

Minutes of the Pre-Bidding Meeting for ITB 21/02214

EU4MD/ Reconstruction and revitalization of Ungheni Town Centre

as of 23 March 2021, 11:00,

Online via Zoom platform

<https://undp.zoom.us/j/89598703465?pwd=K3JWWUJxUE14c3M3RHk0RitLNkd0dz09>

Agenda:

- I. Presentation and description of procedures
- II. Questions and answers

I. Presentation and description of procedures

The Pre-bidding conference was opened by *Mrs Liliana Caterov, Procurement and Contracts Coordinator, EU4Moldova Programme*, who welcomed the participants and introduced the members of UNDP team present at the meeting.

She has made an overall presentation of the tender's conditions and requirements, specifically focusing on Sections 3, 4 and 6. While *Mr Vitalie Vieru, Project Officer/Infrastructure, EU4Moldova Programme*, made a presentation of Section 5. Scope of Works.

The **Section 3: Bid Data Sheet** conditions were highlighted as follows:

- The bid must be presented in English language, apart from documents that are issued or approved by the national authorities (e.g. Certificate of Business Registration, Financial Balance Sheets etc.);
- Incomplete bids or bids for parts of works are not accepted. The bid must be submitted for all the works required by the ITB. In case a bidder lacks experience for part of works, they may consider creating a consortium/association or subcontracting a specialized company for specific works. Mrs. Olga Driga, Procurement Associate, UNDP Moldova, added here that bidders must ensure that the ***limit for subcontracting is 30% out of the total bid price. If this limit will be exceeded, UNDP may reject the bid;***
- On 24th March 2021, interested bidders were encouraged to visit the site, so as to be able prepare a complete and reliable all-inclusive bid;
- The bids must be valid for a period not shorter than 90 days. This is the period UNDP is obliged to take a decision and inform the bidders on the tender results. Bidders were encouraged to keep patience until an e-mail informing on the tender results will be sent;

- Bidding under this tender requires submitting a Bid Security in the form of a bank guarantee in an amount not less than US\$ 30,000. It is allowed that bid security is issued in Moldovan leu currency, however, bidders must ensure that equivalent in MDL equals with US\$ 30,000. To check the United Nations operational rate of exchange (changes monthly), please, follow the link <https://treasury.un.org/operationalrates/OperationalRates.php> The template for Bid Security is presented in Section 6, FORM H. Please, insist with the issuing bank that UNDP template is used. Also, no changes are allowed in this form. In case the bank will intend to operate any modifications, please, provide them contact details of *Liliana Caterov* liliana.caterov@undp.org. According to template the Bid Security must be valid "30 days after expiring the bid validity", which means $90+30=120$ – not less than 120 days. For instance, the deadline for ITB was extended, and several bidders managed to submit their bids in time, in order to avoid changing Bid Securities (in case they state a concrete date instead of a template phrase), such a sentence will cover any potential extensions;
- Bids and priced BoQs must be submitted in US Dollars. Also, this will be the currency of the contract, the performance and maintenance securities;
- Referring to the online submission via e-tendering platform, please, pay attention to the video guides, that are available below the announcement <https://sc.undp.md/tnddetails2/2214/>. In case your browser does not visualize the videos below announcement, the links to video-instruction are also presented in the announcement. If following strictly the guidelines you will succeed.
In case, after registering into the e-tendering system, **you encounter problems in logging in** with your personal ID and password, as recommended in the video, try first clearing the browser history and cookies, and then try to log in again. If the problem persist, please write to liliana.caterov@undp.org and we will try to solve the issue. In case there will be need to contact system administrators, Ms Caterov will do so on bidder's behalf.
In case you encounter problems in accessing some system buttons, please, try using another Internet browser. The Atlas e-Tendering System is designed for Internet Explorer browser.
In case you are not registered, you may access the system by using ID "event.guest" and password "why2change" in order to view the bidding event and the supporting documents, however, this will not allow you to bid, unless registered.
- All the clarifications must be submitted not later than 5 days before the tender deadline. In case your questions will be considered relevant for other bidders, the questions, with their respective answers (without disclosing the source of questions) may be published for the use by other bidders. By this the "Fairness, integrity and transparency" procurement principle is respected – all the bidders have access to the same information;
- In case of any updates, amendments or deadline extension the information will be made public

on eTendering and websites: <https://sc.undp.md/viewtenders2/> , <http://procurement-notices.undp.org/> , <https://www.ungm.org/Public/Notice>

Referring to **Section 4. Evaluation Criteria**, Liliana Caterov underlined that this section reflects the ELIGIBILITY and QUALIFICATION requirements to be met by the bidders. Mrs Caterov highlighted only few of them:

- Minimum 5 (five) years of experience in civil engineering contracts as Lead Company;
- Minimum 3 (three) finalized contracts implemented over the last 5 (five) years in a cumulative value of USD 4 (four) Million equivalent in the fields of roads and parking lots construction. The value of at least 1 contract shall not be less than USD 1,000,000 equivalent
- Minimum average annual turnover of USD 3 (three) Million equivalent for the last 3 years.
- The minimum key personnel is mandatory:
 - one (1) certified foreman in the field of roads and bridges construction with at least 5 years of experience in the field required
 - one (1) certified foreman in the field of water supply and sewerage networks with at least 5 years of experience in the field required
 - one (1) certified foreman in the field of electrical installations and networks with at least 5 years of experience in the area required.

For the key personnel their respective CV (as per template in Section 6, Form E) and professional attestation certificates, valid at the date of bid submission must be presented.

- Bidders must demonstrate their capacities to implement and commission all the works within the proposed timeframe, which shall not exceed 180 calendar days;
- The successful bidder's financial standing will be evaluated by calculating Quick Ratio (The quick ratio is an indicator of a company's short-term liquidity position and measures a company's ability to meet its short-term obligations with its most liquid assets);

Section 5a: Scope of Works was presented by *Mr Vitalie Vieru, the Project Officer/Infrastructure, EU4Moldova Programme*, who acknowledged that works, subject of this tender are part of a bigger reconstruction project called „Reconstruction and revitalization of Ungheni Town Centre". The project is planned to be implemented within 3 stages, while works – subject of the current tender - represent Stage 1. This stage consists of works in 3 main directions, such as:

- 1) Construction of dry pedestrian-type fountain with light and music show and development of the adjacent territory in Nationala Street and Independentei Square of Ungheni municipality
- 2) Repair of road pavement in Nationala Str., parking lot arrangement (on the section

between Romana and Stefan cel Mare Streets) in Ungheni municipality

- 3) Arrangement of parking lots in the central area of Ungheni (Alexandru cel Bun and Mihai Eminescu Streets)

All the volumes are indicate in the BoQs attached to the ITB.

As with regard to "Construction of dry pedestrian-type fountain and development of the adjacent territory in Nationala Street and Independentei Square" there is need to demolish the existing road clothing and paving 4082 square meters with vibro-pressed paving (6 cm thickness) and mounting dry type fountain on 610 square meters. Also, there are works related to connection to water supply and sewerage networks, as well as electrical networks which will allow putting into operation the fountain equipment. This section also includes planting of trees, lighting of the square, street furniture etc. All the works are duly prescribed in technical design documentation, available as annexes to ITB.

As with regard to "Repair of road pavement in Nationala Str., parking lot arrangement" there are works of dismantling stone or concrete borders, demolishing the existing road clothing up to 9 cm thickness, rehabilitation of sections of rainwater collection system, 1 layer of primer and 2 layers of asphalt. In this category of works there are also included dismantling of old and installing new road traffic signs, as well as road marking.

As with regard to "Arrangement of parking lots in the central area" there are work similar to "Repair of road pavement in Nationala Str., parking lot arrangement" technical project.

Mr Vieru also pointed out that works must be completed within 180 days period, calculated from the date on which the Contractor is given Access to the Site and receives a notice from the UNDP Engineer to commence the Works and ending on the date of substantial completion of Works stated in the Certificate of Substantial Completion. Such a certificate will be issued after the Preliminary Commissioning Report (Proces-verbal de receptie la terminarea lucrărilor) is accepted and duly signed by all the referred parties.

Section 5b was further presented by Mrs Caterov, who pointed out the followings:

- training for operating equipment is required, especially for fountain equipment. The user guides must be presented in one of the following languages: English, Romanian, Russian;
- the warranty period must not be shorter than 36 months for works, materials and equipment, however it may be longer;
- The contract is based on unit prices, and the final price of the Contract will be determined on the basis of actual quantities of works and materials utilized in the complete and satisfactory performance of the Works.
- **Bidders shall quote reasonable bid prices with an acceptable margin of deviation in comparison to the local market prices at the time of bids preparation. In case of**

unbalances pricing (i.e. despite an acceptable total evaluated price, the price of one of more BoQ line items is significantly over- or under-priced), UNDP have the right to reject the unbalanced bid if it determines that the lack of balance does pose an unacceptable risk to UNDP).

- With regard to Final Completion of works and validity of Performance Security - UNDP will issue a certificate of final completion of works upon expiration of the Defects Liability Period. This period lasts 12 months and starts on the date the Certificate of Substantial Completion is issued by the UNDP Engineer. The dully signed and endorsed Preliminary Commissioning report (Proces-verbal de recepție la terminarea lucrărilor) serves basis for issuing such certificate. According to contract provisions, the Final Completion certificate will be issued by the UNDP after completion of 12 months' Defects Liability Period and physical inspection on site certifying that there are no defects on site which need remedy.

According to ITB conditions the "Performance Security shall be valid until a date -30 days from the date of issue by UNDP of a certificate of final completion" meaning 18 months + 30 days, except those cases when any technical pauses or delays in works are registered. That is why bidder's bank responsible for issuing Performance Security is encouraged to follow the Performance Security template presented in Section 6 Form H without any modification to the content. The Performance Security must be returned to the contractor within 30 days of final completion of the contract and after receipt of the maintenance guarantee, including any warranty obligation.

As with regard to **Section 6. Bidding Forms**, Mrs Caterov made and overview of Forms to be filled in:

- **Form A** is a self-declaration which states that bidder is not declared bankrupt, has not identified any conflict of interests' situations (as per pt. 4 of Section 2) and that bid will be valid for the required by the ITB period (e.g. 90 days). This form must clearly indicate the ITB number and title, must be signed by the legal representative of the company and duly stamped.
- **Form B** must present the information regarding Bidder and in its last section/row the supporting documents to be provided are listed. Bidders were encouraged to follow the same logic when compiling their supporting documents package. Also, bidders were encouraged to use PDF format for presenting such documents, combined logically and dully numbered (in documents' title/name), so that a structure is visible. Bidders were asked to avoid presenting images, especially when a document is scanned page-by-page – they are difficult to read.
- **Form C** must be filled in only if a bid is submitted on behalf of a consortium or association, otherwise it must not be presented. In case of consortium/association Form B must be filled in for each partner.

- **Form D** must reflect the history of non-performing contracts within the last 3 years (if any), the litigation history within the last 3 years (if any), regardless of status (accuser or accused), must list construction sites of similar scope and complexity undertaken within the past 5 years, incl. client and contract details; as well as contracts/works in progress and their estimated delivery date. The Form must also provide prove of bidder's financial standing by presenting relevant information from balance sheets for years 2019, 2018 and 2017. Since 2020 was a challenging year and also the fiscal year for 2020 is not closed yet (the deadline is 30 April 2021 to submit Balance sheets), this year was eliminated from this exercise.
- **Form E** must be filled in so as to provide technical details on the contract implementation stages, risks, time-frame, subcontracting (if the case – since there is a special table provided), as well as must present technical details of the listed fountain equipment. The table, apart from being ticked for compliance, must also state the model and brand of the proposed equipment. This form must be signed by the legal representative of the company and duly stamped. In the same form the template for CV of the key personnel is presented. Bidders are encouraged to follow this template when presenting CVs of the key personnel listed under Section 4. Evaluation Criteria (there are 3 foremen required). Please, ensure that the CV reflects not only incumbent's qualifications and experience, but also provides names and contact details of at least 2 reference persons. UNDP reserves the right to contact those persons into the purpose of due diligence exercise. Please, pay attention to the fact that CV's must be signed only by the referred persons and not bidder's director or administrator.
- **Form F** together with the priced BoQs will form Bidder's Financial Proposal. Both must be calculated in US dollars currency. **According to contract provisions, the unit prices are fixed and are not subject to any variation whatsoever (currency fluctuation, increase of market prices, increase of any taxes etc.), that is why bidders are encouraged to rethink and include all the costs associated with any risks for the implementation of this contract.** In case of deviations between unit prices submitted in the bid and those reported after works completion, UNDP will not accept such deviations and may terminate the contract immediately. When calculating prices in US\$, Bidders may use the exchange rate they think will cover all the costs associated with the contract implementation. **Bidders must not necessarily use the UN operational rate of exchange, however, they are advised that Form F clearly indicates the used exchange rate.**

Form F also lists local standards to be followed by the Bidders when developing BoQs. **Similarly, it clearly indicates that "human power remuneration is not less than medium required by the National Legislation in force (according to INFORMATION on determining the value of construction objects since May 1, 2018 -**

http://www.ednc.gov.md/upload/61/Nota_informativaa.pdf” requirement must be respected for all categories of workers. UNDP will not accept a remuneration below the medium required.

Also, pay attention to the fact that the **financial proposal shall be VAT 0%**. The envisaged project is of technical assistance and falls under international treaties to which Moldova is a party and as a confirmation, the Contractor will be provided with confirming letter. This means that not only the contractor but also its subcontractors can benefit from the 0% VAT reduction for the services provided under this contract. At the same time, in case there are any imports envisaged under this contract, the supplier will bear the responsibility for customs clearance, however, within 24 hours period from written notification, UNDP will issue a letter confirming tax free and VAT 0% application for the imported goods.

- **Forms G, H and I** are templates for Bid, Performance and Advance Securities (Bank Guarantees). **Bidders are required to strictly follow these templates and do not allow banks to operate modifications in the text.** *Mrs. Olga Driga, Procurement Associate*, added that UNDP Moldova does not accept modifications to the Bid Security template.

II. Questions and answers

Question 1: Since 2021 Moldovan manufacturers of asphalt products are required to comply with European (EN) standards, while Moldova still lacks laboratories which may issue such certificates. Please, advise, what kind of certificates must be provided if there is still an issue to obtain locally EN certification for 2021?

Answer: Unfortunately, we are aware of this issue, which we believe will be overcome soon. In this case Bidder may provide the copy of certificate for 2020, as a prove that your products were certified as meeting the standards. Presenting EN certification will be precondition for issuing the contract to the selected contractor. We believe until then the respective certificates may be obtained.

Question 2: As per ITB provisions the Financial Reports and their respective Balance Sheets for 2019, 2018 and 2017 must be presented. Shall these documents be translated into English?

Answer: No, there is no need to translate documents issued or endorsed by the authorities (e.g. Certificate of Business Registration, Professional certifications for key personnel, Balance Sheets etc.).

Question 3: Since there are 3 different technical designs and categories of works, is there possible to bid for 1 or 2 of categories and not for the full works?

Answer: Unfortunately, not. This tender is not divided into Lots and partial bids are not permitted. However, you may consider sub-contracting for those works which you lack capacities to cover with your own efforts (e.g. lack of expertise or professionals in the area).

Question 4: Among the documents to be submitted were listed ISO certificates. Are we obliged to be ISO certified?

Answer: No, this is not a precondition for qualification under this tender. Although, should you hold ISO certification, please, submit a copy as part of your bid.