

REPUBLIC OF MOLDOVA

ROAD SECTOR PROGRAM



STATE ROAD ADMINISTRATION

ADDENDUM No.1

to the Tender Documents

**RSP/W15/01: Rehabilitation Works on R33 Hincesti-Lapusna-M1 road, km
0+000 – km 37+200**

Issued on August 16th, 2023

General:

The following amended articles are applicable to the Tender Documents for the following Contract:

RSP/W15/01: Rehabilitation Works on R33 Hincesti-Lapusna-M1 road, km 0+000 – km 37+200

Article 1

Tender Documentation, Bill of Quantities, BILL 000, the Item 00402 has been deleted and substituted with the new Item 00402, Tender Documentation, Bill of Quantities, BILL 000, as follows:

Item No.	Item description	Unit	Qty	Rate	Cost
00402	Maintain contract office	Month	30.00		

Article 2

Particular Conditions of Contract (PCC) – Part B, Sub-Clause GCC 8.1 [Commencement of Works] shall be deleted entirely and replaced with the following:

“

GCC 8.2	Commencement of Works
	<p><i>Delete the entire Section 8.1 [Commencement of Works] of the General Conditions of Contract and replace with the following:</i></p> <p>Except as otherwise specified in the Particular Conditions of Contract, the Commencement Date shall be the date at which the following precedent conditions are evidenced in writing as being fulfilled:</p> <p>8.1 (a) <i>Signature of the Contract Agreement by both parties; (Copy of signed Contract Agreement)</i></p> <p>8.1 (b) <i>Possession of the Site given to the Contractor together with such permission(s) under Sub-Clause 1.13 [Compliance with Laws] as required for the commencement of the Works, including the Construction Permit, provided that the Contractor has presented to the Employer, within 42 days after receiving the Letter of Acceptance; (Evidenced by copy of Employers letter giving Possession of Site (GCC 2.1) and copy of Construction permit (GCC 1.13) and any other required permissions).</i></p> <p>8.1 (c) <i>Submission by the Contractor of an acceptable Advance Payment Guarantee (where required by the Contractor), and any other document (if the case) required from Contractor not later than 28 calendar days after the signing of the Contract Agreement, and confirmation of the preparation and processing of an IPC for payment of the Advance Payment by the Employer. (Evidenced by copy of Guarantee and IPC).</i></p> <p><i>If the submission for an Advance Payment (in acceptable format) is not received within 28 calendar days after signing of the Contract</i></p>

	<p><i>Agreement precedent condition 8.1 (c) shall be considered void and only points 8.1 (a) and 8.1 (b) shall be applicable in relation to the issue of the Notice to Commence.</i></p> <p>The Engineer, if satisfied that points 8.1 (a) and 8.1 (b) and 8.1(c) are fulfilled, (where 8.1(c) is applicable) shall then proceed to issue the Notice to Commence to Works identifying the Commencement Date of the Contract with copy to all parties.</p> <p>If the said Engineer’s Instruction is not received by the Contractor within 180 days from the date of signing the Contract Agreement, the Contractor shall be entitled to terminate the Contract under Sub-Clause 16.2 [Termination by Contractor].</p> <p>The Contractor shall commence the execution of the Works as soon as is reasonably practical after the Commencement Date and shall then proceed with the Works with due expedition and without delay.</p>
--	--

“

Article 3

Tender Documentation, Bill of Quantities, BILL 100, has been added the Item 10103 and 10104 as follows:

Item No.	Item description	Unit	Qty	Rate	Cost
10103	Provision for the implementation of traffic calming measures which may be identified during the safety audit	Provisional sum	1,00	2 000 000,00	2 000 000,00
10104	Road Safety Audit Final Construction Drawings	Lump-sum	1,00		

Article 4

Tender Documentation, Technical Specification, sub-chapter 101.03. Works description, the following paragraph has been added:

“Road Safety Audit for Final Construction Drawings

Road Safety Audit for Final Construction Drawings shall be carried out in accordance with the last requirement of EU Directive, and current Legislation of Republic of Moldova.

The Road Safety Audit may only be undertaken by Auditors meeting the requirements of EU Directive.”

Article 5

Tender Documentation, Technical Specifications, sub-chapter 101.04. Works Acceptance, has been added the followings payment items:

No.	Item	Unit of Measure
10103	Provision for the implementation of traffic calming measures which may be identified during the safety audit	Provisional sum
10104	Road Safety Audit for Final Construction Drawings	Lump-sum

Article 6

Section IV: Eligibility and Qualification Criteria, shall be amended by adding after “**Table 3-1: Similarity Determination (under sub-criteria 3.1)**”, **Table 4. Historical Contract Non-Performance** and **Table 5. Environmental, Social, Health and Safety (ESHS)**, as follows:

Factor	Table 4. Historical Contract Non-Performance					
Sub-Factor	Requirement	Criteria				Documentation Required
		Single Entity	Participant			
			Joint Venture, Consortium or Association			
			All partners combined	The Lead Partner	Each Other Partner	
<i>The information shall be provided for the period of 2018 to 2023 (one day prior to the deadline for submission of tenders)</i>						

Factor	Table 4. Historical Contract Non-Performance					
Sub-Factor	Requirement	Criteria				Documentation Required
		Single Entity	Participant			
			Joint Venture, Consortium or Association			
			All partners combined	The Lead Partner	Each Other Partner	
4.1 History of non-performance under the contracts	<p><i>The Participant, or any partner in a JVCA, shall not have a consistent history of litigation and/or arbitration resulting in awards against the Participant, or any partner in a JVCA, within the last five (5) years¹.</i></p> <p>This determination shall be based solely on fully settled disputes or litigation. A fully settled dispute or litigation is one that has been resolved in accordance with the Dispute Resolution Mechanism under the respective Contract, and where all appeal instances available to the Tenderer have been exhausted.</p>	<p><i>Must meet requirement</i></p>	<p><i>Must meet requirement</i></p>	<p><i>Must meet requirement</i></p>	<p><i>Must meet requirement</i></p>	<p>Form HIS-1</p>

¹ The last 5 (five) years means the years from 2018 – up to the Tender submission date.

Factor		Table 4. Historical Contract Non-Performance				
Sub-Factor	Requirement	Criteria				Documentation Required
		Single Entity	Participant			
			Joint Venture, Consortium or Association			
All partners combined	The Lead Partner	Each Other Partner				
4.2 Pending Litigations	<i>All pending litigation shall in total not represent more than twenty percent (20%) percent of the Participant's net worth and shall be treated as resolved against the Participant.</i>	<i>Must meet requirement</i>	<i>Must meet requirement</i>	<i>Must meet requirement</i>	<i>Must meet requirement</i>	<i>Form HIS-1</i>

Factor		Table 5. Environmental, Social, Health and Safety (ESHS)				
Sub-Factor	Requirement	Criteria				Documentation Required
		Single Entity	Participant			
			Joint Venture, Consortium or Association			
All partners combined	The Lead Partner	Each Other Partner				
<i>The information shall be provided for the period of 2018 to 2023 (one day prior to the deadline for submission of tenders)</i>						
5.1 ESHS Certifications and Documents	<i>Availability of a valid ISO certification or internationally recognized equivalent (equivalency to be demonstrated by Participant), such as Environmental management certificate ISO 14001; and Health and safety certificate OHSAS 18001.</i>	<i>Must meet requirement</i>	<i>Must meet requirement</i>	<i>Must meet requirement</i>	<i>Must meet requirement</i>	<i>Form ESHS-1W</i>

Table 5. Environmental, Social, Health and Safety (ESHS)						
Factor	Criteria					Documentation Required
Sub-Factor	Requirement	Participant				
		Single Entity	Joint Venture, Consortium or Association			
			All partners combined	The Lead Partner		
	<i>In absence of the above certificates, availability of in-house policies and procedures for ESHS management.</i>					
5.2 ESHS Experience	<p><i>Experience as a contractor (in any role), in the execution of at least one (1) contract, where key ESHS measures were carried out, or are on progress, satisfactorily and in compliance with international standards.</i></p> <p><i>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</i></p>	<i>Must meet requirement</i>	<i>Must meet requirement for all characteristics</i>	<i>Must meet requirement for all characteristics</i>	<i>N/A</i>	<i>Form ESHS-2W</i>

Article 7

Section IV: Eligibility and Qualification Criteria Table 6. Equipment, shall be amended by adding under “**Documentation required:**” the following additional requirement:

“

- 2) **Evidence of Intent:** The Participant must demonstrate in their submission either ownership of the above equipment or access / availability of the equipment via subcontract or rental

agreement to the above items of equipment and confirm that they will be mobilizing the nominated equipment to the worksite. **For Example:** Thermoplastic line marking equipment or pile driving may be via specialized sub-contract”.

Article 8

The updated Technical Specifications may be downloaded following the link below:

http://files.asd.md/Directia_investitii/2023.08.15_Technical_Specification_ver.1.0_Clean_Amendment_1.zip