

PUBLIC ENTERPRISE ELECTRIC POWER INDUSTRY OF SERBIA, BELGRADE

Carice Milice 2

Number: 2392/ 6/ -14

Belgrade, 14 -11- 2014

**Subject: additional clarifications no. 43** 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. 43.1:**

"I would like you to clarify the following wording from Tender Documents (3.4 Manner of Bid submission):

*„If the Bidder could not obtain required documents within the deadline for submission of Bid, because they could not have been issued from the moment of Bid submission according to the regulations of the country in which the Bidder has its seat and if the Bidder submits appropriate evidence together with the Bid, Employer shall allow the Bidder to submit the required documents subsequently, within the appropriate deadline.*

*The Bidder shall without delay inform the Employer in written form on every change regarding the conditions' fulfillment from the public procurement procedure, that occurs until decision making, i.e. contract conclusion, i.e. during validity period of the public procurement contract and it shall prepare the documents in prescribed manner.."*

1. What is the way to prove that the document could not be issued and what if local authority does not issue the certificate that it cannot issue it within the deadline?
2. What is the appropriate deadline for submission of the original?
3. Is it necessary to have an apostil on all documents for foreign

Bidders if we provide translation of certified translator?"

ANSWER of the Employer to QUESTION No. 43.1 is:

1. Mentioned provision of Tender Documents is taken from Article 79 paragraph 8 of the Public Procurement Law and the same is applied in a manner that the tenderer with its written statement (in whatever form) states that certain documents until the moment of tender submission could not have been issued according to the regulations of the state where the tenderer has its seat and along with it submits as the evidence: certificate on submitted request for issuance of required document or request for issuance of document with the receiving stamp of the body the request

was sent to, or certificate of the body that the required document is issued i certain period from the date of submission of request.

2. Timely deadline for the submission of required documents is the period in which according to the regular local circumstances certain activities can be undertaken in the procedure and the Employer shall the same define by special invitation in the phase of expert evaluation.

NOTE: If in the state where the tenderer has its seat the evidence from Article 77 of this law are NEVER being issued, tenderer may instead of evidence, submit its written statement given under criminal and substantive liability certified before court or administrative body, public notary or other competent body of that state.

3. It is not necessary to have apostille stamp on the documents for foreign tenderers but according to Article 79 paragraph 7 of the Public Procurement Law, if the tenderer has its seat in another country the Employer may check whether the documents with which the tenderer proves fulfillment of required conditions are issued by the competent bodies of that state.

**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