

QUESTION #34

In the procedure itself it was not clear whether for the Application was necessary to attach certified translations provided by a sworn-at-court translator, so our client, upon performed full legalization in China without certified translation, delivered to your address (via UPS).

Considering that the deadline for submission of documents was extended, is it possible that our client additionally supplements documentation i.e. additionally deliver the translations of a sworn-at-court translator and in which manner it can do that?

PITANJE BROJ 34

U samoj proceduri nije bilo jasno da li je za Prijavu na tender bilo potrebno priložiti overene prevode dokumentacije od strane sudskog tumača pa je nas klijent je uradio punu legalizaciju dokumenata u Kini i kao takvu bez overe prevoda sudskog tumača dostavio na vasu adresu (putem UPS-a).

S obzirom da je rok za dostavu dokumentacije produžen, da li nas klijent može da izvrši dopunu dokumentacije tj. naknadno da dostavi overene prevode sudskog tumača i na koji način to može da učini?

ANSWER TO QUESTION #34

A bidder must deliver these additional documentation completely in the same way like the Application package (as defined in the Public Invitation) and it should provide notification „Additional documentation for the Application number (specify) / DO NOT OPEN“. Translations of a sworn-at-court translator must be attached with the copies of the appropriate documents in foreign language - if no original documents in foreign language are available due to the fact such original documents have been already submitted to ANT within the initial Application package.

ODGOVOR NA PITANJE BROJ 34

Ponuđač mora dostaviti dodatnu dokumentaciju u svemu na isti način kao paket sa Prijavom (kako je definisano u Javnom pozivu), uz navođenje ”dopuna paketa prijave broj (upisati) - ne otvarati”. Prevodi sudskog tumača moraju biti povezani sa kopijama odnosnih dokumenata na stranom jeziku – ukoliko originalni primerci dokumenata na stranom jeziku više nisu dostupna zato što već dostavljeni ANT-u u inicijalnom paketu sa Prijavom.

QUESTION #35

As a matter of fact, we cannot find Certified Court Translator of Serbian Language domestically. In Consequence, in the first package of our bidding application aiming at the original deadline which is February 27th, the translation of Serbian Language of certain document is not included. Now that, the deadline has been extended to March 10th, we will manage to find certified court translator here in Republic of Serbia and make it as supplementary document to the original package within the defined time schedule. We wish this solution can be understood and accepted by your esteemed side.

PITANJE BROJ 35

Nismo mogli da pronađemo ovlašćenog sudskog tumača za srpski jezik u našoj zemlji. Iz tog razloga, prvi paket sa Prijavom, da bi stigao pre inicijalnog roka koji je bio 27. februar, poslat je bez odgovarajućeg prevoda pojedinih dokumenata. Sada, kada je rok

produžen do 10.marta, možemo overene prevode obezbediti ovde u Republici Srbiji i dostaviti ih, u predviđenom roku, kao dodatnu dokumentaciju u odnosu na originalni paket. Nadamo se da će rešenje koje predlažemo biti prihvaćeno sa Vaše cenjene strane.

ANSWER TO QUESTION #35

Please refer to Q&A #34.

ODGOVOR NA PITANJE BROJ 35

Molimo pogledajte odgovor na pitanje #34.

QUESTION #36

In Q&A file, answer to question number 4 refers to Article 3.5. of the Public Invitation, stipulating that even the application for participation must be provided with official translation of the court interpreter. We would like hereby to pay an attention on the following:

=> You have officially published the following documents in English and Serbian language: Application for participation in the Procedure, Statement on fulfilment of conditions for participation in the Procedure, bilingual Non-disclosure Agreement
=> Our client who is foreign legal entity has filled in the forms in English language because they have been published by you
=> We do not see the reason that the above forms are translated into Serbian language, because from the very beginning they have been provided by you in bilingual form.
Please explain?

PITANJE BROJ 36

U delu "pitanja i odgovori" na pitanje broj 4. dat je odgovor kojim se vezujete za odeljak 3.5 Javnog poziva i kazete da cak i prijava za ucesce mora da ima zvanican prevod sudskog tumaca. Ovim putem moram da vam skernem paznju na sledece:

=> Zvanicno ste objavili sledeca dokumenta na engleskom i na srpskom jeziku: Prijava za ucesce u Postupku, Izjava o ispunjenosti uslova za ucesce u Postupku, dvojezicno Ugovor o zabrani objavljivanja podataka

=> Nas klijent kao strano pravno lice naravno je popunio formulare na engleskom jeziku jer ste ih vi objavili

=> Ne vidim razlog da se gore pomenuti formulari prevode na srpski jezik kada ste ih vi u startu dali dvojezicno.

Molim za pojasnjenje ?

Takodje vas molim za odgovor na pitanje postavljeno u prethodnom mailu a tice se naknadne dostave overenih prevoda..

ANSWER TO QUESTION #36

Please refer to Question and Answer #4. Any document provided by bidders in a foreign language (English or other language) as part of the Bidding Packages shall be accompanied with a translation into Serbian language made by a certified court translator.

Please also refer to Question and Answer #34.

ODGOVOR NA PITANJE BROJ 36

Molimo pogledajte odgovor na pitanje broj. 4. Bilo koji dokument dostavljen od strane ponuđača na stranom jeziku (engleskom ili nekom drugom jeziku) kao sastavni deo Paketa ponude mora imati prevod na srpski jezik sačinjen od strane ovlašćenog sudskog tumača.

Takođe, molimo pogledajte odgovor na pitanje broj 34.

QUESTION #37

As we are all aware the initial Submission date of Application has been scheduled for Saturday 25th of February. With consideration to the above date, on Tuesday February 21st we sent you by courier and with the below e-mail our Application for the above Project. On Friday February 17th at 11.46 pm , we received an e-mail of yours informing us that if our email relates to question about concession, answers will be provided on the following link CONCESSION. For all other matters, we will come back to you in due time.

When we sent you our Application no Q/A have been uploaded in the link Concession. Thus it was impossible for us to know in advance that amongst other issues , a question concerning the Language of the Application (English) has been raised by an Applicant and you replied that the Application should be submitted in Serbian language only. In addition to the above you set up a new Submission date for Friday 10th of March 2017. Although our application has been already submitted, we are trying with our Office in Belgrade to translate in Serbian Language the Application File. We hope that we can manage it on time. However we are not sure if the translator will accept to certify copies of the Submitted Documents, since the Originals have been sent to you.

Kindly note that the Project is a significant International Concession Contract. Such type of Projects are always very demanding in terms of financing, Legal Issues etc. . Thus all the Documents should be set at the disposal of various Financial Institutions and Legal Advisors Worldwide.

With all due respect if you exclude the English Language which should prevail, it will be quite difficult for the majority of the participants to deal with the above Institutions You are kindly requested to accept the submission of our Translated Documents and to take into your consideration our request and to allow the use of the English Language as primary Language of the Procedure . We believe that if you agree with our proposal it will be for the benefit of the Project, since more Companies or Consortia will be interested to participate.

PITANJE BROJ 37

Kao što smo svi upoznati, incijalni datum za podnošenje Prijave je bio 25. februar. Imajući u vidu gornji datum, mi smo u utorak, 21. februara poslali kurirskom poštom i u donjem emailu našu Prijavu za gornji Projekat.

U petak, 17. februara u 23.46 časova, primili smo Vaš email kojim nas obaveštavate da “ukoliko se naš email odnosi na pitanja vezana za koncesiju, odgovori će biti dostavljeni na sledećem linku KONCESIJA. Za sva ostala pitanja, mi ćemo Vam odgovoriti u dogledno vreme.

Kada smo Vam poslali našu Prijavu nijedno pitanje/odgovor (Q&A) nije bilo objavljeno na linku Koncesija. Iz tog razloga, nije bilo moguće unapred znati da će, između ostalih pitanja, pitanje koje se tiče jezika Prijave (engleski) biti postavljeno od

strane podnosioca prijave i da ćete im Vi odgovoriti da Prijava mora biti podneta samo na srpskom jeziku. Dodatno, Vi ste utvrdili novi rok za podnošenje prijava za petak 10. mart.

Iako je naša prijava već bila podneta, mi pokušavamo sa našom kancelarijom u Beogradu da organizujemo prevod Prijave na srpski jezik. Nadamo se da ćemo u tome uspeti na vreme. Nezavisno od toga, nismo sigurni da li će prevodilac prihvatiti da overi kopije podnetih dokumenata, imajući u vidu da su originali predati Vama.

Molimo Vas da imate u vidu da je Projekat značajan međunarodni koncesioni ugovor. Takva vrsta Projekata je uvek veoma zahtevna u smislu finansija, pravnih pitanja, itd. Zbog toga, sva dokumenta moraju biti stavljena na raspolaganje različitim finansijskim institucijama i pravnim savetnicima širom sveta.

Uz svo dužno poštovanje, ako isključite engleski jezik koji bi trebalo da bude merodavan, biće veoma teško većini učesnika da saraduje sa gornjim institucijama.

Ljubazno Vas molimo da prihvatite prijem prevedenih dokumenata i da uzmete u razmatranje naš zahtev da se dozvoli korišćenje engleskog jezika kao glavnog jezika u Postupku.

Verujemo da će, ukoliko prihvatite naš predlog, on biti za dobrobit Projekta, s obzirom na to da će veći broj kompanija ili konzorcijuma biti zainteresovan da učestvuje.

ANSWER TO QUESTION #37

Please also refer to Question and Answer #4 and #34. As to the language of the procedure, please refer to the Section 3.5 of the Public Invitation.

ODGOVOR NA PITANJE BROJ 37

Molimo pogledajte odgovor na pitanje broj 4 i broj 34. Što se tiče jezika postupka, molim pogledajte član 3.5 Javnog poziva.

QUESTION #38

Despite the extension of the deadline for submitting Applications from February 25 to March 10 2017, we understand that the duration of the Phase 1 has not been modified. Thus, the deadline for submitting the non-binding bids would remain the April 10th 2017.

Consequently, should the bidders receive the Tender Documents 5 days after the March 10th 2017 (that is March 15th 2017), the remaining available time is not sufficient to prepare a non-binding bid that would be satisfactory to all parties. Furthermore, pursuant to the Concession Agreement, we are to provide you with our comments on and draft amendments to the term sheet of the Concession Agreement 15 days before the expiry of the deadline that is March 26th 2017. In our opinion, 11 days is not a sufficient duration to comment and review such an important document.

Therefore, we would like to kindly ask you for an extension of the Phase 1 for a reasonable time. We would suggest postponing the deadline for submission of the non-binding bid to the April 28th 2017.

By the same token, we believe that the deadline for submission of Phase 2 deliverables should be postponed accordingly. We would kindly suggest July 28th 2017.

PITANJE BROJ 38

Uprkos tome što je rok za podnošenje Prijava sa 25. februara produžen na 10. mart 2017. godine, razumeli smo da trajanje Faze 1 nije produženo. To znači da rok za podnošenje neobavezujućih ponuda ostaje 10. april 2017. godine.

Kao posledica toga, ako ponuđači dobiju Konkursnu dokumentaciju 5 dana nakon 10. marta 2017. godine (a što je 15. mart 2017. godine), preostalo vreme nije dovoljno da se pripreme neobavezujuće ponude koje će biti zadovoljavajuće za sve strane. Štaviše, mi bi trebalo da dostavimo naše komentare i predloge izmena Bitnih elemenata ugovora o koncesiji 15 dana pre isteka ovog roka a što znači do 26. marta 2017. godine. Po našem mišljenju, 11 dana nije dovoljno vremena da se analizira i komentariše tako značajan dokument.

Prema tome, želeli bismo da Vas ljubazno zamolimo za produženje Faze 1 za razumno vreme. Mi bismo predložili produženje roka za podnošenje neobavezujućih ponuda do 28. aprila 2017. godine.

Shodno tome, verujemo da bi rok za podnošenje dokumenata u Fazi 2 trebalo da bude produžen na isti način. Mi bismo ljubazno predložili da to bude 28. jul 2017. godine.

ANSWER TO QUESTION #38

Please also refer to Question and Answer #32

ODGOVOR NA PITANJE BROJ 38

Molimo pogledajte odgovor na pitanje broj 32.

QUESTION #39

Can you please provide me with one technical information on behalf of one of the Bidders. Please provide me with the number or reference for the concession that needs to be inserted as a reference number in the payment order for the request for protection of rights.

PITANJE BROJ 39

molim Vas u ime Ponudjaca za jednu tehnicku informaciju, a to je broj ili oznaka koncesije koji treba navesti u pozivu na broj u nalogu za placanje za zahtev za zastitu

ANSWER TO QUESTION #39

Public bodies did not assigned number or reference or any mark.

ODGOVOR NA PITANJE BROJ 39

Javna tela nisu dodelila broj ili oznaku za predmetni postupak.

QUESTION #40

1. We understand from the Public Invitation (in particular section 2.3.1) read in conjunction with the various responses to candidates' queries, that the following documents are to be submitted as part of the Application to Participate:

- (a) Completed and executed Application Form (both in English and Serbian)

- (b) Completed and executed Statement of Compliance in relation to the participation criterion specified in section 4.1 of the Public Invitation (both in English and Serbian)
 - (c) Completed and executed NDA, which is already bilingual (English / Serbian)
 - (d) Either:
 - (i) A certified excerpt from the relevant company registry or other relevant public authority evidencing that the signatory of the documents under items a, b and c above is the statutory or authorised representative of the single bidder or the member of the bidding consortium or
 - (ii) A certified power of attorney to the authorised representative(s) of the single bidder or each member of the bidding consortium.
- The said documents need to be notalised / legalized / apostilled (where applicable) and translated into Serbian by a certified translator.

(e) Proof of payment of the fee to receive the Phase 1 Tender Documents.
Please confirm.

2. Could you please provide us the documents under items (a) and (b) of section 2.3.1 of the Public Invitation (i.e. Application Form and Statement of compliance) in Serbian language? We could then sign them both in English and Serbian and submit them as part of the Application.

PITANJE BROJ 40

1. Naše razumevanje Javnog poziva (člana 2.3.1), kao i odgovora na brojna pitanja kandidata, je da sledeća dokumentacija mora biti podneta kao deo Prijave za učešće:

- (a) Popunjen i potpisan obrazac prijave (na oba jezika, engleskom i srpskom)
 - (b) Popunjenu i potpisanu izjavu o ispunjenosti uslova za učešće u postupku propisanih u članu 4.1. Javnog poziva (na oba jezika, engleskom i srpskom)
 - (c) Popunjen i potpisan Ugovor o zabrani objavljivanja podataka, koji je već dvojezičan (englesko/srpski)
 - (d) i:
 - (i) overen izvod iz registra privrednih društava ili drugog nadležnog organa koji dokazuje da je potpisnik gornjih dokumenta pod brojevima a, b i c zakonski zastupnik ili ovlašćeni predstavnik individualnog ponuđača ili članova izabranog konzorcijuma ili
 - (ii) overeno punomoćje izdato ovlašćenom predstavniku odnosno predstavnicima individualnog ponuđača ili svakog člana izabranog konzorcijuma.
- Navedena dokumenta moraju da budu notarizovana/legalizovana/snabdevena apostilom (gde je primenjivo) i prevedena na srpski jezik od strane ovlašćenog prevodioca.

(e) Dokaz o uplati naknade za dobijanje Konkursne dokumentacije za Fazu 1.
Molimo za potvrdu.

2. Da li možete da nam dostavite dokumenta pod tačkama (a) i (b) člana 2.3.1. Javnog poziva (Obrazac prijave i Izjava o ispunjenosti uslova) na srpskom jeziku? Tako ćemo moći da ih potpišemo na engleskom i srpskom jeziku i podnesemo kao deo naše Prijave.

ANSWER TO QUESTION #40

1. Please refer to Question and Answer #4 and #6.
2. Application Form and Statement on fulfillment of conditions for participation in the Procedure in Serbian language are available on web site of ANT and Public Procurement Portal.

ODGOVOR NA PITANJE BROJ 40

1. Molimo pogledajte odgovore na pitanja broj 4 i 6.

2. Obrazac prijave i Izjava o ispunjenosti uslova za učešće u Postupku na srpskom jeziku su objavljeni na sajtu ANT-a i Portalu javnih nabavki.