
**REPUBLIC OF MOLDOVA
ROAD SECTOR PROGRAM**

STATE ROAD ADMINISTRATION

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

**Construction of M3 Vulcanesti Bypass, km 0+000 - km 8+580
under the Contract RSP/W14/01**

Issued on February 16, 2023

Question 1

We have downloaded the bidding documents for this project, but we have not found any designs (drawings) for this project. How can we get the drawings for this project?

Answer

The Drawings, as well as the technical specifications, due to the big size of documents, are provided through links, in Section VI: Requirements. Please access the links and download the documents.

Question 2

In the Section IV: Eligibility and Qualification Criteria of the bidding document, for the requirements of “Table.2 Financial Situation”, it is stated that “The information shall be provided for the period of 2017 to 2022”. Since the fiscal year 2022 has not ended yet, the financial information of the company is not ready. Furthermore, according to the fiscal legislation in Turkey, the financial information of the previous year is prepared till the end of the fourth month of the current year. So, the financial information of the year 2022 will be ready in the beginning of the fifth month of the year 2023. Therefore, could you please confirm that financial information of the period of 2017 to 2021 can be used instead of the period of 2017 to 2022 for the requirements about the financial situation?

In the Section IV: Eligibility and Qualification Criteria of the bidding document, Could you please confirm that the VAT (Value Added Tax) included amounts can be used to satisfy the requirements of “2.2. Average Annual Turnover”, “3.1 General experience” and “3.2 Management Experience”?

In the Section IV: Eligibility and Qualification Criteria of the bidding documents, for the “Sub-Factor 3.3 Specific Experience”, Could you please confirm that Substantially Completed (completed over %95, the acceptance of the works has not yet done by the employer) work experience can be used to meet the requirements?

In the Section IV: Eligibility and Qualification Criteria of the bidding documents, for the “Sub-Factor 5.1 ESHS Certifications and Documents”, Could you please confirm that ISO 45001 can be used instead of OHSAS 18001?

Answer

- a) Yes. Financial information for years 2017, 2018, 2019, 2020 and 2021 should be provided and the said period is acceptable to the Employer. The Tender Document has been modified in this respect. Please refer to the Addendum no.1
- b) Under sub-factor 2.2 from Section IV: Eligibility and Qualification Criteria, the annual turnover shall be calculated from the ‘total certified payments...’, irrespective of whether the amount includes or not the VAT. The same should apply under sub-factors 3.1 and 3.2, as Copies of taking over certificate or other similar equivalent document, acceptable to the Employer, to prove the information provided in the Form, shall be submitted.
- c) Under sub-factor 3.3 Specific Experience from Section IV: Eligibility and Qualification Criteria

of the tender documents, ‘substantially completed works’ will be taken into consideration for the purpose of qualification if the information provided in the tender proves that such previous specific experience of the Participant meets the requirements for being considered successful and substantially completed.

Participants shall comply with the requirements for documentary proof under the respective criteria and sub-factor to confirm qualification with the respective qualification stipulation. In case no Taking-Over Certificate is provided, “other similar equivalent document to prove the information provided” shall be submitted.

d) It is confirmed that ISO 45001 can be used instead of OHSAS 18001.

Question 3

In the Section III: Evaluation Methodology of the bidding document, under the caption of “Financial Situation” of Part B. Qualification Requirements, it is stated that “The values in other currencies than the defined currency should be recalculated into the above stated currency, based on the exchange rate as set by European Central Bank on the 1st of July of each year reported. The rates could be found by accessing the following link: https://ec.europa.eu/info/funding-tenders/procedures-guidelines-tenders/information-contractors-and-beneficiaries/exchange-rate-infoeuro_en

The values of the projected assets, unencumbered real assets, planned lines of credit, and other financial means, as well as liabilities and commitments for the period of the expected contract implementation, shall be recalculated into the above stated currency, using the exchange rates, set by the above-mentioned bank, as of the date the Invitation for Tender.”

By using the specified link, monthly exchange rates can be obtained. However, according to the underlined parts of the above paragraphs, specific dates (first of July of each year reported and the date of the Invitation for Tender) are required in order to convert different currencies to Euro. Could you please confirm that the monthly exchange rates obtained by using the link can be used to convert different currencies to Euro for specific dates? If not, How can the exchange rates of the specific dates can be obtained?

Answer

Yes. To convert different currencies to EURO, for a specific date (not a period), the provided link may be used, subject to inclusion in the Tender of the said specification for an easier review/check by the Employer.

Question 4

With regards to the Financial Audits, the Bid documentation, states that the Bidder must provide for the financial information of the company with inclusion of the Fiscal year 2022. However, under the law of Republic of Turkey, Law No. 6948, Article 2- Businesses operating in the Republic of Turkey, Registered in the Turkish Trade Registry, are ought to provide for the Annual Reports within the first four months of the new Fiscal Year. Furthermore, the requested Financial Statements as by the Bidding Documentation ought to be Audited by an Independent Auditing Firm. As such the Annual Financial report for the Fiscal Year 2022 will only be ready in these 4 new

months of the Fiscal year 2023, after which the Auditing is followed by; due to the Accounting practices in Turkey, the Bidder, at the time of the deadline of the Bid Submission, can only provide the Audited Financial Reports for the Fiscal Years of 2017; 2018; 2019; 2020 and 2021, by. Will this satisfy you as the Employer?

Answer

Please refer to the answer no. 2.

Question 5

According to the Tender Documentation, Data Sheet, ITP 10.1 (ii), it is stated that the Bidder must provide a filled-out copy of FORM F-2, showing an overall organization chart for the management, control and execution of the Works, showing the intended involvement of all proposed contributors to, and participants in, the project, including the Tenderer's staff (stating names of main and alternative for, Key Personnel), labor suppliers and subcontractors. The aforementioned form, FORM F-2, however, appears to be missing from the tender documentation. The form also does not appear to be used in any of the Standard Procurement Documents, as accessible at www.ebrd.com. The bidder asks the Employer to provide the aforementioned form, FORM F-2, as set about by the Tender Documentation, Data Sheet, ITP 10.1 (ii).

Answer

The FORM-2 requested in the Tender Document has a free format. The tenderer is free to provide the required information in a free manner, subject all the requirements highlighted under ITP 10.1 (ii) are covered.

Question 6

According to the Tender Documentation, Data Sheet, ITP 17.3, it is stated that In case the issuing bank is a bank from the Employer's country, the bank shall have one of the first 3 highest values of indexes used for elaboration of the banking efficiency rating, provided by any of the local authorized rating agencies, Expert-Grup SRL or Agentia de rating si estimare Estimator-VM SRL, and should not be under direct supervision or administration regime by the National Bank of Moldova.

The Bidder has communicated with the mentioned two agencies listed by the Employer, it has found out that Expert-Grup SRL and Agentia de rating si estimare Estimator-VM SRL do not provide the aforementioned index ratings, and the Expert-Grup SRL stated that they provided these services in 2019 at the latest.

The Bidder tried to find another source, and based on the information provided by the following web-site (<https://top100.seenews.com/rankings/top-100-banks/>). It has been found that there are 4 banks in the Employers country listed in the biggest banks in east Europe:

- Position 52 is Moldova-Agroindbank SA
- Position 74 is Moldindconbank SA

- Position 92 is OTP Bank
- Position 94 is Victoriabank SA

Following this, the Bidder asks the Employer to confirm one of these banks as a suitable candidate is fulfilling the ITP 17.3 Criteria.

Answer

At the date of publication of this clarification document, all 4 (four) nominated Banks from Employer’s country are considered acceptable under this tender procedure.

Question 7

According to the Tender Documentation, Bill Of Quantities, Under BILL 000 Item 00402:

00402	Maintain contract office	Lump-sum	24.00
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It is indicated that the unit is Lump-Sum and the Quantity is 24. The Bidder asks to the Employer to confirm the correctness of the Quantity and Unit.

Answer

The quantity of the Item 00402, Tender Documentation, Bill of Quantities, BILL 000 has been corrected upward. Please refer to the Addendum no.1 for further details.

Question 8

According to the Tender Documentation, Bill Of Quantities, Under BILL 400/ Abutment-Piers Item 20102

20102	Excavate material in road area (cut to fill), incl temporary storage at site for re-use	Cubic meter
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The Bidder asks to the Employer scope of the item mentioned above and if the item is in contradiction with technical specification detail indicated below.

According to the Tender Documentation, Volume III – Technical Specifications, under Chapter 403 – Measurements. It is Indicated that “Foundation works also presume the removal of water from foundation pits (if necessary); protection of the pits and excavations (if necessary); a layer of 10 cm crushed stone (if necessary), etc.”

Answer

The works and measurement procedure related to Item 20102 from the BILL 400 Abutment/Piers, Bill of Quantities, Tender Documentation refers to the Chapter 201 The Execution of the Earthworks from Volume III – Technical Specifications.

All the stated measurement requirements under Chapter 403 from Volume III – Technical Specifications including “Foundation works also presume the removal of water from foundation pits (if necessary); protection of the pits and excavations (if necessary); a layer of 10 cm crushed stone (if necessary), etc. Performance of pedestals and seismic arrestor also shall include the use of cement mortar (if necessary), elastic gaskets (ex. waterproofing membrane), porous rubber for contact isolation and dumping, etc.” and is to be included by the Bidder into the items in the Bill of Quantity.

The measurement and payment under the Item 20102 from the BILL 400 Abutment/Piers, Bill of Quantities will be done on cubic meter of the excavated material in strict conformity with Chapter 201 The Execution of the Earthworks from Volume III – Technical Specifications. All the additional works and materials related to these Item shall be included into the unit price for one cubic meter of excavated material.

Question 9

According to the Tender Documentation, Bill of Quantities, Under BILL 1000/Materials, the Bidder asks to the Employer technical details of Module Mineral Terramesh System and technical details of Geogrid.

Answer

For Geogrid technical specifications please refer to the Sub-Chapter 901.02 Materials, Volume III – Technical Specifications.

The technical specifications for Module Mineral Terramesh System were added to the Sub-Chapters 901.03 Materials and 901.05 Acceptance of Works, Volume III – Technical Specifications (please see the Addendum nr.1 to the Tender Documents).

Question 10

According to the Tender Documentation, Bill of Quantities, Under BILL 700/Items

70106.6	Install new signs on metallic gantry frame Type PMГ-1m	pcs
70106.7	Install new signs on metallic gantry frame Type PMГ-3m	pcs

The Bidder asks to the Employer scope of the item mentioned above and if the item is in contradiction with technical specification detail indicated below. The Bidder asks The Employer confirmation of payment for console element (support) will be above mentioned item and also scope of item does not include sign.

According to the Tender Documentation, Volume III – Technical Specifications, under Chapter 701 – Measurements. It is indicated that “Sign installations will be measured by number. A sign installation includes the support. Different items will be used for significantly different signs.”

Answer

Please refer to the Volume III, Drawings (Road Signing and Marking - Table road sings), For the items 70106.3; 70106.4; 70106.5 the type of sign pillar is related to items 70106.6 and 70106.7 under Bill 700, Bill of Quantities, Tender Documentation. Therefore, the unit price for items

70106.3; 70106.4 and 70106.5 must be provided without signs poles. The signs installations must be included in the unit price for 70106.6 and 70106.7 of Bill 700, Bill of Quantities, Tender Documentation. Other requirements under Tender Documentation, Volume III – Technical Specifications of Chapter 701 - remain unchanged.

Question 11

According to the Section II: Data Sheet of the Bidding Documentation, clause ITP 21, Deadline for Submission of Tenders, states that the participant should submit their proposals at the date stated on ECCEP. The date on ECCEP is stated to be 13.02.2023. With this regard, the deadline of the Submission of the Proposals falls in between major international holidays – celebrated New Year’s Eve, 31.12.2022, 07.01.2023 Orthodox Christmas, 14.01.2023 ‘Old New Years’. As a result, in the Country of operation of the Bidder – the Republic of Turkey – as well as countries of adjacent partner companies of the Bidder will have prolonged days or weeks of celebration of these two holidays; resulting in closure of offices for the employees to celebrate. It is of the opinion of the Bidder that such disruption of the operating hours of both Local and International companies, Bidders’ Partner Companies, Branches, Subsidiaries and others will result in a substantial disruption to the operating activities, hindering the ability of the Bidder maintaining day to day operation needed for the Procurement of the project in scope of this letter. As such, the Bidder, within the scope of the aforementioned reasons, as well as due to the Questions 1-6 humbly asks the Client to consider extending the submission deadline by a few weeks from the current date

Answer

The Employer agrees to extend the deadline for tenders’ submission with 19 days, by February 28th, 2023.

Please refer to the Contract Notice Addendum published on ECEPP on January 31st, 2023.

Question 12

According to the Tender Documentation, Volume III - Technical Specifications, under Chapter 501- Measurements.

The Bidder asks to the Employer excavation, backfilling and concrete foundation of the Culverts cost will be payment under work item that has unit as linear meter?

Answer

Refer to Technical Specification 203.09 which states ‘Structural excavation, bedding, foundation fill, backfill and temporary support of excavation will not be measured for payment. This includes concrete foundations for culverts where required. These costs are included in the cost of the structure’. Participants are to include all these costs and ancillary costs in the cost of the culvert in linear meters, or numbers for end sections.

Question 13

According to the Tender Documentation, Volume III - Technical Specifications, under Chapter 801- Measurements.

The Cable of electric and illumination costs will be payment under work item that has unit as pcs. Therefore, the Bidder asks to the Employer if the cable quantity increase how payment will be made?

Answer

According to the Tender Documentation, Volume III - Technical Specifications, under Chapter 801- Measurements the rearrangement of aerial power lines of 10kV and 0,4kV, is measured in number of foots and in linear meters. The arrangement of external lighting is measured in number of lights. At the same time, the network layout works will include absolutely all the materials and of specific works provided for in the project.

The remeasurement requirements are described in the Tender Documentation, Tender Form, Contract Data, General conditions of the Contract.

Question 14

The bidder wishes to provide the Tender Security from Turkish Banks with higher transaction volume than Moldovan Banks, otherwise counter-guarantee will be required which will need extra cost and time therefore, the Bidder may not submit a competitive bid or in the time.

Answer

The Tender Document does not impose on Participants the obligation to present a Tender Security issued by a Moldovan Bank.

However, the Participants should note that in accordance with ITP 17.3 for the Data Sheet, the bank outside of the Employer's country, issuing tender security, shall have a minimum credit rating of "BBB-" by Standard & Poor's and Fitch Ratings or "Baa3" by Moody's. Participants shall provide proper evidence of compliance of the issuing bank with this requirement.

Any tender not accompanied by a substantially responsive tender security shall be rejected by the Client as non-responsive.

Question 15

The bidder wishes to provide the Performance Security and the Advance Payment Security from Turkish Banks with higher transaction volume than Moldovan Banks, otherwise counter-guarantee will be required which will need extra cost and time therefore, the Bidder may not submit a competitive bid or in the time.

Answer

As above, Participant is not obliged to present a Performance Security and an Advance Payment Security issued by a Moldovan Bank. However, please note the provisions set under PCC 4.2 Performance Security and PCC 14.2 Advance Payment when purchasing the guarantees.

Question 16

According to the Tender Documentation, Volume III - Technical Specifications, under Chapter 201 "The embankment upper layer (subgrade) shall be performed, using non-cohesive soil and cohesive soil stabilized with hydraulic binder." The Bidder understands from the above statement that stabilization with cement is not required when using non-cohesive material. The Bidder kindly request clarification.

Answer

According to the Tender Documentation, Volume IV - Technical Specifications, under Chapter 201, for non-cohesive and cohesive soil stabilization, HRB (Hydraulically Bound Mixture) Type E2 is required.

The embankment upper layer (subgrade) shall be performed in accordance with SM SR EN 14227-5 Hydraulically Bound Mixtures. Specifications. Part 5: Hydraulic Road binder bound mixtures.

In this regard, the Sub-Chapter 201.13. Formation of Embankment Upper Layer (Subgrade), is modified to replace non-cohesive soil and cohesive soil stabilized with hydraulic binder in accordance with SM SR EN 14227-5.

Please refer to the Addendum no.1 attached.

Question 17

According to the Tender Documentation, Tender Form, Contract Data Part - A, under Sub-clause 6.5 "5 days per week, 8 hours per day and excluding locally recognized days of rest, Saturdays and Sundays and all government recognized public holidays."

The Bidder, in the previous experiences, could not work except of 09:00-17:00 during the week and the weekend because of the engineer could not be on site. Therefore, the Bidder asks the Employer possibility of change this condition.

Answer

The requirements in the matter are set forth in the labor law applicable to the contract. The Engineer shall be available 6 days per week on an 8 hour / day schedule. Sundays and public holidays are non-working days and should be planned as such by the Contractor.

Circumstances of an individual case described in the Participant's question does not provide ground for overruling the said requirement in respect of the working time. Therefore, provision remains unchanged.

Question 18

According to the Tender Documentation, Tender Form, Contract Data Part - A, under Sub-clause 1.1.3.3 Time for completion is 915 days and the Price Adjustment starts after 18 months. Due to the war environment and the global crisis, material prices change abruptly, which increases the risk of the Bidder and reduces the possibility of competitive prices, so the Bidder requests that the Price Adjustment start at 0 month and the project period is reduced to 730 days, otherwise the Bidder may have to plan most of the works after 18 months.

Answer

The project involves the sharing of risk between the parties. The Employer considers that the Bidder has sufficient information available to plan works for the project and to incorporate the anticipated costs of commodities for the initial 18 months Contract period within his tender submission prices.

As stated in the Particular Conditions of the Contract, Contract Data – Part A, the time for completion is 915 days from the Commencement Date, with 730 days set for the Defects Notification Period. No restrictions are imposed in the Tender Documentation for an earlier completion of works.

Participant must submit a realistic work program showing completion within the Contract period.

A tender containing a work program that shows a lack of planned progress of work within the first 18 months of the project may be considered timewise unbalanced and rejected.

Question 19

According to the Tender Documentation, Qualification Forms, FORM BOQ-1: Breakdown of BoQ items.

The bidder states that detailed breakdown of BOQ items create an extra workload. The Bidder requests to submit the detailed breakdown of BOQ items after the Contract Award Notice.

Answer

The examination of BOQ items detailed breakdown is essential for the tender evaluation process. Thus, the participants are required to provide the necessary information as per the Tender Documents requirements.

Question 20

According to the Tender Documentation, Qualification Forms, FORM BOQ-1: Breakdown of BoQ items

The detailed breakdown of the BOQ items is requested from the Bidder.

In relation to this, in the method of preparing proposals, indirect (overhead) and profit rates vary according to the material, equipment and labour intensity in the work item. The Bidder has experienced in the previous experience that these variable indirect (overhead) and profit rates are used against the contractor when establishing a new unit price. The bidder requests a description (tariff) of the use of overhead and profit rates in the establishing of a new unit price.

Answer

Please refer to Answer 19 above the primary scope of providing the respective information is for the examination of BOQ items detailed breakdown as part of the tender evaluation process. If, subsequently, there is a need for establishing of a new unit price, this is guided by the Sub-Clause 12.3 [Evaluation] of the GCC, which is a fact-sensitive exercise and depends on multiple circumstances to be examined at the respective time during the performance of the contract. Such breakdown could be used among the data for determination of such a new unit rate.

Overhead and profit rates are elements emanating from the Participant and determined based on the latter's overall cost structure/internal information and profitability approach/policy. Employer is not in the proper position to determine and/or indicate to the Participants the value thereof (neither from the contractual/procedural standpoint nor from the point of view of the possession of the underlying information required for the respective values' determination).

In addition, the timing or the point in the overall process is not appropriate for any of the parties (neither the Participants nor the Employer) to determine/derive a new rate or price. Determination of new rates is meant by the contract conditions for the contract performance stage.

Question 21

It will occur without the fault of the Contractor; war, new pandemic etc. Will you continue to pay for "General Items" work items in case of a time extension?

Answer

Extensions of Time including costs are assessed on their impact on the Critical Path of the project on a case by case basis as per GCC Clause 20 and Sub-Clause 8.4. Participants shall take account of the current circumstances and plan accordingly for completion within the Contract period.

Question 22

The Bidder asks the Employer, in case of an extension, will the Employer pay the Contractor for the prolongation cost?

Answer

Please refer to the Contract Data, General Conditions of the Contract for extension requirements and consequences.

Refer to the Answer to Q21.

Question 23

According to the Tender Documentation, Bill Of Quantities, Bill No. 400, BRIDGES AND OVERPASSES

Preparatory Works are preparations for the bridge works and can be completed without Preparatory Works. In any case, when the bridge works are completed, will the Employer pay the Preparatory Works Items to the Contractor?

Answer

Under the provisions of the Contract only executed works could be paid.

Question 24

According to the Tender Documentation, Tender Form, Contract Data Part - A, Schedule of Price Adjustment Data

The Employer requests 3 Price Adjustment Indexes from the Bidder. The Bidder requests to increase the number of this Price Adjustment Indexes for calculation of the correct cost changes.

Answer

To ensure an equal playing field for all participants while preparing their tenders, the Price Adjustment Indexes shall be presented as currently indicated in the Contract Data, as per the published Tender Documents.

Question 25

Due to the war, some major material purchase is restricted from Belarus and Russia. Does the Employer have a solution for this situation?

Answer

Participants are expected to make provision and plan accordingly in relation to issues with the supply of materials from Belarus, Russia and also supply issues with other countries. Participants are expected to investigate and establish sources of materials and goods as part of the project planning process.

The tender documentation does not impose any restrictions in respect of countries of origin of the materials. Participants are free to source materials in a manner which avoids risks of restrictions which such Participants might anticipate that some countries or territories might impose.

Under the provisions of Chapter 009. CONTROL OF MATERIAL from the Volume 4.1 Technical Specification the Contractor is responsible for materials supplying.

Question 26

Due to the absence of natural aggregate in this region, the Bidder asks the appropriateness of using granite instead of natural aggregate.

Answer

Under the provisions of Chapter 009. CONTROL OF MATERIAL from the Volume 4.1 Technical Specification the Contractor is responsible for the provision of materials that comply with the technical specification requirements.

Question 27

Environmental and Traffic payments are deducted without any reason. What are the reasons for the deduction? In the Bidder previous experience, the Contractor experienced that Environment and Traffic payments were deduct without any reason and could not receive any payment. What are the deduction conditions?

Answer

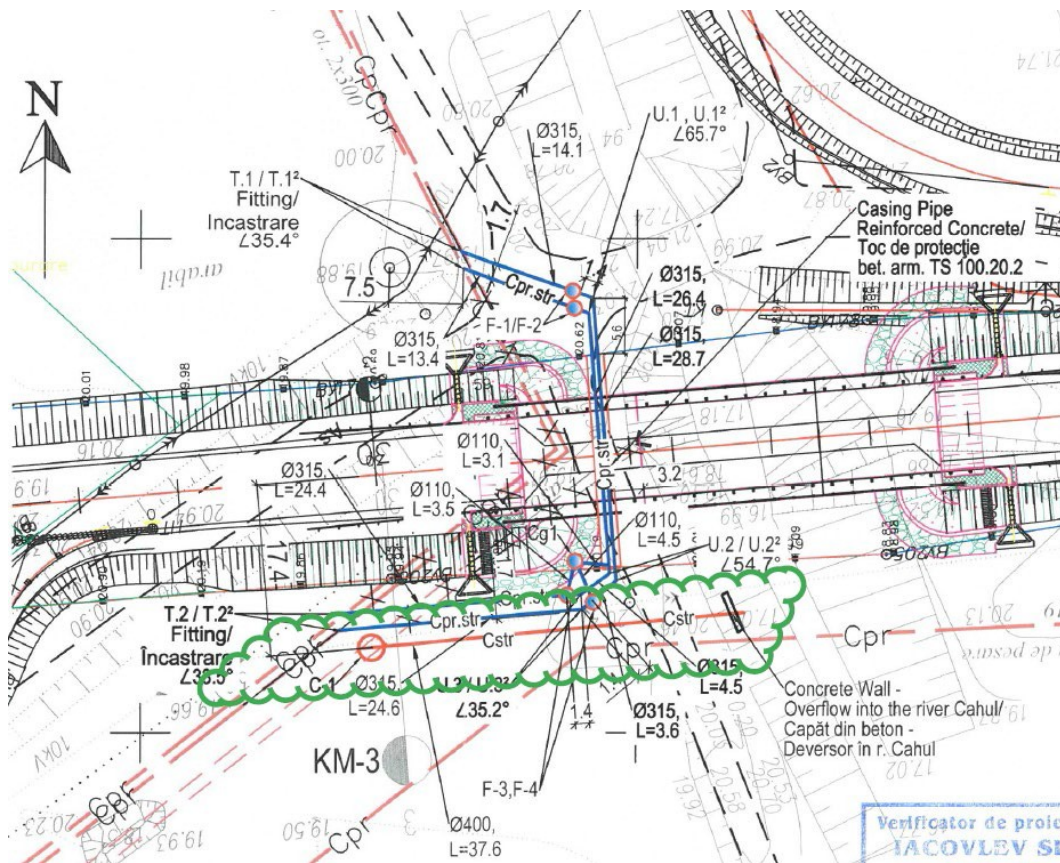
The deduction conditions for compliance with traffic management are described in the Chapter 007. Traffic Management from Volume 4.1 Technical Specification and the deduction conditions for compliance with environmental management plan requirements are described in the Chapter 016. Compliance with Environmental Management Plan Requirements from Volume 4.1 Technical Specification.

Question 28

CP.D.02.25:2021 is a specification referenced in the Volume 4.1 Technical Specification. The criteria under Sub-clause 305.08 of the Technical Specification are in conflict with the CP.D.02.25:2021 specification. Which specification takes priority?

Answer

The National Norms in force are prevailing over all the discrepancies observed in the Volume 4.1. Technical Specification and the National Norms referred in the Technical Specification. Only specifications from the Volume 4.1 Technical Specifications which are more precise than the specifications from the referred technical norm will be applied.



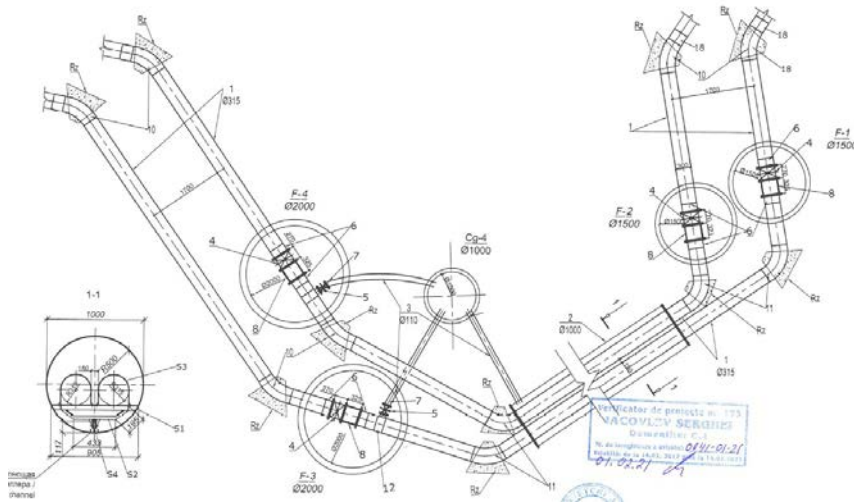
Answer

The longitudinal profile and the typical cross section with all the specifications of the displaced sewer system D400 is shown at page nr. 3 and 4, Volume 3.6 Drawings External Sewerage System.

Please be aware that accepted work volumes are paid at unit prices of the Contract. The payment represents the full amount of remuneration for works, described in this Chapter 802 Arrangement of Communication Lines, including all elements provided and specified according to the Drawings and paid under provisions of above-mentioned Chapter, paragraph "Payment" and Item 80203.2 Arrangement of underground sewerage diam.400mm for each linear metre of executed works approved by the Engineer.

Question 31

In the drawings (Vol.3.6 Drawings External Sewerage system), regarding the pay item No: 80203.1 Description: Arrangements of underground sewerage diam.315mm Quantity: 151 lm, there are different diameter of pipes such as 110 mm dia, casing pipe 1.000 mm dia, manholes thrust blocks etc. All the cost of these item shall be included to BOQ Item No: 80203.1. Please confirm specific dates can be obtained?



Answer

The accepted work volumes will be paid at the unit prices stipulated in the Contract. The payment represents the full amount of remuneration for works, described in this Chapter 802 Arrangement of Communication Lines, including all elements provided and specified according to the Drawings and paid under provisions of above-mentioned Chapter, paragraph “Payment”.

All materials and equipment specified in the Volume.3.6_Drawings_External Sewerage system are provided to the Participants to calculate the unit prices. The payments will be made as per Item 80203.1 Arrangement of underground sewerage diam.315mm for each linear metre of executed works approved by the Engineer, including all elements provided and specified according to the Drawings.

Question 32

In Volume 3.1 Drawings Road Works, there are typical Cross section Type II New Construction with Sidewalk and Minor Intersections Type 1 with sidewalk. In the sidewalk part of these cross section, there are kerbs (BP 100.18.30 and BP 100.20.8), cast in situ concrete under BP 100.20.8, ballast 0-63 mm with 100 mm thickness, crushed stone fr 16-31,5 with 100 mm thickness and wearing course of asphalt concrete BP 16 50/70 with 30 mm thickness and 40 mm thickness. Also in Volume ECEPP Works Single 1.5.5 BoQ_M3 Vulcanesti bypass_pass_ver.1.0, there is pay item no: 70302 with description “Construction of new sidewalk” and pay item no: 30701 with description ‘Wearing course of asphalt concrete BAPC16 50/70 h- 30 mm’. Since there are pay items for kerbs no: 50801.1 and 50801.2 this pay item no: 70302 shall be used only for cast in situ concrete under BP 100.20.8, ballast 0-63 mm with 100 mm thickness, crushed stone fr 16-31,5 with 100 mm thickness. Please confirm.

Answer

In order to clarify the sidewalks construction requirements and payment method, the Sub-Chapter 703.05 Works acceptance under the Chapter 703 Sidewalks, laybys and hard areas at the roundabouts from the Volume 4.1 Technical Specifications was modified.

Please refer to the Addendum no.1 for details.

Question 33

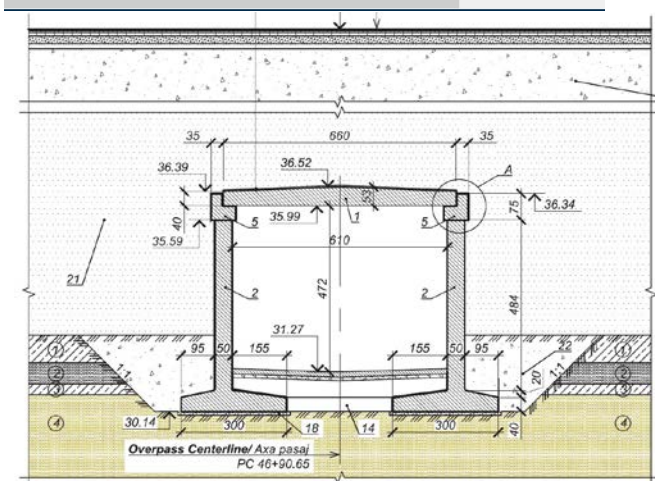
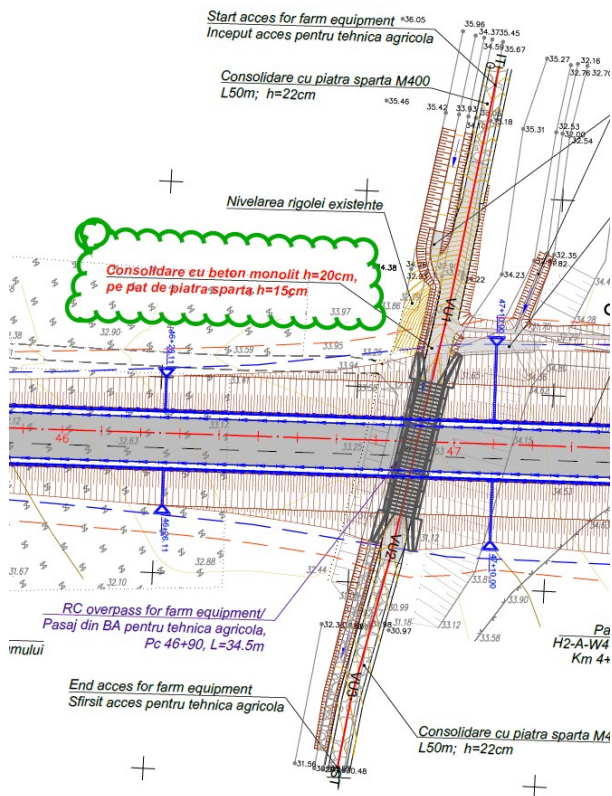
In Volume ECEPP Works Single 1.5.5 BoQ_M3 Vulcanesti bypass_pass_ver.1.0, there is pay item no: 30504 Description: Base course of porous asphalt concrete BAD22,4 50/70, h-60mm. In typical sections there is Bituminous of Binder course of asphalt concrete BAD22,4 50/70, h-60mm. These are the same items. Please confirm.

Answer

Please consider the text “Bituminous of Binder course of asphalt concrete BAD22,4 50/70, h-60mm” from the Volume 3.1 Drawings Road Works and “Base course of porous asphalt concrete BAD22,4 50/70, h-60mm” from Bill 300 Pavement, Item. 30504 as equivalent to the “Base course of porous asphalt concrete BAD22,4 50/70, h-60mm”.

Question 34

In volume Vol.3.2_Drawings_Bridges Overpass at Km 4+960, there is a concrete layer at the bottom of overpass. (Please see the level 31.27) The thickness of this concrete is shown below drawing as in English 20 cm in Romanian 15cm. Which thickness will be implemented. Please provide.



Answer

Please refer to the Volume 3.2_Drawings_Bridges Overpass at Km 4+960, page 11, there is a concrete consolidation layer h-20 cm on top of crushed stone layer of h-15 cm.

Question 35

In Vol.4.1_Technical Specification M3 oc.Vulcanesti, there are two chapters numbered as 603.01 and 603.02 defining Wire fences and Security fence on bridges (prevention of railway

overhead line contact). However, neither in BOQ items nor in the drawings, these items could be shown. Please clarify where this works shall be implemented and under which BOQ pay item they will be certified.

Answer

The Sub-Chapter 603.01 Wire fences and Sub-Chapter 603.02 Security fence on bridges (prevention of railway overhead line contact) from Volume 4.1 technical Specification are not applicable for this project.

Question 36

As per the earthwork calculation, some of cut material shall be transported to permanent disposal area. Possible places of borrow pit area shown on the documents can be used for permanent deposit area for this surplus cut material. Please confirm.

Answer

Under Sub-Chapter 201.08 of the volume 4.1 Technical Specification, where the Contractor finds it necessary to stockpile material arising from the excavations contingent upon slip remedial works he shall be entirely responsible for the location and operation of suitable storage areas and for obtaining all necessary permits and authorizations, as well as, for all acquisition of storage areas and meeting all claims for compensation resulting from the operation of such areas. The operation of storage areas shall comply in all respects with all requirements of this specification. The areas used for storage will be restored according to the national norms and standards and in accordance with the requirements of Volume 4.1 Technical Specification as set out in relation to Borrow and Spoil areas.

Question 37

As per the In Vol.4.1_Technical Specification M3 oc.Vulcanesti, chapter numbered 201.05. The stockpiling of topsoil states that Topsoil must be stockpiled in locations separated from the earthworks and apart from any other type of soil or materials. However as per our checking of the road alignment to be constructed, only the inside ROW corridor is expropriated. Trough the road alignment, almost every location are the agricultural areas. The Client shall show a place that the topsoil is stockpiled temporarily. Please confirm.

Answer

Under Sub-Chapter 102.02 of the volume 4.1 Technical Specification, the topsoil shall be set aside in areas selected by the Contractor and approved by the Engineer for reuse in soiling areas of cut and embankment slopes.

Under Sub-Chapter 201.08 of the volume 4.1 Technical Specification, where the Contractor finds it necessary to stockpile material arising from the excavations contingent upon slip remedial works he shall be entirely responsible for the location and operation of suitable storage

areas and for obtaining all necessary permits and authorizations, as well as, for all acquisition of storage areas and meeting all claims for compensation resulting from the operation of such areas. The operation of storage areas shall comply in all respects with all requirements of this specification. The areas used for storage will be restored according to the national norms and standards and in accordance with the requirements of Volume 4.1 Technical Specification as set out in relation to Borrow and Spoil areas.

Question 38

As per the calculation of topsoil excavation to be stockpiled shall be around 40.000 m3. Also as per the calculations stockpiled topsoil to be reused shall be 30.000 m3. This 10.000 m3 surplus stockpiled topsoil material shall be remained as stockpiled. It will not be transported to any permanent deposit area. Please confirm.

Answer

Please refer to the Sub-Chapter 201.08 of the volume 4.1 Technical Specification regarding stockpiling requirements. The remaining topsoil will become the property of the Employer and may be left in stockpile subject to the land owner's and Employer's prior approval.

Question 39

In Vol.4.1_Technical Specification M3 oc.Vulcanesti, chapter numbered 302. Asphalt Pavement Milling states that the milled asphalt shall be used for preparation of the Cold Recycled Asphalt mixture. The surplus of milled asphalt shall be delivered to the Client for storage or shall be used for road construction as directed by the Engineer. In the design of the Project there is no cold recycled asphalt mixture. Meaning that all this milled material shall be the surplus. Please provide that the surplus milling material will be delivered to which area

Answer

As per Chapter 302, Volume 4.1 Technical Specification, the surplus of milled asphalt shall be delivered to the Client for storage or shall be used for road construction as directed by the Engineer. The distance of milled material will not exceed 100 km from the construction site.

Question 40

In case the milling material will not be delivered to the Client, the milled material shall be stockpiled permanently under territory of the Project location. Please confirm.

Answer

Please refer to answer no. 39.

Question 41

Form F-2: Organization and Staffing organogram” is not given the sample by the Tenderer. Does this part require participants to make their own? If it is made by the participants themselves, does the Tenderer have any requirements?

Answer

Please refer to answer no. 5.

Question 42

According to Technical Spec. 201.1 3 related to Formation of Embankment Upper Layer (Subgrade); a binder not of a lower grade than HRB E2 (cement) to be used to stabilize non-cohesive and cohesive soil.

The Bidder kindly asks clarification for usage of HRB E2(Cement) is a mandatory or not for Formation of Embankment Upper Layer?

Answer

Please refer to answer no. 16.

Question 43

It would be good to get a technical description of the whole project, textual part of the project. Is it possible for you to provide them to us?

Answer

The scope of works, including a technical description of the whole project, is provided in the tender documents and are to be taken as mutually explanatory of one another.

Question 44

Could the tenderer provide us with the following documents:

- Volume I (Book 1, Book 2, and Book 3);
- Volume 3.7 borrow pit;
- Volume IV (Books 1-4);
- Appendix 1 (Engineering report);
- Appendix 2 (Project for organizing the execution of works);
- Appendix 3 (Environmental impact);
- Appendix 4 (Topographical studies);
- Appendix 5 (Hydrometeorological report);
- Appendix 6 (Road system examination report);
- Appendix 7.1 and 7.2 (Geotechnical reports Road and Borrow pit).

Answer

Not all of the requested documents are relevant to the Tender. Some of the requested Volumes/Appendixes were provided in the tender documents.

Question 45

The BoQ in Excel format is encrypted. Can you furnish the code for the convenience?

Answer

The document affords introduction by the Participants of the required pricing information into the column entitled “unit cost”, which is not encrypted.

The rest of the cells, which do not require the Participants to intervene, are protected against Participants making any changes to the content, format/layout and/or formulae of the spreadsheet.

Question 46

In FORM BOQ-1: Breakdown of BoQ items of Section V: Forms, do we must separate each and every items in BoQ, or only key items?

Answer

Completed FORM BOQ-1, including detailed breakdown of prices for BoQ items no. 200, 300, 400, 500, 600, 700, 800, as indicated in Section V: Forms shall be provided for all items.

Question 47

The whole document of Section V: Forms is in PDF format. Can you furnish the word format of it for the convenience of filling in?

Answer

The word version of Section V: Forms may be downloaded following the link below:

[http://files.asd.md/Directia_investitii/ECEPP Works Single 1.5.3 Qualification Forms_ver.1.1.rar](http://files.asd.md/Directia_investitii/ECEPP_Works_Single_1.5.3_Qualification_Forms_ver.1.1.rar)

This is provided only for Participants’ convenience while completing their Tenders.

The documents provided through ECEPP are in the final format as approved by the Bank. In case of discrepancies between the Word and PDF versions, the PDF (as published on ECEPP) shall prevail.

Question 48

In volume Vol.3.2_Drawings_Bridges Overpass at Km 4+960, there is a concrete layer at the bottom of over pass. (please see the level 31.27) The thickness of this concrete is shown below drawing as in English 20 cm in Romanian 15cm. Which thickness will be implemented.

In continuation to below query, the above defined concrete layer at the bottom of overpass shall be certificated under the BOQ pay item 50408 Concrete Consolidation Works. Please confirm.

Answer

Please refer to answer no. 34.

Question 49

In Volume 3.1 Drawings Road Works, there are cast in situ manholes at inlet side of the some Culverts. These manholes shall be paid under the BoQ pay item no: 50503 Description: Rectangular reinforced manholes including all pipe connections to existing ditches etc.as instructed by the supervision engineer including reinforcing steel. Please confirm.

Answer

The rectangular reinforced manholes shown in the Volume 3.1 Drawings Road Works shall be executed in strict conformity with Volume 4.1 Technical Specification and paid per Item no. 50503 Rectangular reinforced manholes, including all pipe connections to existing ditches etc., as instructed by the supervision engineer.

Question 50

Section IV: Eligibility and Qualification Criteria, Sub-factor 3.1. requires that the Participant has to demonstrate «Experience as a contractor (in any role- sole contractor or lead partner/management contractor in a JVCA), in the execution of at least two (2) contracts, each with a value of works, implemented by the Participant ; at least EURO 15 million equivalent, that have been successfully and substantially completed within the last 5 years, prior to the tender submission deadline, and with activity in at least nine (9) months in each year, and that are similar to the proposed contract.

The similarity shall be based on the nature, complexity, methods/technology used or other key characteristics of the Contract, as described in Section VI, Requirements. "

Please provide a clear definition of the term "successfully and substantially executed Contract".

Answer

The meaning of the terms shall be derived from the context of the respective requirement, namely, the requirement contained in the last column of the cited criteria and sub-factor, "Documentation Required", whereby a contract Successfully and substantially completed would be the one for which the Participant succeeded to be issued by the Employer/Project Owner/Beneficiary of the respective contract "*a Taking Over certificate or other similar equivalent document*" to that effect (prove the information provided in the respective Qualification form).

The term is further defined by the context of the respective contract, in respect of the

conditions set forth therein for the issuance of the Taking Over certificate (or other similar equivalent document). For ex., if such contract is of a FIDIC form, under the Sub-Clause 10.1 [Taking Over of the Works and Sections] of the General Conditions, the contract would be considered *successfully and substantially completed* if and when “the Works are completed in accordance with the Contract ...and a Taking Over Certificate for the Works has been issued or is deemed to have been issued.”

Question 51

Section IV: Eligibility and Qualification Criteria, Sub-factor 3.3 requires:

For the above, or other contracts, that have been successfully and substantially completed during the last five (5) years period and are similar to the proposed Works, the minimum cumulative experience in the following key activities shall be demonstrated:

i) Production and laying asphalt concrete on a single contract in at least one (1) year in the past three (3) years at a rate not less than:

50,000 tonnes in one year executed during the period stipulated in 2.4.2(a) above '

ii) Annual average asphalt concrete production and laying over the past five (5) years at a rate not less than: 30,000 tonnes/year;

iii) Bridge, construction/rehabilitation works executed within the last three (3) years at a rate not less than: 600 m²

iv) Earthworks construction (Cut - Fill - borrow) in one calendar year in the past 3 years at a rate of not less than 250,000 m³

v) Cement stabilized Granular pavement construction in one calendar year in the past 3 years at a rate of not less than 70,000m² or Cold recycling of asphalt pavement on a single contract executed within the last three (3) years at a rate not less than: 70,000 tonnes/year. "

Question: If a Bidder has experience in performing the above-mentioned works during the years 2019-2021 at the rates which exceed three times the above minimal requirements, will such a Bidder comply with the requirements of the Client?

If not, please explain in more detail the requirement regarding confirmation of the Specific Experience during a certain period of time, because the works performed by us will be confirmed by us by a taking over certificate format of which complies with the current legislation of our country and the signing of this document is conditioned by the availability of financing in a specific period.

Answer

As indicated in the Tender Documents, under Section IV: Eligibility and Qualification criteria, ‘the last 5 years means the years from 2018 and up to the Tender submission date’. Considering the above, the specified period in the question (2019-2021) would fall into the allowed period from 2018 and up to tender submission date, which is, at this stage, February 2023, and

appears to meet the respective requirement, subject that the Participant demonstrates the requested experience as per the tender documents' requirements.

Question 52

Table 6. Equipment (of Section IV: Eligibility and Qualification Criteria), requires a list of equipment, some items of which do not contain clear requirements for their minimum characteristics:

5	Cold Recycling Equipment (capacity 1000m2/day)	1 set
6	Cement stabilization equipment (1000m2/day)	1 set
11	Road marking equipment (thermoplastic)	1 set
15	Milling Machine 1,5m wide cut	1
16	Pile driving machine	1
17	Cranes 20t lift capacity	1
18	Grader 140 Kw	2
19	Road marking equipment for temporary purposes	1 set

- Please specify the required technical characteristics of equipment No 16 «*Pile driving machine*».
- Do we correctly understand, that for the items that have the minimum parameter/capacity indicated, more powerful equipment items can be provided?
- As for other items, where specific characteristics are given, do we have to provide equipment with exactly such parameters (items 15,17,18) or this is also a minimum requirement?
- What does the equipment set "*Road marking equipment for temporary purposes*" include?
- The requirements of 10t and 15t in items "*Compaction equipment Pneumatic Roller 10t capacity min*" and "*Compaction equipment Pneumatic Roller 15t capacity min*" refer to the weight of the mechanisms, do they?
- What does the equipment set "*Cold Recycling Equipment*" include, and what producer's technical parameters should it have (operational width and depth)? (m2/day is rather variable characteristic)
- What does the equipment set "*Cement stabilization equipment*" include, and what producer's technical parameters should it have (operational width and depth)? (m2/day is rather variable characteristic).

Answer

Please consider the technical requirements from Table 6. Equipment, Section IV: Eligibility and Qualification Criteria, as a minimum characteristics criterion.

All the equipment shall have enough technical capacity for project implementation in time and on quality level specified in Volume 4.1 Technical Specification.

"Road marking equipment for temporary purposes" is the road marking equipment which will be used for applying the temporary road marking.

Question 53

Should the Power of Attorney authorizing a person to sign the tender offer be **legally notarized**, provided that the PoA is issued on the basis of a notarized decision of the company founder (the decision of the founder of the company to grant powers to the executive body to sign documents on behalf of the company will be attached)?

Answer

The tender document does not require legal notarization of the Power of Attorney at this stage.

Question 54

If it is not required for the Power of Attorney for signing the participant's tender, issued by the executive body of the company, to be **legally notarized**, in which language should it be issued:

- a) in English on the company letterhead of the Participant;
- b) in Ukrainian (language of the Participant's home country) with a notarized translation into English?

Answer

Please refer to answer no. 53.

In addition, all submitted documentation shall be translated in English. The translation of original Power of Attorney shall be legally notarized. If original of the Power of Attorney is issued in English, no notarization is required.

Question 55

In case the legal notarization of the translations from Ukrainian into English is required, is it acceptable to certify documents by a notary acting on the basis of Ukrainian legislation?

Answer

Yes, it is accepted to provide translation of documents certified by a notary licensed in the Participant's country.

Question 56

Is it possible to add to the text of the Tender securing the exact date its validity expiration? Namely, as follows:

*This guarantee will expire: (a) if the Tenderer is the successful Tenderer, upon our receipt of copies of the Contract signed by the Tenderer and the performance security issued to you upon the instruction of the Tenderer; and
(b) if the Tenderer is not the successful Tenderer, upon the earlier of (i) our receipt of a copy of your notification to the Tenderer of the name of the successful Tenderer; or (ii) twenty-*

eight days after the expiration of the Tenderer 's Tender, i.e. ---.2023 which will be the final expiry date of the present guarantee.

Answer

Yes, it is accepted, subject to compliance with the other requirements of the Tender Documents. Please bear in mind that the Tender Security shall be valid for 28 calendar days beyond the validity of the Tender.

Question 57

According to ITP I O.I of "ECEPP Works Single 1.2 Data Sheet"

(ii) A Participant shall also provide the following information with the Tender:

3. annual financial statements, supported by audit statements or tax returns/acceptance by the tax authorities for the period, stated in the methodology and relevant criteria, specified in Section III Evaluation Methodology, and Section IV, Participant's Eligibility and Qualification Criteria;

In accordance with the Ukrainian law "On Accounting and Financial Reporting" and the Tax Code of Ukraine, the deadline for the **publication** of the audited annual financial statements for 2021 has not yet come. Can the financial accounts for 2021 be demonstrated by an income tax return for 2021 ?

Answer

Financial information for years 2017, 2018, 2019, 2020 and 2021 should be provided.

While reading this question in conjunction with the next one (no. 58), it is assumed that there is a typo error in the question, referring to year 2021 instead of intended reference to 2022.

Question 58

Referring to the form FIN-I "Financial Situation" please clarify the following:

In accordance with the Law "On Accounting and Financial Reporting", the deadlines for **reporting** of the annual financial statements for 2022 (e.i. February 28, 2023) and of the income tax return for 2022 (e.i. February 1, 2023) have not yet come.

It means, that under the Legislation of Ukraine as of the date of tender proposals opening the financial statements and the tax income return for 2022 cannot be provided. Considering the above, can the financial data for FIN-I for 2022 be filled in based on the projections?

Answer

Financial information to be presented shall be for the period 2017, 2018, 2019, 2020 and 2021. Please also refer to answers nos. 2(a) and no. 57.

Question 59

According to a footnote under Form FIN-1:

"Historic financial statements must correspond to accounting periods already completed and audited (no statements for partial periods shall be requested or accepted)".

Due to the fact that as of the date of the tender proposal submitting, the deadline for financial statements reporting for 2022 will not have yet come and financial indicators for 2022 will be based on projections, do we have to submit interim financial statements for 9 months of 2022 as part of the tender proposal?

Answer

Financial information for years 2017, 2018, 2019, 2020 and 2021 should be provided.

Please also refer to answers nos. 2(a), 57 and no. 58.

Question 60

In accordance with ITP 17.1 "Tender Security":

"The uploaded Tender Security shall be on the letterhead of the issuing bank and shall be signed by a person competent to bind the bank "

Question: How should the credentials (*competence*) of the person who signed the Security be confirmed?

Answer

The person signing the Tender Security shall be a person duly authorized from the Bank. This shall be consulted with the issuing Bank on a case-by-case basis.

The Employer, at any time of the tender process, may verify the authenticity of the Tender Security and the powers of the signatory.

Question 61

If the Bidder completed his Project, would you agree to transfer his equipment from the completed project to new project to provide the customs conditions remain the same? Will you provide a letter to submit to customs for the extension of equipment customs deadlines?

Answer

Please refer to the ITP13.1 of the Section I: Instructions to Participants. Employer will provide confirmation exempted status in this respect, irrespective of where the equipment has been involved previously.

Question 62

According to the Tender Documentation, Tender Forms -Contract Data Part A - GCC Sub-Clause 13.5 (b).

The Bidder observes that the "Percentage adjustment of Provisional Sums" will not be applied on the Contract Data Part A - GCC Sub-Clause 13.5 (b), and also observes that this percentage will apply 10% on the Summary page of BOQ.

The Bidder asks the Employer this contradiction.

Answer

For proper interpretation and application of the referenced provision (i.e. Sub-Clause 13.5 (b) of the Contract Data), it shall be read in conjunction with the corresponding provision of the General Conditions of Contract, which self-directs to the "(b) Plant, Materials or services to be purchased by the Contractor, from a nominated Subcontractor (as defined in the Clause 5 [Nominated Subcontractor]..."

There is no such nominated Subcontractor appointed in this tender, for which reason there is no underlying relationship which the Sub-Clause 13.5(b) is meant to regulate, hence the Contract Data is stipulating to that effect (that it is not applicable).

The Summary page of Bill of Quantities represents the total costs for all BoQ items described in the Bill. The "Grand Total (without TVA)" is the sum of "Total works" plus the "Provisional sum for contingencies" - 10% of Total Works (without TVA).

Please refer to the General Conditions of the Contract Sub-Clause 1.1.4.10, where the [Provisional sum for contingencies], means a sum (if any) which is specified in the Contract as a provisional sum, for the execution of any part of the Works or for the supply of Plant, Materials or services under Sub-Clause 13.5 [Provisional Sums] of General Conditions of Contract.

Question 63

According to the Tender Documentation , Section V, Forms, Form FIN-4, it is stated the following:

- a) *Remaining outstanding contract values to be calculated from 28 days prior to the tender submission deadline (EURO equivalent based on the foreign exchange rate as of the same date)*
- b) *Remaining contract period to be calculated from 28 days prior to tender submission deadline.*

As such, the Bidder asks the employer on how we should calculate the value of the outstanding contracts? Should the bidder use the exchange rate values published by the Bank of Moldova 28 days prior to the date of issue? Please clarify.

Answer

Please refer to the exchange rate as set by European Central Bank for the date 28 days prior to tenders' submission deadline.

Question 64

We are writing this letter to request you to extend the deadline for submitting tender offers. We will be unable to complete it by the 09.02.2023 as the project requires some more research from our side and local market analysis

We would kindly request you to extend the deadline for bid submission for around 14 days.

Answer

The Employer agrees to extend the deadline for tenders' submission with 19 days, by February 28th, 2023.

Please refer to the Contract Notice Addendum published on ECEPP on January 31st, 2023.