turkey will be observing the Kurban Bayram holiday from June 15 to June 24, 2024. During this period, banks and other essential institutions will be closed, which will hinder our ability to obtain the necessary bid security documents and other

required paperwork. Additionally, many of our employees will be on leave, making it challenging to finalize and submit a comprehensive and competitive bid.

In light of these circumstances, we kindly request a three-week extension of the submission deadline, moving it to July 15, 2024. This extension will allow us to adequately prepare and ensure that all required documents are properly completed and submitted.

We appreciate your understanding and consideration of our request. We are committed to providing a thorough and competitive bid and believe that this extension will allow us to do so without the constraints of the holiday period.

Answer

The deadline for submission of the tenders has been extended by July 01, 2024. Please see Contract Notice Addendum published on ECEPP on June 14th, 2024.

Question 19

According to requirements of Criteria 3.1 General Experience, a Participant shall demonstrate experience as a contractor in the execution of two (2) contracts that are similar to the proposed contract.

The similarity is described by Table 3-1, "Similarity Determination", where among other things, the contracts should include Road signs installation in the amount of 1500 m², which is 10 times more than it is provided for by the tender BoQ Items 70105.1-70105.19 "Install new signs on new poles" where installation of 141 road signs is foreseen. Please explain what these requirements are due to, and correct a misprint if any.

Answer

Indeed, the quantity in the BoQ distributed to the prospective Participants contains a much smaller quantity of the road signs than the earlier estimated quantity used to draw the respective criterion's metrics. The respective qualification requirement has been modified downward.

Please refer to the Addendum no.1 for an amended qualification requirement on the matter.

Question 20

The participant intends to submit a Tender Security issued by a bank of the Employer's country. The bank is going to issue the guarantee within the financial instruments of joint international financial institutions. The guarantee instruments of all banks participating in this guarantee transaction cannot have an open expiration date, as they are bound by exact terms: the validity period of the counter-guarantee and Stand-by Letter of Credit must exceed the validity period of the guarantee by at least 15 days.

Considering the above argumentation, and referring to the previous precedents when such a request was satisfied, is it possible to add to the text of the Tender Security the exact date of its validity expiration, provided that the date shall not be earlier than the expected date of submission

of performance Guarantee by the successful tenderer, in accordance with all Tender Documents' set provisions and in case the tendering process is delayed, the participant will ensure the extension of the guarantee?

Answer

It is acceptable to indicate the exact expiration date provided that the date shall not be earlier than the expected date of submission of Performance Guarantee by the successful participant, in accordance with all Tender Document provisions. However, in case the tendering process is delayed, the participant shall ensure the extension of the guarantee, otherwise the tenderer is subject to disqualification.

Question 21

In case the PERFORMANCE SECURITY is to be provided before the Contract is signed, will the Employer accept the PERFORMANCE SECURITY with the following text:

The Underlying Relationship:

The Applicant's obligation in respect of

1. Contract No.RSP/W15/04 that WILL BE concluded with the successful participant of the procurement process Construction Works on M3 Slobozia Mare Bypass, km 0+000 – km 16+598 (remaining works)

And

2. Letter of Acceptance dated.....№.....

Answer

Please refer to Section VII: Contract Terms and Conditions of the tender documents, which consists of three complementary sections, one being Contract Agreement.

As per the latter, the contract, as the underlying relation between the parties, consists of several documents, in top of such list being the Letter of Acceptance.

Therefore, in reference to the contract between the parties, Letter of Acceptance will be implicitly referred to and there is no need to make an express reference thereto in the text of the Performance Security (likewise mentioning any other document forming part of the underlying contractual relationship).

Question 22

In case the PERFORMANCE SECURITY is to be provided before the Contract is signed, will the Employer accept the PERFORMANCE SECURITY that includes the following text: "This guarantee shall enter into force on the effective date of the Contract."»

Answer

Pursuant to Clause 36.3 of the Instructions to Participants, “**Upon signing the Contract**, the successful **Participant** shall, if required, **provide the performance security** in accordance with the Contract.” [emphasizes added].

As it flows from the referenced clause, submission of the Performance Security is an action subsequent to the Contract signing. Therefore, at the time of issuance of such bank instrument the matter of contract signing could not be deemed to pose any uncertainty as to when the contract would enter into force, as the latter fact would have had occurred already.

Participant is also in control of the date when such contract is signed by both parties. Thus, sub-clause immediately preceding the once referenced hereinabove, i.e. Clause 36.2 of the Instructions to Participants, sets forth that “Within fourteen (14) calendar days of receipt of the Contract, the successful Participant shall sign, date, and return it to the Client.”

Therefore, there is no underlying need to specify in the text of the Performance Security any conditionality in respect of the contract date, as such date should be set and known by the date of Performance Security.

Question 23

Will the Employer accept the PERFORMANCE SECURITY with the following revised wording: «The Guarantee Amount MAY be increased by presentation to the Guarantor of the Contractor’s statement that the underlying contract was amended to increase the scope or value of the works and specifying the amount and currency or the new value».

Answer

No. The Performance Security shall be based on the Accepted Contract Amount. The added wording is not accepted.

Question 24

In case the ADVANCE PAYMENT SECURITY is to be provided before the Contract is signed, will the Employer accept the ADVANCE PAYMENT SECURITY:

<i>The Underlying Relationship:</i>	<i>The Applicant’s obligation in respect of</i> <ol style="list-style-type: none">1. <i>Contract No.RSP/W15/04 that will be concluded with the successful participant of the procurement process Construction Works on M3 Slobozia Mare Bypass, km 0+000 – km 16+598 (remaining works) and</i>2. <i>Letter of Acceptance dated</i>
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Answer

Please refer to the answer to the Question 21 above, which is equally relevant in the matter at hand under this instant question.

Question 25

In case the ADVANCE PAYMENT SECURITY is to be provided before the contract is signed, will the Employer accept the ADVANCE PAYMENT SECURITY, which will additionally include the text: «This guarantee shall enter into force on the effective date of the Contract».

Answer

Please refer to the answer to the Question 22 above, which is equally relevant in the matter at hand under this instant question.

Question 26

According to Clause 3.3 of Section IV: Selection and Qualification Criteria, the participant must demonstrate Cement Stabilised Base Course average annual production and laying over the past five 5 (2019-2023) years at a rate not less than 6 000 m³/year.

Our company has completed 38,000 m³ Cement Stabilised Base Course during the year 2020 within a single contract.

We kindly request confirmation that this volume meets the specified criterion regarding Cement Stabilised Base course.

Answer

Please refer to the answer to the Question 11 above, which is equally relevant in the matter at hand under this instant question.

Question 27

According to the drawings and the BoQ, Item 20105 "Shaping of the subgrade layer (formation layer)" provides for the shaping of the subgrade surface. According to the requirements of the Technical specification, item 201.13, the top layer of the roadbed must be arranged with mixed/stabilized soil with hydraulic binder and CBR ≥ 10 characteristics. Question: Please confirm that for works on road sections km 0+000 - km 0+200, km 0+960 - km 3+060, km 16+560 - km 16+598, it is necessary to additionally apply mixing of the top layer of soil with hydraulic binder, as required by the TS.

Answer

The Technical Specifications of sub-chapter 201.13 "Formation of Embankment Upper Layer (Subgrade)" have been amended, as per the provisions of the Addendum No. 1.

Question 28

The BoQ Item 20104 "Finishing and trimming cut and fill slopes" is included twice: with the volume of 137,054.59 m² and 165,315.00 m², respectively.
Question: Please confirm, deny or give additional clarifications that these works must be performed twice in the with the above quantities.

Answer

The payment item 20104 "Finishing and trimming cut and fill slopes" with quantity of 165,315.00 square meters has been deleted from BoQ, as per the provisions of Addendum no.1.

Question 29

We hereby request from the Employer for consideration of extension of Tender due to the reasons stated below:

As you are aware, Turkey is observing Islamic religious celebration Eid-al-Adha (sacrifice day), the calendar corresponding with this period is starting on Saturday, 15th June and finishing on Sunday, 23rd June. Therefore, from 15th June until 23rd June, it is widely holiday period in Turkey, during this period, the employees and the commercial markets widely be on holidays, so it will not be efficient or possible to carry out tender preparation works. Also, this time (until 24.06.2024) is insufficient for the Participant bank to prepare the tender security. While taking into consideration of the importance of the project, tenderer kindly request from your esteemed office to evaluate the above explained situation and a time extension of 10 (ten) days for the submission date in order to allow us to prepare a competitive and comprehensive bid.

Answer

The deadline for submission of the tenders has been extended by July 01, 2024. Please see Contract Notice Addendum published on ECEPP on June 14th, 2024.

Question 30

We kindly ask you to extend the submission of tender proposals for the "Construction Works on M3 Slobozia Mare Bypass (remaining works)" project to 2 weeks.

Answer

The deadline for submission of the tenders has been extended by July 01, 2024. Please see Contract Notice Addendum published on ECEPP on June 14th, 2024.