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CLARIFICATION (1) OF TENDER DOCUMENTS – 97/U/19

In accordance with Article 63 of Public Procurement Law ("Official gazette of Republic of Serbia" no. 124/12, 14/15 and 68/15) and based on written request of interested party to provide additional information related to the preparation of bid in public procurement procedure for PP 97/U/19 - Aviation English Courses for Air Traffic Control Officers, we provide the following answers:

Question 1:

Whilst preparing Form V-7 of the documentation, we have been asked by a previous contractor to clarify the content of 'Article 77, paragraph 2, item 2) under (2) of the Public Procurement Law'. Unfortunately, we are unable to find this specific section. Could you please send it to us?

Answer 1:

Article 77, paragraph 2 of the Public Procurement Law reads as follows:

„Bidder may prove fulfillment of requirements under Article 76 Paragraph 2 of this Law by supplying evidence with the bid, such as:

1) report on solvency or scoring issued by the competent body; balance sheet with opinion of authorized auditor, or excerpt from such balance sheet; statement of bidder's overall income from sale and earnings from products, works or services to which the public procurement contract relates – for no longer than the previous three financial years; opinion or statement of banks or other specialized institutions. The minimum annual revenue required from the bidder may not be greater than the double amount of the estimated value of public procurement, other than in exceptional cases where it is necessary due to special risks associated with the subject of given public procurement.* Contracting authority shall specify in tender documents which proof under this Point it has chosen and/or which other proofs evidencing the financial and economic capacity the bidder has to submit;

2) one or more proofs pertinent to the subject of contract, the quantity and the intended purpose, such as:

(1) list of most important works performed, goods delivered or services provided, over a period not longer than eight years for works, or five years for goods and services, together with the amounts, dates and lists of purchasers or contracting authorities;

(2) professional references accompanying the list of most important works performed, goods delivered or services provided;

(3) description of bidder's technical equipment, quality assurance measures, and research and development capacity;

(4) statement on key technical staff and other experts*, who will be responsible to implement contract, and on persons responsible for quality control;

(5) sample, description or photograph of product, and description of works or services that bidder is going to perform or provide. In case of doubt, contracting authority may demand proof of authenticity of samples, descriptions or photographs;

(6) compliance declaration, certificate, accreditation and other results of compliance assessment according to standards and related documents for compliance assessment, or any other appropriate instrument by which bidder proves the compliance of bid with technical specifications or standards requested in tender documents.”

- Article 77 of the Public Procurement Law defines possible evidences for proving Additional Requirements for participation in the tender procedure. In item 2) under (2) of this Article it is stated that the Bidder may submit **professional references for proving additional requirements – business capacity.**

Sr. Prizorlet de... ..
Public Procurement Committee