



EUROPEAN UNION
DELEGATION TO THE REPUBLIC OF SERBIA

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CONTRACTING AUTHORITY'S CLARIFICATIONS No. 2

Construction of the Regional Waste Management Centre for Subotica District Serbia

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No	Question	Answer
1	We were leading designer for Waste disposal site and we designed everything. The value of entire contract for designing, installation and commissioning was more than 8 million. Can we use this as reference for technical capacity of candidate?	<p>Please note that in accordance with the applicable Practical Guide to Contract procedures for European Union External actions, section 5.3.4, when providing answers to Tenderers questions during the tender preparation period, <i>"the Contracting Authority cannot give a prior opinion on the assessment of the tender"</i>.</p> <p>Point 16.3 of the Contract Notice sets clear requirements for technical capacity of candidate.</p>
2	What is covering this contract? Is it only construction of Waste disposal site or is also improving access to the site and environmental services and facilities?	<p>Detailed scope of work is provided in sub-section 1.2 of the Section 1 of Volume III: Employer's Requirements. The following Works should be provided:</p> <ul style="list-style-type: none"> - Preparation of designs for the whole works needed for operation of the sanitary landfill, solid waste cells, LTP, SBR, landfill gas treatment system, the waste separation lines and composting facilities; - Design and Construction of the sanitary landfill including all the waste disposal cells and all other accessories, access road, internal roads, infrastructure (electricity supply, water supply, sewage system, etc.); - Design and Construction of Leachate Treatment Plant (LTP); - Design and Construction of the Material Recovery Facility (waste separation) - Design and Construction of the Composting plant. <p>Please read full text under this sub-section 1.2.</p>

No	Question	Answer
3.	<p>About the possibility to rely on the capacity of other entities, what does the tender (Volume I, Section I, article 12.2.3) mean about "Relies mostly on the capacity of other entities", or what are the "key criteria"? Make you please an example of both conditions?</p> <p>3.a) Particularly, is it considered appropriate to rely on the capacity of other entities about the following technical capacity criteria?</p> <p>"To have completed as prime contractor a project of similar nature and complexity with a value of minimum EUR 8 million".</p> <p>3b) Is it considered appropriate to rely at the same time on the capacity of other entities about the two following technical capacity and professional capacity criteria?</p> <p>3b)1. To have completed as prime contractor a project of similar nature and complexity with a value of minimum EUR 8 million.</p> <p>3b)2. To rely of some of the key personnel listed in Volume I, Section I, article 12.2.1"?</p>	<p>Please note the wording of the relevant paragraph from the Contract Notice (last paragraph of point 16.3 of CN): <i>"Some examples of when it may not be considered appropriate by the Contracting Authority are when the tenderer relies mostly on the capacity of other entities or when it relies on key criteria"</i>.</p> <p>Please note that key criteria include any of the three main categories of selection criteria: the economic and financial capacity, the professional capacity of candidate and the technical capacity of the candidate.</p> <p>Meeting any of these selection criteria exclusively by relying on the capacities of other entities is considered as falling within those situations that may not be considered appropriate by the Contracting Authority.</p> <p>Alternatively, when a Tenderer relies on the capacities of other entities to meet most of the individual requirements of the selection criteria (not necessarily meeting one category/key criterion fully, in which case it would fall under the situation described in the previous paragraph), it is again considered as falling within those situations that may not be considered appropriate by the Contracting Authority.</p>
4.	<p>Is it possible the participation as consortium/joint venture not yet legally constituted between two or more companies, and then, in the case of award, to constitute a project company between the same companies to signature the contract and manage the works?</p>	<p>Please note the provisions of the Tender Dossier, in particular article 3 and 12.3 of the Instructions to Tenderers (ITT), paragraph 8 of the Tenderer's Declaration and Form 4.6.5.</p>
5.	<p>In the documents it is written:</p> <p>d) Should have at least 20 permanent professional staff with experience in the relevant sector (waste management and construction of solid waste infrastructures);</p> <p>May you kindly better specify which experience is demanded?</p>	<p>Please read carefully the full text of the quoted requirement. Assuming you refer to the requirements of the selection criteria (art. 12.2.2.d) of the ITT / 16.2.d) of the Contract Notice), the relevant sector is defined as <i>"waste management and construction of solid waste infrastructures"</i>.</p>
6	<p>In the documents it is written:</p>	<p>The wordings of the two quoted sentences are not inconsistent with each other: in order to meet the</p>

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	<p>For the assessment of the technical capacity, 'nature and complexity similar to those of the works in the proposed contract' shall be interpreted as follows:</p> <p>— similar nature and complexity: meaning (i) experience in design, installation and commissioning of a waste disposal site (landfill) including MRF, composting and leachate treatment; or (ii) experience in construction with predominantly earth works including excavation, transportation and compaction of soil within a solid waste disposal site construction contract. At least 1 project per type (i) and 1 project per type (ii) should be covered by the tenderer</p> <p>In these mentioned sentences first it is written "OR (ii)" later "AND" (ii). Please clarify if both references are needed Or just 1 of them</p>	<p>requirements of the technical capacity selection criterion "<i>at least 1 project per type (i) and 1 project per type (ii) should be covered by the tenderer</i>". In order for a reference to be considered eligible/acceptable it has to be of either type (i), defined as "<i>experience in design, installation and commissioning of a waste disposal site (landfill) including MRF, composting and leachate treatment</i>", or type (ii), defined as "<i>experience in construction with predominantly earth works including excavation, transportation and compaction of soil within a Solid Waste Disposal Site Construction Contract</i>".</p>
7	<p>With reference to the requested technical capacity to bid - for a JV - it is not clear if it is requested that 50 % of the demanded references must belong to the lead of the JV or if this 50 % must belong simply to one of the member of the JV.</p> <p>In fact reading the text of the documents it seems that the LEAD PARTNER must be able to supply 50 % of the works and not that it must own 50 % of the demanded references to apply if in JV.</p> <p>Also the partner that will do at least the 20 % of the works has to fit and match the 20 % of the demanded references as well?</p>	<p>The required experience (technical capacity) may be demonstrated by any of the members of the consortium, the condition referred to in the question (one of them) for a project to be eligible/acceptable is that the entity (lead partner or member of a joint venture) must have undertaken at least 50% of the works in the respective project ("<i>The bidder (lead partner or member of a joint venture) must have undertaken at least 50% of the works in a contract</i>"). In case your question refers to the professional capacity requirements (article 16.2.c), then please note that the condition is linked to the human and material (equipment, tools, etc) resources of the Tenderer lead partner and the other partners in the consortium/joint venture.</p>
8	<p>In the documents it is written:</p> <p>c) The lead partner in a consortium/joint venture must have the ability to carry out at least 50 % of the contract works by its own means, and the combined partners (i.e. not the lead partner) at least 20 %;</p> <p>DOES IT MEAN THAT the lead partner must simply have the ability to carry out at least 50 % of the contract works or MUST</p>	<p>Please see the answer to question no. 7 above.</p>

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	<p>have also 50 % of the demanded references in percentages if in JV? Also does it means that the combined partners must simply have the ability to carry out the 20 % of the works or MUST have also 20 % of the demanded references in percentages if apply in JV?</p>	
9	<p>2.3.1 Preparatory Works</p> <p>Text (page 12) indicated distance for connecting potable water, electrical power, but no for connecting natural gas and sewage. We suppose that connecting for gas is in same position as potable water (settlement Bikovo).</p> <p>Question is: What is about sewage – is there channel for drainage processed wastewater and where is situated?</p>	<p>Please note that connection for natural gas is not predicted and is not designed. There is no technical possibility for this connection.</p> <p>Wastewater (sanitary and technical) is treated in SBR. After SBR, processed waste water is collecting in tank for technical water (so called tank for purified water also) where it is mixing with purified leachate (treated in Reverse Osmosis Plant up to quality of distilled water). According to the design, water from this tank shall be used in closed cycle as technical water. Surplus of this water would be discharged to the irrigation channel Orom-Cik-Krivaja, 1800m away from the landfill site, by pumps and pipes.</p>
10	<p>WEIGHBRIDGE CANOPY</p> <p>In text, page 13, indicated next:</p> <p>"The canopy will be constructed of stainless steel profiles and aluminium panels"</p> <p>But in drawing WEIGHBRIDGE ROOF STRUCTURE indicated next (in magenta color):</p> <p>Steel trapezoidal sheet metal</p> <p>Main steel material</p> <p>Material is S235 JRG2 - acc Standard EN 10250-2 this steel is for general engineering purposes (non - alloy quality and special steel)</p> <p>Question is: What is right – data in text or data in drawing?</p>	<p>Please note that in case of differences in indicated construction materials between the Drawings (volume V of the tender dossier) and the employer's Requirements (volume III of the tender dossier), the construction material indicated in the Employer's Requirements (Volume III), prevails. Construction materials have been better detailed and upgraded, where needed, in volume III. For this particular case, stainless steel profiles and aluminium panels are proposed instead of the material indicated in the drawing.</p>
11	<p>2.3.3 Administrative Building Area</p> <p>Technical Requirements for Heating and</p>	<p>No combined device, or burner, is designed, only electric boiler is designed for preparing a hot water for central heating. Description on</p>

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No	Question	Answer
	<p>This paragraph is not in accordance with Council Directive 1999/31/EC and Serbian Regulation on Waste Landfilling ("Official Gazette of RS ", No. 92/2010)!</p> <p>In Council Directive 1999/31/EC, Annex I, 3. Protection of soil and water</p> <p>The landfill base and sides shall consist of a mineral layer which satisfies permeability and thickness requirements with a combined effect in terms of protection of soil, groundwater and surface water at least equivalent to the one resulting from the following requirements:</p> <ul style="list-style-type: none"> - landfill for hazardous waste: $K \leq 1.0 \times 10^{-9}$ m/s; thickness ≥ 5 m, - landfill for non-hazardous waste: $K \leq 1.0 \times 10^{-9}$ m/s; thickness ≥ 1 m, - landfill for inert waste: $K \leq K \leq 1.0 \times 10^{-7}$ m/s; thickness ≥ 1 m, <p>m/s: meter/second.</p> <p>Where the geological barrier does not naturally meet the above conditions it can be completed artificially and reinforced by other means giving equivalent protection. An artificially established geological barrier should be no less than 0.5 meters thick.</p> <p>HDPE liner is not artificially established geological barrier??</p>	<p>In both documents, it is requested 1 m of natural geological barrier which fulfils the requirement to provide permeability less than $K \leq 1.0 \times 10^{-9}$ m/s. In the case that natural geological barrier has permeability higher than 1.0×10^{-9} m/s, as it is the case at Subotica landfill site, then an artificially geological barrier should be established with no less than 0.5 metres thickness. It means that layer of natural geological barrier improved with bentonite to permeability $K \leq 1.0 \times 10^{-9}$ m/s (as it is described in sub-section 2.3.9) should be of minimum 0.5 m, covered with an artificially non permeable liner-foil (as it is requested in Attachment 2 of Serbian Decree on waste landfilling). As it is described in the Tender Documents, <i>Volume III, Sections 2 (page 51)</i>, HDPE geomembrane (permeability is $< 1.0 \times 10^{-14}$ m/s, which is practically zero) is used in design of Subotica landfill as an artificially impermeable liner. In this way both requirement are fulfilled: thickness and permeability of the bottom sealing layer. This kind of landfill bottom sealing and prevention of soil, ground and surface water pollution is applied in most of the landfills constructed by EU IPA funds and in most of the landfills constructed in Europe and it is in line with EU Directive. Please note that natural geological barrier is not impermeable ($K \leq 1.0 \times 10^{-9}$ m/s is still permeable), and that is the reason that thickness of that layer must be more than 1m. For artificial layer which is impermeable (combination of natural geological soil with permeability $\leq 1.0 \times 10^{-9}$ m/s and impermeable HDPE geomembrane), a thickness of 0.5m is sufficient and that is as requested in EU Directive and in Serbian Decree on waste landfilling. Decrease of thickness of the landfill bottom protection layer is possible if the permeability of that layer is decreased, as it would be the case when HDPE liner is installed.</p>
14	<p>In Tender Documents <i>Volume 3, Sections 2 (page 51)</i></p> <p>2.3.9. Landfill bottom liners and drainage layer</p> <p><i>The work includes the following:</i></p> <p><i>Delivery, placement and compacting of a</i></p>	<p>Please refer to the answer to question no. 13 above. Tenderers are advised to read carefully the EU Directive and the Serbian Decree on waste landfilling.</p>

No	Question	Answer
	<p>Cooling Equipment (page 23)</p> <p>Subtitle: Combined device for central heating and equipment for hot water preparation based on electric power</p> <p>"Device has to fulfil with next requirements:</p> <ul style="list-style-type: none"> • Burner with automatic modulation" (line 4) <p>Question is: Is device combined – with electrical heater and burner (we suppose that fuel is natural gas), for preparing hot water for central heating, or</p> <p>Device is with combined burner – fuel natural gas and oil, and equipment based on electrical power is for preparing hot sanitary water?</p>	<p>combined device and burner provided in Technical Requirements for Heating and Cooling Equipment (page 23) is incorrect.</p> <p>Also, classic boilers with electric heaters are designed for preparing hot sanitary water in all bathrooms.</p>
12	<p>2.3.4 WORKSHOP (page 25)</p> <p>"Heating and air conditioning will be on same kind as in the administrative building"</p> <p>Question is: Is one combined device in use for both – administrative building and workshop or every building has own substantive device?</p>	<p>Combined device cannot be used (refer to the answer to question no. 11). According to the design, the central heating of workshop is not predicted, only electrical heaters are foreseen. But according to tender documents, it is requested to install central heating in workshop as well and this request is valid. It is up to tenderer to implement one electric boiler (for both buildings) or two electric boilers (one per each building). This decision has to be made based on the calculation of energy consumption for both options, provided in the Contractor's design. The option with less energy consumption has to be chosen.</p>
13	<p>In Tender Documents Volume 3, Sections 1 (page11)</p> <p>1.4.4. Geology and Hydrogeology</p> <p>The coefficient of soil permeability under the landfill body must be lower than $k = 1.0 \times 10^{-9}$ m/s. Since water tightness has not been confirmed, it can be concluded that the landfill bottom should be supported by artificial hydro-isolation (i.e. an impermeable liner, such as high density polyethylene - HDPE).</p>	<p>In Tender Documents <i>Volume III, Sections 1 (page11)</i>, it is not the landfill bottom sealing layers that are described; it is only written that landfill bottom should be supported by artificial hydro-isolation (i.e. an impermeable liner, such as high density polyethylene - HDPE).</p> <p>Description of the bottom sealing layers is given in Tender Documents <i>Volume III, Sections 2 (page51)</i>, and is presented in the drawings in Volume V. It is in line with Council Directive 1999/31/EC and in line with the Serbian Decree on waste landfilling (OG RS 92/2010)</p>

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	<p><i>layer of 0.5 m of non-permeable layer, with permeability coefficient of $k \leq 1.0 \times 10^{-9}$ m/s, placed over the leveled and compacted natural soil.</i></p> <p>This paragraph is not in accordance with Council Directive 1999/31/EC, Annex I, Paragraph 3. Protection of soil and water and Serbian Regulation on Waste Landfilling ("Official Gazette of RS ", No. 92/2010)!</p> <p>Obviously the condition for mineral layer for landfill for non-hazardous waste: $K \leq 1.0 \times 10^{-9}$ m/s; thickness ≥ 1 m is not satisfied!! (Proposed layer thickness 0.5m and $K \leq 1.0 \times 10^{-9}$ m/s <u>is not equivalent protection</u> as required Layer thickness 1.0m and $K \leq 1.0 \times 10^{-9}$ m/s).</p>	
15	How will be Construction Quality Assurance to provide required hydraulic conductivity	The Quality Assurance for the required hydraulic conductivity will be provided by the testing plan prepared by the Contractor in line with the related national and EU standards and approved by the Engineer. All laboratory tests will be implemented in a licensed laboratory which will also be approved by the Engineer.

