



Друштво са ограниченом одговорношћу за производњу и дистрибуцију
енергије и флуида и пружање услуга
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Date: April 26th, 2018

FOR POTENTIAL BIDDERS

Subject: Reply to a request for additional information or clarification regarding the preparation of the bid

At the request of an interested party for the additional information or clarification regarding the preparation of bids in an open public procurement procedure whose object are goods, **"Reconstruction of Boiler Room "ZASTAVA" with the purpose of replacing a part of the capacity of coal-fired boilers with the combined natural gas-powered and heavy fuel oil-powered boilers, Phase I"** - number of the public procurement **1.1.47 / 2017**, Purchaser in accordance with Article 63 of the PPL, publishes answer.

Questions:

Regarding procurement number 1.1.47 **"Reconstruction of Boiler Room "ZASTAVA" with the purpose of replacing a part of the capacity of coal-fired boilers with the combined natural gas-powered and heavy fuel oil-powered boilers, Phase I"**, considering the Article 63 of the Law on Public Procurement, please explain the contents of bidding documents in the part concerning collateral.

Specifically, on page 45 of the tender documentation, as a means of financial security of the Framework Agreement and individual contracts, concluded on the basis of the same it has been stated that a bank guarantee for good performance lasts at least 5 days after the date of expiry of the Framework Agreement /contract signed/ arising from the Framework Agreement, or no later than the expiration of 60 days from the date of expiry of the Framework Agreement/contract/s signed/ arising from the Framework Agreement.

First question is whether it is enough that the validity period of the bank guarantee for good performance of the Framework Agreement claims the period for 26 months from the date of signing of the Framework Agreement, because in the Article 1 of the same states that it will be concluded for a period of 2 years? Note that the question we ask because the bank is unable to issue letters of intent, required by tender documents without precision guidance periods for validity and the amount of collateral.

Second question – Considering that the value of the individual contracts arising from the Framework Agreement is not determined, our question is whether the amount of the bank guarantee for good performance for a single contract can read 10% of the total value of individual contracts? This we ask for the issuance of letters of intent for bank guarantees by individual contracts.

The third question - Will the Purchaser return the collateral to the good performance of the Framework Agreement and individual contracts before the expiry of their validity defined tender documentation after the complete fulfillment of contractual obligations of the Purchaser, as provided by Article 14 of the Ordinance on mandatory elements of tender documents for public procurement procedures and the manner of proving the fulfillment of conditions?

Reply:

- Yes, this means that a bank guarantee for good performance for a framework agreement may be drawn up in the period of 26 months from the date of signing of the Framework Agreement, as defined by the tender documentation.
- Yes, it is necessary to submit a letter of intent for the issuance of bank guarantee for good performance in the amount of 10% of the value of each individual contract arising from the Framework Agreement.
- Purchaser will in accordance with the tender documents and public procurement procedure return delivered collateral for good performance to the selected bidder after fulfilling contractual obligations by each individual contract (which includes delivery of correct goods that are in full compliance with the technical specification from the tender documents, the supporting documentation for the delivered goods, the promissory note for the refund of advance payments and the promissory note for the elimination of defects during the warranty period) and signing of the proceedings on quantitative and qualitative receipt of the goods by the Purchaser. As far as the collateral for good performance that are delivered with the framework agreement, if selected bidder has fulfilled all the obligations stipulated in the framework agreement before the expiration of the estimated duration of the framework agreement of 24 months, they will be returned to the selected bidder.

No amendment of the tender documentation is made.

Commission for public procurement No. 1.1.47/2017