



Finance Contract:	SERBIAN INLAND WATERWAY INFRASTRUCTURE Finance Contract between the Republic of Serbia and European Investment Bank (Official Gazette of the Republic of Serbia - International Contracts No. 02/2019)
Procurement procedure:	Works on reconstruction and expansion of the Bogojevo Port in Serbia
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Clarification No. 4 to TD

Clarification of Volume 1, Section 4, Forms

QUESTIONS	ANSWERS
<p>Question</p> <p>Considering that we are going to use our Mother company as capacity providing entity, please clarify whether the capacity providing entity also must fill in and provide separately the following forms:</p> <p>4.1, 4.2, 4.3, 4.4, 4.5b, 4.6.1.1, 4.6.4, 4.6.6.</p>	<p>Answer</p> <p>Please refer to Volume 1, Section 1, Instructions to Tenderers, Article 12 Information/Documents to be supplied by the Tenderer, the first paragraph on the page 15 of 29, quote: <i>“An economic operator may, where appropriate and for a particular contract, rely on the capacity of other entities, regardless of the legal nature of the links which it has with them. If the tenderer relies on other entities, it must prove to the contracting authority that it will have at its disposal the resources necessary to perform the contract by producing a commitment on the part of those entities to place resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and notably that of nationality, as the economic operator relying on them and must comply with the selection criteria for which the economic operator relies on them. Furthermore, the tender should include a separate document providing data on this third entity for the relevant selection criterion. Proof</i></p>



	<p><i>of capacity must be provided at the request of the contracting authority.</i></p> <p><i>With regard to technical and professional criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works for which these capacities are required.</i></p> <p><i>With regard to economic and financial criteria, the entities upon whose capacity the tenderer relies, become jointly and severally liable for the performance of the contract.” End of quote.</i></p> <p>The Contracting Authority is not in position to respond which forms must be submitted as defined in the question, as it does not possess knowledge of the situation between potential participants in the procedure. However, each capacity providing entity must comply with the above and prove that it meets the selection criteria for which the participant relies upon, by submitting the respective forms and evidence, whatever the case may be.</p> <p>Further, in accordance with Instructions to Tenderers, Article 3. Participation, the eligibility requirements detailed in sub-articles 3.1. and 3.2. must be met by capacity providing entity.</p>
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