



Belgrade, 04.07.2014.  
Ref:

## CONTRACTING AUTHORITY'S CLARIFICATIONS No. 2

### Introduction and Development of Performance-Based Road Maintenance on Serbian National Road Network

Publication ref.: EuropeAid/135827/DH/SER/RS

No	Question	Answer
1.	Could you, please, clarify, whether the scope of work under this contract will include preparation of Terms of Reference for some future service contracts that will exclude the Contractor from the procurement procedure in for which the ToR was developed.	<p>The contract description is contained in item 7 of the published Contract Notice. No further details on the content of the contract are available at this moment.</p> <p>Please note that any conflict of interest will be treated on a case by case basis, in line with the relevant provisions of section 2.3.6 "Other essential points" of the applicable Practical Guide.</p>
2.	If the answer to question 1 is being yes, could you please, clarify in which fields (types of services)	Please refer to the answer to question no. 1 above.
3.	<p>In the Service Contract Notice, point 21.3 a): Selection criteria, Technical capacity of the candidate, it is stated:</p> <p><i>The candidate has provided services in the course of the past 3 years (starting from 01.01.2011 up to the deadline for receipt of applications) under at least one contract, with the candidate's proportion greater than 500,000 EUR for his services in the contract, in performance-based contracts for road maintenance.</i></p> <p>Could you, please, clarify if the services provided in the field of public-private partnerships projects for roads can be considered eligible?</p>	<p>The quoted text of the technical capacity criterion (item 21.3.a) of the Contract Notice) refers to "<i>performance-based contracts for road maintenance</i>", without specifying the form of such contracts.</p>
4.	Could you, please, clarify, given the contract description (described in point 7. of the Service Contract Notice), whether projects	Please note that the technical capacity criterion (item 21.3.a) of the Contract Notice) refers to " <i>performance-based contracts for</i>

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	through which services related to the road maintenance (contracts) were provided will be considered eligible under this criteria?	<i>road maintenance</i> ". Please further note that in line with the provisions of section 3.3.1.2 of the Practical Guide, when replying to potential candidates' questions " <i>the contracting authority cannot give an opinion on the assessment of the application</i> ".
5.	Could you, please, clarify, given the contract description (described in point 7. Of the Service Contract Notice), whether any type of technical assistance to the performance-based contracts will be considered eligible under this criteria?	Please note that the technical capacity criterion (item 21.3.a) of the Contract Notice refers to " <i>performance-based contracts for road maintenance</i> ". Please further note that in line with the provisions of section 3.3.1.2 of the Practical Guide, when replying to potential candidates' questions " <i>the contracting authority cannot give an opinion on the assessment of the application</i> ".
6.	<p>According to Point 21 'Selection Criteria' in the Service Contract Notice:</p> <p><i>"An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the contracting authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and notably that of nationality, as the economic operator."</i></p> <p>Will an entity, who provides capacities for the winner of the present procedure but will not take part either as contractor (consortium member) or sub-contractor in the fulfilling of the TA contract, be disqualified from bidding for the future operation contracts to be put to tender on the basis of the model and tender dossier elaborated as the outcome of the present TA tender?</p>	As stated in the answer to question no. 1 above, any conflict of interest will be treated on a case by case basis, in line with the relevant provisions of section 2.3.6 "Other essential points" of the applicable Practical Guide.