



PUBLIC ENTERPRISE ELECTRIC POWER INDUSTRY OF SERBIA, BELGRADE

Carice Milice 2

Number: 2392159-14

Belgrade,

14-11-2014

**Subject: additional clarifications no. 41** in accordance with Article 63 paragraph 3 of Public Procurement Law ("Official Gazette of the Republic of Serbia" number 124/12) in public procurement procedure **PP number 61/14/DEFP**, for which Invitation to Tender was published on Public Procurement Portal on **10.10.2014**.

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:

**Potential Tenderer asked QUESTION No. 41.1:**

"Form No. 4 states the assumption of one tranche, proceeds tranche of the Loan are disbursed on 01.12.2014. If the bidder wants to include a commitment fee (payable on the undrawn and available amount) in its bid, how should that be presented in Form No. 4 if the assumption is that 100% of the loan is drawn down on a single day (Dec 1, 2014) and there is no undrawn amount to calculate the commitment fee on? What drawn down schedule can be assumed? What happens if later EPS does not withdraw all of the loan amount for a certain period of time, can we charge the usual commitment fee?"

ANSWER of the Employer to QUESTION No. 41.1 is:

"In Form no. 4 the approximations are given, only for showing price structure for 1 portion when preparing a Bid, for the purpose of getting comparable prices of public procurement of a loan for 1 portion.

Given approximation is a special case, only for preparing a Bid, where a withdrawal plan for funds of 1 portion is given:

- the funds of a given portion are withdrawn in 1 tranche in total
- date of disbursement of that tranche is 01.12.2014

Note: Tender documents foresee that the given portion can be withdrawn in several tranches in time period from signing of the Loan agreement until 31.03.2015.

If the Bidder wants to include in its Bid a commitment fee, the Bidder should state in Article 5 of Form no. 4:

- name of the cost: "commitment fee",
- annual rate: "offered rate"
- basis for calculating the cost: "0,00 (only in the case of given approximation)"
- amount of the cost: "0,00 (only in the case of given approximation)".

Note: If the Bidder, in Article 5 of Form no. 4, which is submitting in its Bid, does not show a commitment fee, than later it does not have the right to calculate it and on that basis request from the Borrower.

**Potential Tenderer asked QUESTION No. 41.2:**

“Are jurisdictions outside of Serbia accepted as places for arbitration of the bid bond?”

ANSWER of the Employer to QUESTION No.41.2 is:

“In the event that the business seat of the bank that is guarantor is outside the Republic of Serbia, in the event of dispute related to guarantee, the jurisdiction of Foreign Trade Court of Arbitration at the Serbian Chamber of Commerce shall be determined with the application of Regulations of Serbian Chamber of Commerce and procedural and substantive law of the Republic of Serbia.”

**Potential Tenderer asked QUESTION No. 41.3:**

“Is a bid bond in cash form accepted, i.e., depositing the bid bond amount in cash instead of a bank guarantee? Which of these two would work and how can we arrange this in bid stage?:

1. EPS having security interest and direct debit rights over a specially designated account (fully funded with cash) with the bidder; or
2. Depositing cash in EPS account.”

ANSWER of the Employer to QUESTION No.41.3 is:

“It is acceptable for the Employer that the Bidder deposits the guaranteed amount, in the name of the Bid Bond, to the foreign currency account of PE EPS.

Please find enclosed instructions for depositing the funds to the foreign currency account of PE EPS.

In that case, all banking fees of the funds transfer are borne by the Bidder.

The deposited funds shall be returned to the Bidder after expiration of the time period foreseen in the Tender documents.

**These additional clarifications are submitted by email to the applicant and are published on Public Procurement Portal and web site of the Employer.**



Attn:

- Records Management Office
- Procurement Committee