

PUBLIC ENTERPRISE ELECTRIC POWER INDUSTRY OF SERBIA, BELGRADE

Carice Milice 2

Number: 1823/24-14

Belgrade, 01-10-2014

Subject: additional clarifications no. 5 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 consulting services for project of services "The Unbundling Process - Transformation of Distribution System Operators (DSOs) and Supplier" PP number 48/14/DDEE, for which Invitation to Tender was published on Public Procurement Portal on 12.08.2014.

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:

We are addressing you on behalf of the subsidiary that intends to participate in the subject public procurement of consulting services No. 48/14/DDEE related to your answer to the question given in clarifications on 12.09.2014.

In the subject clarifications you have stated that the Statement from Article 79 paragraph 9, in case that the subsidiary has only one legal representative, is signed by some other representative entered into register **or person authorized by the legal representative along with submission of power of attorney in the tender.**

Our question is as follows:

1. Does the legal representative give the above mentioned power of attorney on behalf of the subsidiary or on its own behalf?
2. Does such a power of attorney have to be certified by notary (as well as the subject Statement)?

Answer 1:

Answer 2 in Additional Clarifications 2 dated 12.09.2014 was given with regards to the question about possible manner of proving the fulfillment of the conditions from Article 75 para 1 item 2) of Public Procurement Law by the legal representative of the Tenderer, and in several possible and different situations depending on the number of legal representatives.

This answer was also given in accordance with the general instruction for signing and certifying all forms in the Tender given in item 3.2 of Section 3 of Tender Documents.

The other person – proxy to whom the authorization – power of attorney is given is immediate proxy of business entity-subsiary, but authorization for this person is given by natural person authorized to do so – legal representative of the company.

Therefore, the aforementioned authorization is given by legal representative on behalf of the subsidiary - Tenderer, and the same is certified before court or administrative body, public notary or other competent body of the country where the Tenderer has its seat.

Certification of authorization in the event when the Tenderer has its seat in the Republic of Serbia is performed in accordance with the Law on Certification of Signatures, Manuscripts and Transcripts ("Official Gazette of RS" number 93/14).

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

PUBLIC PROCUREMENT COMMITTEE 48/14/DDEE

Attachment:

Additional clarifications No. 5 in English and Serbian language

Attn:

- Records Management Office
- Public Procurement Committee