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AMENDMENT NO. 2

Date: 16/01/2020

Subject: Amendment No.2 to “Expression of Interest (EOI) for Prequalification” for Demining Services on Eastern Borders of Turkey within the context of Demining Project on Eastern Borders of Turkey- Phase 3

Ref: UNDP-TUR-EOI-PROJ(DEM3)-2019/01 (EVENT ID - TUR10-EOI-19-01)

Dear Madam/Sir,

Please find **ATTACHMENT-1** for the “**ANSWERS TO QUESTIONS FROM PROSPECTIVE APPLICANTS**” within the context of subject “EOI for Prequalification” issued on 23 December 2019 for “Demining Services on Eastern Borders of Turkey”

You are kindly requested to prepare and submit your applications in response to our subject “EOI for Prequalification” with the consideration of these answers; whereas all other clauses of the “EOI for Pre-Qualification”, except as amended herein, remaining valid.

Please make sure that your applications are submitted through e-tendering, on or before 07 February 2020, 06:00 am (New York Time).

ATTACHMENT-1 ANSWERS TO QUESTIONS FROM PROSPECTIVE APPLICANTS

Yours sincerely;

UNDP TURKEY Country Office

ATTACHMENT-1 ANSWERS TO QUESTIONS FROM PROSPECTIVE APPLICANTS

Question 1: As per Annex II - Prequalification Criteria Table (Pass/Fail Eligibility and Qualification Criteria), Table no - PF8 of the EOI, Average Annual Turnover shall not be less than 10 mil USD for the past 5 years (i.e. 2014, 2015, 2016, 2017, 2018).

- a) Please clarify if the mentioned amount (10 mil USD) is the average required for each year or for the past 5 years.
- b) Please also clarify the term "Annual Turnover".

Answer 1:

- a) 10 mil USD is the minimum average amount required for the past 5 years, not for each year. "Average of the total turnover generated in the past 5 years (i.e. 2014, 2015, 2016, 2017, 2018)" shall not be less than 10 mil USD.
- b) "Annual Turnover" is the total gross sales generated by the company in the corresponding year including all commercial activities, regardless of the relevancy with the Demining Services. It can also be referred as "Total Gross Revenue" which shall be shown on the Income Statement of the Company.

Question 2: Could you please clarify how can we register our company, review documents and submit our application through Atlas E-tendering?

Answer 2: As stipulated in "Article III. Submission of Applications" Section of the EOI for Prequalification, you can register, review documents and submit applications through e-tendering by following the Instruction Videos and User Guide which can be found in the following link:

<https://www.undp.org/content/undp/en/home/operations/procurement/business/procurement-notices/resources/>

You can also refer to following link to access the documents announced in the UNDP Website as well:

https://procurement-notices.undp.org/view_notice.cfm?notice_id=62251

Question 3: With reference to the Instructions to Applicants (ITA) Section, Article No. 2 of the "Expression of Interest for Pre-qualification"; it is indicated that "During evaluation phase of the proposals submitted in the RFP stage, proposers will receive additional points if they opt to form Joint Venture/Consortium/Association with Local Companies which will contribute National Capacity Development and quick adaptation/successful implementation of contract by benefitting from local familiarity. This criteria will cover 10% of the overall scoring".

Is it possible for UNDP to revisit above criteria so as to establish a more encouraging and compulsory requirement which will urge International Companies for establishing a joint venture with Local Companies?

Answer 3: Mentioned criteria in the “EOI for Pre-qualification” have been identified together with Beneficiary of the Project namely Turkish Mine Action Center, in line with Project objectives by considering National Capacity Development and successful implementation of the contract, while adhering to fair competition among all companies regardless of Local or International. Therefore, it is not possible to make any revision/increase to the mentioned criteria.

Question 4: With reference to the Annex II – Prequalification Criteria Table, Clause No. PF8 of the “Expression of Interest for Pre-qualification”; it is indicated that *Average Annual Turnover of the Company/JV/Consortium must not be less than 10 mil USD for the past 5 years (i.e. 2014, 2015, 2016, 2017, 2018).*

Is it possible for UNDP to revisit the above criteria as it seems rather challenging for a local company to be qualified for this “EOI for Prequalification” process?

Answer 4: Eligibility and Qualification criteria in the “EOI for Pre-qualification” have been identified together with Beneficiary of the Project namely Turkish Mine Action Center, in line with Project objectives by considering the volume and complexity of the prospective contract, while adhering to fair competition among all companies regardless of Local or International. Therefore, it is not possible to make any revision to the mentioned criteria.

Please also note that “Annual Turnover” is the total gross sales generated by the company in the corresponding year including all commercial activities, regardless of the relevancy with the Demining Services.

Question 5: With reference to Annex II – Prequalification Criteria Table No. PF8 of the “Expression of Interest for Pre-qualification”; it is indicated that *Average Annual Turnover of the Company/JV/Consortium must not be less than 10 mil USD for the past 5 years (i.e. 2014, 2015, 2016, 2017, 2018).* And Other Partner(s) in a Joint Venture or Consortium must individually meet at least %10 of the requirement.

Is it possible for UNDP to remove the 10% criteria set for the other Partner(s)?

Answer 5: Eligibility and Qualification criteria in the “EOI for Pre-qualification” have been identified together with Beneficiary of the Project namely Turkish Mine Action Center in line with Project objectives by considering the volume and complexity of the prospective contract, while adhering to fair competition among all companies regardless of Local or International. Therefore, it is not possible to make any revision to the mentioned criteria.

Please also note that “Annual Turnover” is the total sales generated by the company in the corresponding year including all commercial activities, regardless of the relevancy with the Demining Services.

Question 6: With reference to “Annex II – Prequalification Criteria Table No. PF7 – Similar Experience on Demining” of the “EOI for Pre-qualification”;

Please clarify if having a work completion history is mandatory for each Partner in a JV/Consortium.

Answer 6: As indicated in Table No. PF7 of the EOI, having a work completion history is not mandatory for each Partner in a JV/Consortium as long as the requirement is met collectively. Please refer to below table which can also be seen in detail at Page No. 15 of the "EOI for Prequalification":

| Joint Venture / Consortium | | | |
|-----------------------------------|--------|---|---|
| All Combined | Option | Lead Entity | Other Partner(s) |
| Must meet 100% of the Requirement | 1. | Meets 100% of the requirement alone | No requirement |
| | 2. | Meets more than 50% and less than 100% of the requirement | Collectively meets the remaining requirement at least at an amount that adds up to 100% with the Lead Entity together. For the Lead Entity: Meets more than 50% and less than 100% of the requirement for the completion as the main contractor of mine demining contracts where the total amount of contracts not less than 51% of the 10 mil USD and with at least 1 demining contract" Joint Ventures/Consortiums are limited with maximum 3 members including Lead Entity |

Question 7: With reference to Instructions to Applicants (ITA) Article I. Item 2, it is stated that "An applicant shall be a legally established single entity or a Joint Venture/Consortium."

According to Turkish Labor Law there is no difference between Joint Venture and unincorporated company. Please kindly clarify whether JV terms and conditions are the same with unincorporated company terms and conditions in this sense.

Answer 7: As indicated in Instructions to Applicants (ITA) Article I. Item 2; all members of a Joint Venture shall be legally established single entity. None of the Joint Venture or Consortium members can be a real person.

All prospective applicants are strongly encouraged to receive professional legal advice to clarify legal issues as regard to formation and operation of JV/Consortium in Turkey.

Question 8: As per Annex II - Prequalification Criteria Table (Pass/Fail Eligibility and Qualification Criteria), Table no - PF8 of the EOI, Average annual turnover shall not be less than 10 mil USD for the past 5 years (i.e. 2014, 2015, 2016, 2017, 2018).

- a) Please clarify if above statement shall be interpreted that a company shall be established for at least five years.
- b) Can a company which is established after 2014 be considered eligible if it submits the Financial Statements starting from when the company was established?
- c) Please clarify if we can submit our financial documents for 2015, 2016, 2017, 2018, 2019 counting 5 years back from the present year of 2020?

Answer 8:

- a) A company shall be established for at least five years and shall submit financial statements for the past 5 years (i.e. 2014, 2015, 2016, 2017, 2018) to demonstrate compliance with the requirement.
- b) Companies which are not established for at least 5 years and fail to submit Financial Statements for the past 5 years (i.e. 2014, 2015, 2016, 2017, 2018) will not be considered eligible.
- c) If the accounting period 2019 is already audited, applicants can submit their audited financial statements for 2015, 2016, 2017, 2018, 2019. If the accounting period 2019 is not audited yet, applicants shall submit their audited financial statements for 2014, 2015, 2016, 2017, 2018.

Question 9: Please clarify if a newly established Turkish company with no track record or financial standing can be considered eligible to be a partner in a JV/Consortium.

Answer 9: With reference to Annex II – Prequalification Criteria Table No. PF8 of the “Expression of Interest for Pre-qualification”; Average Annual Turnover of the Company/JV/Consortium must not be less than 10 mil USD for the past 5 years (i.e. 2014, 2015, 2016, 2017, 2018). And Other Partner(s) in a Joint Venture or Consortium must individually meet at least %10 of the requirement.

Any member in a Joint venture/Consortium shall be established for at least 5 years and shall submit financial statements for the past 5 years (i.e. 2014, 2015, 2016, 2017, 2018) to demonstrate eligibility and compliance with the requirement. Any member in a JV/Consortium which is not established for at least 5 years and fail to submit Financial Statements for the past 5 years (i.e. 2014, 2015, 2016, 2017, 2018) will not be considered eligible.

Question 10: Please clarify if a single notarized copy of the “Statement of Joint Venture/Consortium Declaration” will suffice or each member shall notarize “Statement of Joint Venture/Consortium Declaration” separately by their own national notary and attached two notarized copies?

Answer 10: One notarized copy duly signed by all members shall be submitted along with the application package.

Question 11: Please clarify if we shall notarize only the signatures or the entire text in the “Statement of Joint Venture/Consortium Declaration”.

Answer 11: Entire text of "Statement of Joint Venture/Consortium Declaration" shall be notarized as well as the Signature Circular and/or Power of Attorney certified by the notary public which shall demonstrate authority to sign "Statement of Joint Venture/Consortium Declaration" on behalf of the Company(ies).

Question 12: Please clarify if the notarized copy of the JV/Consortium Agreement shall be submitted along with the application package or at the time of contract award.

Answer 12: As per the Instructions to Applicants (ITA), Clause No. 6 of the EOI for Prequalification; duly notarized JV/Consortium Agreement shall be submitted along with the Application.

Question 13: With reference to Annex III – Table of Application Forms given at page number 17 of the EOI for Prequalification, in the right column of the table next to "Form 7 - Declaration of Financial Status" and "Form 8 Security Clearance Form for Site Visit Attendees" it is stated "N/A". Please clarify if applicants will need to complete these forms.

Answer 13: Applicants shall complete all forms given in the "EOI for Qualifications" including "Form 7 - Declaration of Financial Status" and "Form 8 Security Clearance Form for Site Visit Attendees". "N/A" indicates that these two forms are not linked to any Pass/Fail Criteria.

Question 14: In the Instructions to Applicants (ITA), Clause No. 6 of the EOI for Prequalification; it is stated that duly notarized Agreement among the legal entities shall be submitted along with the Application. Whereas in the "Statement of Joint Venture/Consortium Declaration"; it is stated that "If we are awarded the contract, the joint venture agreement shall be notarized and submitted to the Contracting Entity before the contract is concluded". Please clarify.

Answer 14: As per the Instructions to Applicants (ITA), Clause No. 6 of the EOI for Prequalification; duly notarized JV/Consortium Agreement shall be submitted along with the Application. Accordingly; "Statement of Joint Venture/Consortium Declaration" at page number 21 of the "EOI for Prequalification", below clause has been amended as follows:

Original:

...if we are awarded the contract, the joint venture agreement shall be notarized and submitted to the Contracting Entity before the contract is concluded. Lead (pilot) entity of our joint venture shall be[indicate name of the Lead Entity]..... until the completion of work.

...If we are awarded the contract as a result of the joint tender that we submit, we hereby declare, accept and guarantee that the contract shall be signed by all partners

Amended version:

...If we are awarded the contract, original copy of notarized joint venture agreement shall be submitted to the Contracting Entity before the contract is concluded. Lead (pilot) entity of our joint venture shall be[indicate name of the Lead Entity]..... until the completion of work.

...If we are awarded the contract as a result of the joint tender that we submit, we hereby declare, accept and guarantee that the contract shall be signed by the designated lead entity.

Question 15: With reference to Form 1: Applicant Information Sheet given at page number 18 of the “EOI for Prequalification”; is notarized signature required for legal representative of the company or is it required only for person who signs with the Power of Attorney?

Answer 15: As per “Form 1-Applicant Information Sheet” given at page number 18 of the “EOI for Prequalification” Applicants shall submit Signature Circular and/or Power of Attorney certified by the notary public which shall demonstrate authority to sign on behalf of the Company. i.e. the person who signs the application on behalf of a company must be duly authorized by the relevant authorities of that company and this authorization must be indicated through Signature Circular and/or Power of Attorney certified by the notary public for both authorizing person/body of the company and person signing the application.

Question 16:

a. Please clarify if the notarized copy of JV/Consortium Agreement shall be submitted along with the Application or at the time of contract award.

b. Please clarify if notarized copy of “Statement of Joint Venture/Consortium Declaration” given at page number 21 of the “EOI for Prequalification” shall be submitted along with the Application or at the time of contract award.

Answer 16: Both the notarized copy of “JV/Consortium Agreement” and notarized copy of “Statement of Joint Venture/Consortium Declaration” shall be submitted along with the Application.

Question 17: Please clarify if a “Subcontractor Agreement” with a Local Company will bring additional points during evaluation stage of the proposals in the RFP stage?

Answer 17: As indicated in Instructions to Applicants (ITA), Clause number 2; “During evaluation stage of the proposals submitted in the RFP stage, proposers will receive additional points if they opt to form Joint Venture/Consortium/Association with Local Companies. Details of evaluation criteria and respective points to be attained shall be stated in the Request for Proposal to be issued to Prequalified applicants that will be determined at the end of EOI process.

Question 18: With regard to the “Security Clearance Application Form for Site Visit Attendees” given at page number 29 of the “EOI for Prequalification”, would it be acceptable to send more than two application forms, and decide who will be suitable to attend the site visit when the dates are confirmed? This would allow us to ensure attendance at short notice.

Answer 18: Applicants can provide alternate personnel for site visits to a total maximum of 4 people however, maximum two (2) representatives from each prequalified applicant can attend the site visit.

Question 19: In case of applying for pre-qualification as a joint venture, is it required for parties to enter into a joint venture agreement and submit it as part of the application package? In other words, can the joint venture agreement be executed only if and after the contract is awarded to the relevant parties forming the joint venture?

Answer 19: Please see the responses given in "Answer 12" and "Answer 14"

Question 20: If entering into a consortium agreement with our company as the lead partner who will be conducting all the demining tasks, is it a requirement to show the other parties' demining experience within Form 5 if they are just providing manpower?

Answer 20: Please see the response given in "Answer 6".