



Subject: additional clarifications no. 3 in accordance with Article 63 paragraph 3 of Public Procurement Law ("Official Gazette of the Republic of Serbia" number 124/12) in an open public procurement procedure for the procurement of goods with the services "Information System to Support the Sale of Electricity", PP number 31/14/DIKT, for which Invitation to Tender was published on Public Procurement Portal on 20.06.2014.

Five and more days prior to expiry date foreseen for submission of tenders in subject public procurement procedure, interested party has submitted to the Employer via e-mail request for additional information, i.e. clarifications, regarding which the Employer, i.e. Public Procurement Committee, in accordance with provision of Article 54 paragraph 12 item 1) of the Law shall provide the following information i.e. clarifications within three days from the day of the receipt of the request:

Question 1: "In order to fit EPS' requirements, we will propose an ETRM solution and a Logistics solution as well. Could EPS choose a different vendor for ETRM and another one for Logistics? Especially, we are offering a unique logistic solution for cross border nomination in the South East European markets and therefore EPS might prefer that part from us."

Answer 1: EPS has defined the subject of the public procurement procedure in Tender Documents, Section 2. General data on public procurement, point 4 as follows:

Subject of public procurement procedure: **Information system to support the sale of electricity (hereinafter "ISSSE" or "System")**.

"Procurement of the Information system to support the sale of electricity consists of the following three items to be procured within this tender as one package altogether referred to as "ISSSE Project" or "Project":

1. ISSSE Licenses - Procurement of the licenses of the existing ISSSE solution with the minimum required and mandatory functionality defined in Section 6.1 of this document,
1. ISSSE Implementation Services - PE EPS requirements analysis, specification, existing ISSSE solution customization and/or development and implementation services defined in Section 6.1 of this document,
1. ISSSE 1year Operation Support - One year operation support of the implemented ISSSE solution at PE EPS defined in Section 6.1 of this document.

Subject of public procurement procedure detailed description is specified in Section 6.1."

All tenders not complying with the requirements specified above, will be rejected as incorrect. Tenders proposing to deliver just part of the requirements specified above will be rejected as incorrect.

In order not to discriminate potential bidders, EPS has described ISSSE solution in terms of minimal functionality requirements (please refer to the Section 6.1 of Tender Documents) and does not set any limits on internal architecture or number of vendors and/or subsystems delivering the required ISSSE solution providing that minimum functionality requirements as specified in Section 6.1 of the Tender Documents will be met.

Question 2: "Local references are requested: " At least 5 ISSSE projects from RR within the last 5 years with combined value of \geq €9m, out of which." We have 150 customers in Europe but not yet in the South East European market, will this work for EPS?"

Answer 2: Due to specifics of the Central and South-East European market in which EPS operates, EPS requires experience of potential bidders from Reference Region for the required business capacity (see section 5.2.2 of Tender Documents). Reference Region has been defined in section 1. of the Tender Documents as follows:

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| Reference Region | RR | Reference region of Central and Southeast Europe: Albania, Bulgaria, Bosnia & Herzegovina, Croatia, Czech Republic, Greece, Hungary, Macedonia, Montenegro, Poland, Romania, Serbia, Slovakia, Slovenia, Turkey. |
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Question 3: "There is a request of having minimum 15 Serbian speakers for the project and each should have many years of experience. However as an European vendor, we have mainly English speakers and 1 Serbian speaker thanks to our local partner based in Slovenia. They have plenty of experience from the different liberalized markets in Europe which could be beneficial for EPS. Will this work for EPS?"

Answer 3: EPS wants to ensure fluent delivery of the subject of the public procurement procedure as defined in Tender Documents, Section 2. General data on public procurement, point 4 and at the same time EPS wants to secure fluent operation of the ISSSE system after it has been implemented by EPS employees. Official language in Serbia is Serbian language and therefore EPS requires potential bidders to prove required staff capacity as defined in section 5.2.3 of the Tender Documents:

- minimum 30 full time employed consultants with working consulting experience of at least 3 years, out of which:
 - minimum 15 full time employed consultants can fluently speak, read and write in Serbian language and have working consulting experience in ISSSE or ERP and
 - at least 5 have ISSSE consulting experience; and
- minimum 5 full time employed programmers with working ISSSE programming experience of at least 5 years.

Question 4: "Is the deadline for the project only indicative and especially the first one?: "from Contract signature but not later than 20.12.2014". What happen if the legal negotiation takes at least a couple of weeks like it is usually the case? In addition, we would like to use our standard agreement terms in English and under UK laws which is in place for all our European customers. Will this be acceptable for EPS?"

Answer 4: Deadlines specified in the Tender Documents are NOT indicative and they must be accepted and complied with by each Tenderer.

As specified in section 4.26 of the Tender documents: "Tenderer is obliged to fill in, sign and stamp the given Model Contract and Model Confidentiality Agreement and submit with the Tender." Model Contract cannot be amended, changed or adjusted in any way by the Tenderer and must be accepted as it is by each Tenderer.

Question 5: "Could you please explain why we need a Bank guarantee and block 5% in our account?: "Certificate or opinion or statement of the bank or other specialized institutions in accordance with the regulations of the country in which Tenderer has seat concerning blocked accounts for the period of previous 6 months before the publication of the public procurement call (December 2013 till May 2014" This will need a lot of time to receive such document from the bank!"

Answer 5: EPS is a public enterprise (JAVNO PREDUZEĆE 'ELEKTROPRIVREDA SRBIJE') and thus must comply with Public Procurement Law ("Official Gazette of RS" no. 124/2012, hereinafter referred to as: Law) as well as with , Article 2 of the Rulebook on Mandatory Elements of Tender Documents in Public Procurement Procedures and on Manner of Proving Fulfilment of Requirements ("Official Gazette of RS" no. 104/13), Decision on Initiating Public Procurement Procedure (PE EPS number 1836/2-14 dated 20.06.2014) and Decision on Forming Public Procurement Committee (PE EPS number 1836/3-14 dated 20.06.2014).

Question 6: "Why do we need to fill in a criminal form?: "the evidence under Article 77, paragraph 1, from item 1) to 4) of the Law is not issued in the country where the Tenderer has its seat the Tenderer can, instead of the evidence, submit its written statement, given under substantive and criminal liability certified by the court or administrative body, public notary or other competent body of that country". This will require time to receive such certificate from our local authority!"

Answer 6: EPS is a public enterprise (JAVNO PREDUZEĆE 'ELEKTROPRIVREDA SRBIJE') and thus must comply with Public Procurement Law ("Official Gazette of RS" no. 124/2012, hereinafter referred to as: Law) as well as with , Article 2 of the Rulebook on Mandatory Elements of Tender Documents in Public Procurement Procedures and on Manner of Proving Fulfilment of Requirements ("Official Gazette of RS" no. 104/13), Decision on Initiating Public Procurement Procedure (PE EPS number 1836/2-14 dated 20.06.2014) and Decision on Forming Public Procurement Committee (PE EPS number 1836/3-14 dated 20.06.2014).

Question 7: "Could we delay the deadline of this tender by at least 4 weeks as there are many administrative requests on the company and staff, certificates and others rules to fulfil. Otherwise, we could respond to this tender on time but only to the functional coverage, project delivery and staff, could this work for EPS?"

Answer 7: No, EPS has published preliminary information on this public procurement procedure on 3rd of April 2014 which gave enough time for potential bidders to prepare documents required to comply with the Public Procurement Law ("Official Gazette of RS" no. 124/2012).

PUBLIC PROCUREMENT COMMITTEE 31/14/DIKT

