

Earthquake Recovery and Public Health Preparedness Project
Clarification No. 2 of the Prequalification Documents
Procurement of Works: Reconstruction Works for Clinical Hospital Center Zagreb - Rebro Phase III

Project name: Earthquake Recovery and Public Health Preparedness Project

Source of financing: IBRD Loan No. 9127-HR

Responsible institution: Ministry of Physical Planning, Construction and State Assets

Reference number: MoPPCSA/ER&PHPP/C1.2.2/W-PQ

Procurement method: International Competitive Procurement, Prequalification with Request for Bids for Works

Clarification No. 2 of the Prequalification Documents			Description whether the answer is a clarification or an amendment
No.	Question	Answer	
1.	We would ask you to extend the deadline for submission of prequalification documents for 2 weeks.	With issuing of Amendment No. 1 from August 28, 2023, the deadline for submission of Applications has been extended from August 30, 2023, to September 12, 2023. Employer is of the opinion that the extension is appropriate.	Clarification
2.	We would ask you to change the experience requirements: 4.1. (a) General Construction Experience: „Experience under construction contracts in the role of prime contractor, JV member, subcontractor, or management contractor for at least the last seven (7) years, starting 1st January 2016.“ Instead of last seven (7) years change it to last ten (10) years.	Position of the Employer on this matter is that seven (7) years is more than adequate requirement and provides opportunity for a newly privatized construction industry with limited period of existence, but with suitable experience and capacity to participate in this process. Increasing the number of years would only limit the market with no significant benefit to the project.	Clarification

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3.	<p>We would ask you to change the experience requirements: 4.2 (a) Specific Construction & Contract Management Experience „The works contract on a hospital building should be related to construction or reconstruction of a hospital with a minimum value EUR 70 million or minimum gross surface area of 25,000 m2.“</p> <p>Instead of minimum gross surface area of 25,000 m2 -> 23,000 m2.</p>	<p>In Section VII – Scope of Works under Description of Works as well as in the Conceptual Design document submitted to Applicants with the Prequalification Document, it is evident the planned gross floor area of the new Hospital Building is 34.789,6 m2. The requirement for Specific Construction & Contract Management Experience, set at 25,000 m2, is already significantly lower than the gross area of future construction works, therefore no changes are possible to the Qualification Criteria.</p>	Clarification
4.	<p>In the qualification criteria it 4.2. (a) it is stated: The experience needs to be related to construction or reconstruction of a hospital that is fully complaint with EU regulations or equivalent. Please clarify equivalent regulations. Are Turkish regulations acceptable?</p>	<p>When referring to "equivalent regulations" for hospital construction experience in the Qualification Criteria Section 4.2(a), this generally means building codes, standards and regulations governing hospital design, construction and operations in other developed countries/regions besides the European Union (EU) that can be considered comparable or equivalent to EU regulations in terms of ensuring quality, safety and functionality for a modern hospital facility.</p> <p>The key considerations are that the standards/regulations cover requirements comparable or equivalent to EU as for critical aspects like structural safety, fire safety, sanitation, HVAC systems, medical gas systems, building accessibility, functionality for clinical workflows etc. in order to demonstrate equivalent experience designing/ constructing healthcare facilities to the required modern standards.</p> <p>The Employer cannot pre-approve certain countries' regulations to be fully complaint with EU regulations or equivalent, i.e., such elaboration and demonstration of compliance is responsibility of the Applicant.</p>	Clarification

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5.	<p>In the Qualification Criteria 4.2. (a) it is stated that other reference (contract) shall refer construction or reconstruction of non-residential buildings with minimum value of EUR 75 million or minimum GSA 35.000 m2</p> <p>Please clarify that if other contract is also hospital that is meeting EUR 75 million or/and 35.000 m2 GSA is acceptable?</p>	<p>In the requirement description of the Qualification Criteria 4.2 (a) Specific Construction & Contract Management Experience it is clearly stated that hospitals are considered non-residential buildings hence the other contract can also be a reference to a hospital building as long as it meets the minimum value or gross surface area requirements.</p>	Clarification
6.	<p>As we have 2 persons authorized to represent JV by the power of attorney – shall both sign all documents. Also please confirm that POA for both persons is enough?</p>	<p>Paragraph ITA 15.1 in Section I - Instructions to Applicants states in case the Applicant is a Joint Venture (JV), the Application shall be signed by an authorized representative of the JV on behalf of the JV and so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized signatories.</p> <p>This leaves two options for the Applicants which are JVs, either all JV members shall sign the Application or only the authorized representative signs the Application.</p> <p>With second option the power of attorney shall be signed by in this particular case both persons authorized to represent the JV while all other documents, including the Application can be signed by the designated person to act on behalf of the JV as authorized in power of attorney.</p> <p>This procedure is also indicated in Section IV - Bidding Forms, as at the end of the Application Submission Letter following instructions are listed: for a joint venture, either all members shall sign or only the authorized representative, in which case the power of attorney to sign on behalf of all members shall be attached.</p>	Clarification
7.	<p>Please clarify does submission document must be sign be legally representative that is stated in company registration as legal representative/s or representative/s that is appointed for this application by POA can sign.</p>	<p>Based on the instructions in the Prequalification Document, the Application Submission Letter and other forms can be signed either by:</p>	Clarification

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		<p>Legally Authorized Representative per Company Registration</p> <p>OR</p> <p>Representative appointed through Power of Attorney (POA)</p> <p>The key requirements are:</p> <p>As per ITA 15.1, the Application shall be signed by a person "duly authorized to sign on behalf of the Applicant".</p> <p>For a joint venture, the POA must be signed by the legally authorized signatory of each JV member (ITA 15.1).</p> <p>The POA must clearly grant authorization to the representative(s) to sign the Application on behalf of the Applicant.</p>	
8.	<p>In the Form EXP - 4.2(b) Construction Experience in Key Activities</p> <p>All Sub-contractors for key activities must complete the information in this form as per ITA 24.2 and 24.3 and Section III, Qualification Criteria and Requirements, 4.2.</p> <p>As JV does not have any subcontractors but is performing all key activities by JV members clarify if there is a need to fill form 4.2 (b) Construction Experience in Key Activities</p>	<p>Please note that in Section III - Qualification Criteria and Requirements, under 4.2 (b), where construction experience in key activities should have been defined, there is a remark "Not applicable" instead. Therefore, Form EXP - 4.2(b) Construction Experience in Key Activities should not be filled and submitted.</p>	Clarification
9.	<p>For paragraph 4. Experience 4.2. Specific Construction & Contract Management Experience is it possible to rely on the subcontractor's references?</p>	<p>Paragraph 25.2 in Section I - Instructions to Applicants states that the subcontractor's qualifications shall not be used by the Applicant to qualify for the Works. It seems reasonable that such subcontractor could be a member of the Joint Venture if he has references complaint with the requirements.</p>	Clarification

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10.	For paragraph 3. Financial Situation and Performance, 3.1 Financial Capabilities, can you specify the exact document that should be submitted to prove point 3.1.(i) (cash flow requirements estimated as EUR 10 million).	<p>To demonstrate that the Applicant has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements, the Applicant can provide following documents:</p> <ul style="list-style-type: none"> • Audited financial statements showing the applicant's net worth and current assets/liquidity position. • Proof of lines of credit from banks and financial institutions indicating amounts available such as statements from the Bank on the availability of such funds, copies of agreements for lines of credit etc. • A written commitment letter from the Applicant's bank(s) or financial institutions confirming the applicant's creditworthiness and ability to raise the required EUR 10 million funding based on past financial performance and assets. <p>Essentially, a combination of documents needs to be provided to demonstrate the Applicant's financial capacity and backup sources of funding to meet a EUR 10 million cash flow requirement for the construction works.</p>	Clarification
11.	<p>For paragraph 3. Financial Situation and Performance, 3.2 Average Annual Construction Turnover, according to point 3.2. the minimum annual construction turnover is EUR 100 million.</p> <p>Is there a possibility to reduce the minimum average annual construction turnover to EUR 90 million, that is, to half the assessed value?</p>	<p>The Average Annual Construction Turnover is a critical Qualification Criteria which is an indicator of capacity of the Applicant and cannot be lowered. The current requirement is already on the lower end of the recommended values for this type of construction works and lowering it would increase risks for the Employer.</p> <p>We draw attention to the Applicants, that to meet any requirement, entities can form a joint venture to meet certain Qualification Criteria.</p>	Clarification

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12.	Would you please approve that certain requested documents issued by authorized institutions be delivered in the Croatian language?	According to paragraph ITA 10.1 in Section II - Prequalification Data Sheet, the Application shall be submitted in English language and language for translation of supporting documents and printed literature is English, hence documents issued in Croatian language should be accompanied by an accurate translation of the relevant passages in the English language.	Clarification
13.	In the documentation, it is stated that it is necessary to submit the requested documents in originals and copies in point 15. In point ITA 15.2 it says that the requested documents are to be submitted only electronically and no copies are required? Could you please explain how the request for participation is submitted?	Section II - Prequalification Data Sheet, under ITA 15.2 states that Applications shall be submitted only electronically and no copies are required. Additionally, ITA 17.1 provides detailed instructions for electronic Application submission procedures. So based on the information provided in the PDS, which takes precedence as it is specific to this prequalification, the application should be submitted electronically only, with no physical originals or copies required.	Clarification
14.	Due to the complexity of the requested project and the annual holidays of the authorized institutions that issue the documents you are looking for in the procedure, I ask you to extend the deadline for submitting the request for participation by 2 to 3 weeks.	Please see answer under no. 1.	Clarification

Project Implementation Unit