

CLARIFICATIONS AND AMENDMENT No. 2

To the Bidding Document for the procurement of Repair and modernization of the diesel locomotives series 2062 100 - International competitive bidding (ICB), with reference number HZC-ICB 01/18 - under Sustainable Croatian Railways in Europe Project - IBRD Loan No. 8502-HR

TO ALL FIRMS THAT HAVE PURCHASED THE BIDDING DOCUMENT

Dear Sir/Madam,

With reference to the stated project and ICB procedure for procurement of Repair and modernization of the diesel locomotives series 2062 100, please be informed that the relevant section of the Bidding Documents, are amended as follows;

Section in the Bidding Document	Requirement in the Bidding Document, issued on 26th-Oct 2018	AMENDMENT No. 2 to the Bidding Document, issued on 26-Oct-2018
Section II. Bidding Data Sheet Instructions to Bidders Clause Reference 1.2	The Intended Completion Date is 149 working days from date of issued advance payment. ➤ 1 st locomotive delivery - 80 working days from date of issued advance payment. Rest of delivery: 1 locomotive successively every 23 working days	The Intended Completion Date is 189 working days from date of issued advance payment. ➤ 1 st locomotive delivery - 120 working days from date of issued advance payment. Rest of delivery: 1 locomotive successively every 23 working days
Section V. Activity Schedule	The Intended Completion Date is 149 working days from date of issued advance payment.	The Intended Completion Date is 189 working days from date of issued advance payment.
Section VII. Special Conditions of Contract GC Clause 2.3	The Intended Completion Date is 149 working days from date of issued advance payment.	The Intended Completion Date is 189 working days from date of issued advance payment.

Dear Sir/Madame,

With reference to the stated subject, HŽ CARGO d.o.o. herewith is providing clarification towards all Bidders.

Please find enclosed Clarification Table with the questions received and answers given.

Yours sincerely,

Project Manager

Attachment: Clarification Table

CLARIFICATION TABLE					
No. of Question	Question	Reference in the bidding document	No. of Answer	Answer	Clarification or Amendment
1.	<p>Dear Sirs,</p> <p>In tender documentation number HZC-ICB-01/18 in the open public procurement for repair and modernization of diesel locomotive series 2 062 issued by HŽ Cargo d.o.o., in part 2 point 5.5 are prescribed the reasons for the exclusion and the conditions of the ability of the economic operators accordance with Article 254 of the Law on Public Procurement.</p> <p>Article 254 of the Law on Public Procurement states the criteria according to which a public contracting authority may exclude a competitor of a bidder from a public procurement procedure. In paragraph 1, point 2 of article 254, a bankruptcy proceeding is opened against him if, in the liquidation proceedings, if he is run by a person appointed by a court of competent jurisdiction, if he is in the settlement with creditors, if he has suspended business activity or if in similar procedure in accordance with regulations of the country of the economic operators seat.</p> <p>Regarding that HŽ Cargo d.o.o. with by announcing the extension of the tender submission from 26.10.2018. on 07.12.2018. has completed the tender documentation with amendment under point 5.5.(g) in accordance with article 254 of the Public Procurement Act, by this way we</p>	<p>Section II. Bidding Data Sheet</p> <p>Instructions to Bidders Clause Reference 5.5(g)</p>	1.	<p>Client HŽ Cargo added the article below in clause 5.5 (g) to get quality bids of suitable bidders.</p> <p>The World Bank recommended adding the article and it was approved by them;</p> <p><i>„The bidder must submit a signed statement verified from the competent body proving that the bankruptcy proceedings have not been initiated, that no liquidation proceedings are in the process, that the termination of the business is not in process or that it has not already been suspended - not older than 30 days from the date of the announcement of the Invitation to Tender. The statement should be an integral part of the Bid. “</i></p>	Clarification

	<p>are requesting a new modification of the tender documentation from which it would be deleted point 5.5(g) although it is a criterion that a contracting authority may not be required in the tender documentation.</p> <p>At the same time, we want to point out that although in bankruptcy from October 2012 that we have received several international tenders until now that we have repaired, modernized and delivered over 130 diesel locomotives, of which 30 for State Railways of Morocco, 14 for Israel Railway and in particular we have to mention the engagement in the Krško nuclear power plant, where we have been replacing diesel for 25 years reactor coolant aggregate.</p> <p>Taking into account the fact that in bankruptcy, we consider that recent addition of the subject criterion in the tender documentation, as the only Croatian company with the reference for the tender, prevented the equal participation in the procurement process and thus placed in an unfavorable position compared to other bidders.</p> <p>In anticipation of the adoption of our request, we appreciate your understanding.</p>				
2.	<p>After preliminary market demand, we find that it is not possible to obtain certain parts (monoblocks, diesel engine parts) in such a short time that they can carry out general repairs on all four locomotives within the planned deadline after the tender.</p> <p>Is it possible to extend the deadline for finished all 4 Lokomotive for at least 4 months?</p>	<p>Section II. Bidding Data Sheet</p> <p>Instructions to Bidders Clause Reference 1.2</p>	2.	<p>Client HZ Cargo will accept the request for extension of the delivery deadline for the first locomotive and the deadlines specified in the tender will be changed as follows:</p> <p>The Intended Completion Date is 189 working days from date of issued advance payment.</p> <ul style="list-style-type: none"> - 1st locomotive delivery - 120 working days from date of issued advance payment. - Rest of delivery: 1 locomotive successively every 23 working days 	Amendment
3.	<p>After the offers for spare parts of diesel engine and monoblocks, where it is evident that supply of vital spare parts is very long up to 6 months (monoblock, some parts for diesel engine...)</p> <p>The supply of parts is the main reason that we will not be able to guarantee the delivery of locomotives from overhaul in the periods specified in the tender.</p> <p>According to our many years of experience, we believe that the deadline should be extended by 3 to 4 months. Is it possible or not?</p>	<p>Section II. Bidding Data Sheet</p> <p>Instructions to Bidders Clause Reference 1.2</p>	3.	<p>Client HZ Cargo will accept the request for extension of the delivery deadline for the first locomotive and the deadlines specified in the tender will be changed as follows:</p> <p>The Intended Completion Date is 189 working days from date of issued advance payment.</p> <ul style="list-style-type: none"> - 1st locomotive delivery - 120 working days from date of issued advance payment. - Rest of delivery: 1 locomotive successively every 23 working days 	Amendment