**Clarifications No. 1 to Tender Documents for**

**“Procurement of Construction of Schools Package 3: Hai Al Dobbat Secondary Mixed School in Mafraq Governorate”**

**Tender No. 3/SCP/2020**

**1. PREAMBLE**

These Clarifications are issued in conjunction with and form an integral part of the Tender and Contract Documents for the Contract: **“EUTF Support to Construct Schools in Jordan EU No.: TF-MADAD/2018/T04.112, BMZ No.: 3020 00131”, “Procurement of Construction of Schools Package 3: Hai Al Dobbat Secondary Mixed School in Mafraq Governorate, Tender No.: 3/SCP/2020”**.

These Clarifications may delete parts from, or insert parts into and / or revise parts of the said documents and as such these Clarifications shall be deemed to govern for the items or details as described.

1. **ADDITIONAL INFORMATION TO BIDDERS**

The following revised and/or additional information is provided to Bidders:

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| **Item No. 01:** Bidders are advised that the date for submission of Bids for Tender No. 3/SCP/2020 is extended by 9 days to 11.00 hours on Thursday 6th May 2021. Public opening of the Envelopes 1 and 2 will take place at 12.00 hours on the same day. All other details of the bid submission remain the same. |
| **Item No. 02:** Bidders are advised that it is their responsibility to check the MoPWH website regularly for any other addenda and relevant information up until the date of submission. All bidders shall be deemed to have been aware of all Clarifications issued for this tender whether these are in response to questions or as additional information provided by the Employer. |
| **Item No. 03:** Bidders shall include the CV of the candidate for the position of ESHS Manager both with “Envelope 2 Qualification” as well as “Envelope 3 Technical” since the ESHS Manager candidate will have to be interviewed at the Qualification stage. Bidders shall include the contact details i.e. email address and mobile phone number of the ESHS candidate. The interviews will conducted remotely due to Covid. |
| **Item No. 04:** We refer to the description of item 2/2/1 and specification section 02070, it is the Contractor’s responsibility to protect existing boundary walls during demolition to form openings and construction period.The rendering of walls from the internal side only; is measured under BOQ section 17, plaster & paint of walls.The existing boundary walls have some spalled concrete, and approximately 15 m of the wall which has been demolished is not shown on the drawings, these two points were not originally covered on the BOQ.The revised BoQ is attached. |

Several questions have been raised by Bidders. In the following the questions are compiled together with the respective answers.

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| **Question No. 01:** Reference to point 19 from section (1) for bid security in Joint venture case please note the all national bank reject to produce Bid bond guarantee in JV name, can we produce the Bid bond guarantee in the name of leader of JV as we will be making JV for the purpose of this project completion and we do not have it already? |
| **Answer No. 01:** The Bid Bond guarantee is required to be in the names of both partners forming the JV.  |
| **Question No. 02**: Reference to point (3.1) Financial capability it is mentioned that the bidder shall have one million JD for the subject contract of the bidder other requirement we have an objection on this huge amount to have It cash and only to be only for the subject project so please revise this clause as we can't show that we have this amount only for this project as we have other project undertaken also if we  or any other contractor have awarded the contract for sure there will be signing on completion of the project and a performance bond will be submitted? |
| **Answer No. 02:** This amount of 1,000,000 JOD does not necessarily need to be cash, bidders should demonstrate that they have access to, or have available, liquid assets, unencumbered real assets, lines of credit, and other financial means sufficient to meet the construction cash flow requirements. |
| **Question No. 03:** Reference to point (3.4) it is mentioned the annual construction turnover shall be 9 million for package 2 and 4.5 million for other packages please note that refer to economic situation of the country for last Five years it is very hard to achieve this requirement and no contracting company that fulfill this requirement  so we would like you to look over these amounts again and reduce them with what goes with Jordanian local contractors as it is impossible to be achieved with these amounts even with joint ventures. |
| **Answer No. 03:** The amounts for turnover are based on a multiplier of the estimated annual invoice amount under the contract from the KfW Standard Bidding Documents. Bidders have the option of using a JV to meet these requirements. |
| **Question No. 04**: Reference to point (4.1.2) From Section III Qualification and evaluation criteria for experience in PV Works for 5 Year since 2014 please note that PV works Classification was established by Jordanian construction contractor association in 2017 before this date all PV work was done by specialist company so please change the starting date or allow to execute this item by specialist company not In joint venture. |
| **Answer No. 04:** It is permitted to execute the PV works with a specialist company as a sub-contractor, any sub-contractor for PV shall comply with the registrations and licenses in the Technical Specifications. |
| **Question No. 05**: Reference to point (4.2 (a)) From Section III Qualification and evaluation criteria for contracts was done by the contractor with value of 3 million JOD please modify this item to be match with area only without minimum Value. And reconsider this clause for the values of the projects. |
| **Answer No. 05:** Point4.2 (a) from “Section III Qualification and Evaluation Criteria” the “Requirement” is revised to read as follows:“Similar[[1]](#footnote-1)[1] contracts, satisfactorily and substantially[[2]](#footnote-2)[2] completed as a prime contractor, joint venture member[[3]](#footnote-3)[3], management contractor or subcontractor between 1st January 2014 and application submission deadline of minimum value JOD 3,000,000 (three million JOD) in a minimum of 2 number Construction contracts each of minimum height 3 storeys and minimum total built up area 3,000 m2, of which at least one must be related to public/institutional buildings.” |
| **Question No. 06:** Reference to point (4.2.2 (a)) From Section III Qualification and evaluation criteria For PV works with value 200,000 JOD please note that the most common PV Value which related with Construction work with Value Maximum 1,000,000 JOD so please modify this item or allow executing this item by Specialist Company not in joint venture. |
| **Answer No. 06:** Refer to answer 04. Also with respect to point (4.2.2 (a)) from Section III Qualification and Evaluation Criteria For PV works, this shall be amended to read: “Similar [3] contracts, satisfactorily completed [4] as a prime contractor, joint venture member [5], between 1st January 2014 and application submission deadline of mini-mum value JOD 50,000 (fifty thousand JOD) in a minimum of 2 number PV contracts related to public/institutional or commercial buildings each of minimum total built up 3,000 m2” |
| **Question No. 07**: Reference to ITB 14.7 From section II Qualification and Bid Datasheet the sales tax and Custom was mentioned that it exemption please identify if it exemption with Zero proportion or not because any exemption not in Zero proportion considered not exempt by Tax department Law. And there will be a conflict in pricing please provide us with official papers if tax is zero. |
| **Answer No. 07:** The EU funded contracts of which this is one are subject to a zero rate of sales tax. A copy of the relevant letter is attached, letter ref: 56/10/6/57669 dated 3rd December 2017. |
| **Question No. 08:** Can we change the JV member or replace it member to comply with Contract qualification requirement |
| **Answer No. 08:** Bidders who originally purchased documents as single entities may add a JV partner but must then be the lead, only on the condition that this is submitted to MoPWH before bidding. Bidders may change the JV partner they originally indicated when purchasing the documents only on the condition that this is submitted to MoPWH before bidding and that the JV partner being replaced agrees to this in writing. In this case the lead contractor in the JV cannot be changed, MoPWH will not accept to receive or look into any complaint from the partner being replaced. Written confirmation of the changes in either the intention to form a JV or changes to JVs should be received at the MoPWH no later than 29th April 2021 at 12.00 hours. |
| **Question No. 09**: Can you please provide us with Form in soft copy (Word Edition)? |
| **Answer No. 09:** Attached is a word version of the Forms |
| **Question No. 10**: Refer to Partial and comprehensive curfew in country and COVID 19 situation please extends the submission date |
| **Answer No. 10:** Refer to Item 01 above for the extension of the bid submission date.  |
| **Question No. 11**: Reference to point (5.2) From Section III Qualification and evaluation criteria Please note the All MPWH projects are subjected to apply ESHS requirement so we can proof that by submit with this requirement for each project as Annex and one page as a summery for Plan and Applying for ESHS is that enough? |
| **Answer No. 11**: With respect to Criterion 5.2 Section III Qualification and Evaluation Criteria there are three categories each with 8 points. You may submit a list of the MoPWH projects but you will need to provide sufficient information to indicate which of these three categories these individual projects refer to.  |
| **Question No. 12:** In the general requirements page 1/1, a mock-up room. Will this room be part of the building or as a separate part noting that this room is not in the drawings and is it included in the tender quantities? |
| **Answer No. 12:** The mock-up room is part of the building, and will be selected by the Engineer during construction, and will be measured under the BOQ items for related works. |
| **Question No. 13:** Are the elevators, AC system and the renewable energy catalogues within the financial proposal? |
| **Answer No. 13:** Theelevators, AC system and the renewable energy catalogues should be included within Envelope 3: Technical Proposal. |
| **Question No. 14:** Are work securities that are mentioned in the schedules 46, 47, 48 and in volume 2 bank securities, legal securities or commitment from the supplier? |
| **Answer No. 14:** As per the specifications Guarantee/Warranties are Manufacturers’ warranties not a security bond, Guarantee/ Warranty period for all systems and materials shall start from the date of substantial completion i.e. taking-over of the Project |
| **Question No. 15:** In item D from the general requirements, it’s mentioned that a 4WD car should be provided along with accommodation, transportation and meals for the health and safety team. Should these requirements be provided from the date of starting the works? And to whom will the car ownership be transferred after the end of the project? |
| **Answer No. 15:** This refers to Volume 2, Part 2 Works Requirements b) Specifications for Environmental, Social, Health and Safety Management (ESHS) of the Works. These requirements should be provided once the Contractor mobilizes and commences work on site. Provision of a 4WD is not necessary but the Contractor shall ensure sufficient mobility to enable the ESHS team to carry out its work and duties. Costs for mobility are part of the general construction site ancillary costs, vehicles required for the site are assumed to be part of the contractors’ vehicle pool and only depreciation and running costs may be considered. |
| **Question No. 16:** Page 63, volume 2, part 2 in the work requirements it is mentioned that the following staff should be hired: An Environmental and social manager, a health and safety manager, a supervisor and a social communication officer. Should these staff be at the beginning of the project? |
| **Answer No. 16:** The staff listed on Page 63, Volume 2, Part 2 in the Work Requirements should be available on site from the beginning of the Contract when work commences. However note that not all of these staff are required to be on site full time. The duties of environmental and social manager, a health and safety manager, a supervisor and a social communication officer can also be undertaken by one person with the relevant qualifications necessary to fulfil all duties. Staff may be considered as part time of full time to be detailed in the technical proposal. |
| **Question No. 17:** In the first part of the general requirements no.1, page 62 it is mentioned that the contractor should provide a lab supervisor in addition to an equipped actual lab. Isn’t a lab that is certified from MoPWH enough for the needed tests? |
| **Answer No. 17:** Referring to the specifications Part 1 General Requirement, Section 01410, the requirement is the employment of an independent Testing Laboratory to perform specified testing, this independent testing laboratory shall be approved by MoPWH. |
| **Question No. 18:** Will the extra materials which will be provided at the end of the project be stored in the mock-up room? |
| **Answer No. 18:** The extra materials which will be provided at the end of the project will be handed over to the MoPWH for transfer to the MoE as applicable to storage place to be determined. |
| **Question No. 19:** In section 11610 from the electrical works specifications, page 129, it is mentioned that for the UPS device warranty is 2 years, where in page 133 from the same section, it is mentioned that the warranty should be 3 years. Which one is to be followed? noting that the warranty for the electromechanical works is 2 years. |
| **Answer No. 19:** Withrespect to warranty periods for all electrical systems refer to tender document section 01300- page 47 & 48 |
| **Question No. 20:** In Item no 2/16/4 isolator switches, are the cables included in this item? |
| **Answer No. 20:** As it is clearly stated in item description 2/16/4 in the BOQ, all cables up to and including 6mm2 are included in the price of the isolator switch |
| **Question No. 21:** In section 15440 from the mechanical works page 94, one device should be provided for each 10 units from the units mentioned in pages 94-97 and will they be stored in the mock-up room? |
| **Answer No. 21:** The extra materials which will be provided at the end of the project will be handed over to the MoPWH for transfer to the MoE as applicable to storage place to be determined. |
| **Question No. 22:** In section 15850 from the mechanical works, page 136 and reference to the general requirements page 19 from the mechanical works specifications, the maintenance team including the electrical engineer and the mechanical engineer, should be available if needed in anytime. Does this mean a full-time work during the maintenance period? |
| **Answer No. 22:** During the maintenance period i.e. DNP, these engineers should be available when required and not full time. |
| **Question No. 23:** In the mechanical works specifications page 194, it is requested to provide a fire stopping system an that’s to fill the joints wall openings noting that this is to be approved by specialized lab or an accepted inspection agency, is this included in the duct? |
| **Answer No. 23:** Yes,fire-stopping system shall be used for filling openings around duct penetrations through walls and floors. |
| **Question No. 24:** In the general requirements division 1, pages 47,48 and 49 it is mentioned that the warranty is between 2 years and 20 years, noting that the warranty for civil works -based on FIDIC- is 2 years for the electromechanical works and 1 year for the civil works, which one to follow? |
| **Answer No. 24:** Thewarranty is a Manufacturers’ warranty for specific materials and equipment as per specifications, while defect liability i.e. DNP under FIDIC should be apply to all Project Works |
| **Question No. 25:** Please confirm that the project is tax exemption with zero percentage or not? |
| **Answer No. 25:** Refer to Answer No. 07. |
| **Question No. 26:** As stated in the qualification and Evaluation Criteria item no. 5.1 (certificates) the bidder must meet at least 1 out 3 certificates kindly be informed that these certificates need long time to get it so please if you can cancel this item to give more contractor ability to participate in this tender? |
| **Answer No. 26:** This is a requirement of the KfW Standard Bidding Documents.We appreciate that if you do not already have at least one of the required certificates it will not be possible to obtain these before the bid submission closing date. However only one member of a JV needs to have only one certificate. The Quality Management Certificate ISO 9001 is commonly held by a large range of different organizations. |
| **Question No. 27:** As stated in the qualification and Evaluation Criteria item no. 4.2.2(a) please be informed that the Jordanian contractors newly classified in the PV system and each of them didn’t execute two PV projects with minimum value 200000 JD which is too high value regard to the PV system price which come down in the last five years? |
| **Answer No. 27:** Please refer to Answer 04 and Answer 06. |
| **Question No. 28:** Please confirm that the bidder should provide project manager with minimum 5 years experience in PV system as stated in item no. 6 and design manager with 5 years experience in PV system as state an item no. 8? |
| **Answer No. 28:** These are the requirements, however note that these personnel do not have to be available full time. Note that these staff may be provided by the sub-contractor for PV if a sub-contractor is used. Refer to Answer 04. |
| **Question No. 29:** About the warranty period most of the electrical materials in the schedule is 5 years which exceeds the 2 year warranty of the all project, please confirm.  |
| **Answer No. 29:** Thewarranty period for all materials and equipment shall be as specified in Volume 2, part 1, General Requirement, section 01300- Submittals, page 47 & 48 |
| **Question No. 30:** Objection due to the harsh nature of the bidding conditions that might enable us to be qualified for the tender: criteria no. 3.1 regarding the financial capabilities. |
| **Answer No. 30:** Refer to Answer No. 02. |
| **Question No. 31:** Objection due to the harsh nature of the bidding conditions that might enable us to be qualified for the tender: criteria no 3.4 regarding the average annual turnover which seems very hard to comply with due to the economical hardships our contracting sector has been dealing with for the past 10 years. |
| **Answer No. 31:** Refer to Answer 03. |
| **Question No. 32:** Objection due to the harsh nature of the bidding conditions that might enable us to be qualified for the tender: criteria no 4.2 regarding the high value of the contract mentioned related to the area of it specially when we worked previously with the KfW in total area of 3800m2 with contract value of 1.43 million JOD without any hardships. |
| **Answer No. 32:** Refer to Answer 05. |
| **Question No. 33:** Objection due to the harsh nature of the bidding conditions that might unable us to be qualified for the tender: about criteria no 5.2 regarding the certificates required, we would like to be as liberal as possible regarding the certificates hoping that in the upcoming packages we will comply to these criteria.  |
| **Answer No. 33:** Criterion no. 5.1 refers to the certificates required not Criterion no. 5.2. Refer to Answer No. 26. |
| **Question No. 34:** In regards to the financial capabilities which was mentioned in point (3.1) that the bidder shall have one million cash flow for subject contracts net of the bidders other commitments, so please note that this amount hard to achieved due to economic performance. Also note that the contractor who will be awarded to this contract for sure he will be signing on completion of the project and a performance bond will be submitted.  |
| **Answer No. 34:** Refer to Answer 07. |
| **Question No. 35:** Regards to the point (4.1.2) from section III Qualification and Evaluation criteria for experience in PV works from 2014-2019, please note that PV works classification was established by construction contractor association in 2017 before this date all PV work was done by specialist companies. |
| **Answer No. 35:** Please refer to Answer 04. |
| **Question No. 36:** Regard to the point (4.2(a)) from section III Qualification and Evaluation criteria for PV works with value 200k JOD, please note that the best value of PV works which are related with construction work reach maximum to 100k JOD. |
| **Answer No. 36:** Please refer to Answer 06. |
| **Question No. 37:** Refer to our bid meeting in 28/3/2021 we asked about sales tax if it’s exempted with zero proportion. The answer was from your side not a zero proportion, so this conflict tax department law. Please identify this point. |
| **Answer No. 37:** Refer to Answer 07. |
| **Question No. 38:** Lastly for point (5.2) from section III Qualification and Evaluation criteria since all MPWH projects are subjected to ESHS standard, will these projects which we have under MPWH be considered as qualified in reference to ESHS requirements?  |
| **Answer No. 38:** Refer to Answer 11. |
| **Question No. 39:** Please note that the capital of first grade contracting company according to law and requirement of cash flow 1 million and the double regulation 500,000 JOD and your of classification please reduce the cash flow conflict with law of capital and that required. |
| **Answer No. 39:** The cashflow requirement is set specifically for the Contract. Refer also to Answer 02 above. |
| **Question No. 40:** Please provide us with Form to prove the financial solvency or have property as shown in Form. |
| **Answer No. 40:** The Forms to be submitted are contained in the bidding documents. Where necessary bidders should provide additional/supplementary information as appropriate. Refer also to Answer No. 09 above. |
| **Question No. 41:** Can we replace the experience of JV member with complete technical offer form with PV requirement PV company which will comply specialist?  |
| **Answer No. 41:** Refer to Answer 04. |
| **Question No. 42:** There are no drawings for the secondary electrical boards which specifications are mentioned in section 16195 from the electrical works specifications. Therefore, you are kindly requested to provide us with these drawings?  |
| **Answer No. 42:** Refer to the specification section 16195 Electrical identifications, which refers to secondary electrical services, this is the common name for all sub-main and final distribution installations, these are clearly shown and detailed in all power drawings, load schedule drawings, as well as power system riser drawings. No additional boards are mentioned in this specification section. |
| **Question No. 43:** The requested qualification conditions doesn’t match with projects size. |
| **Answer No. 43:** The qualification conditions are based on the KfW Standard Bidding Documents (SBDs) and all financial fall within the guidelines set in these SBDs. Refer also to Answers Nos. 02 and 03 |
| **Question No. 44:** Only very few numbers of contractors are able to fulfil the requested qualification conditions, which makes it impossible for many contractors to participate?  |
| **Answer No. 44:** The qualification conditions are based on the KfW Standard Bidding Documents (SBDs) and all financial fall within the guidelines set in these SBDs. Refer also to Answers Nos. 02 and 03 |
| **Question No. 45:** Some of these conditions are not logical at all, for example requiring that the annual turnover for the past 5 years for package 1 and 3 should be 4.5 million JOD and 9 million JOD for package 2 which contradicts with the size of the projects constructed in Jordan in the recent years. |
| **Answer No. 45:** Refer to Answer No. 03. |
| **Question No. 46:** The contractor should have previously implemented at least 2 projects in the field of solar power with an amount higher than 200,000 JOD for each of them, noting that these projects are limited in size and amount. |
| **Answer No. 46:** Refer to Answer No. 06. |
| **Question No. 47:** The contractor should have at least one ISO certificate in the fields of quality, management or general safety. This is a harsh condition which many of the contractors can’t fulfil? |
| **Answer No. 47:** Refer to Answer 26. |
| **Question No. 48:** In addition to the majority of the qualification conditions that can’t be fulfilled by the most of the contractors? |
| **Answer No. 48:** The qualification conditions are based on the KfW Standard Bidding Documents (SBDs) and all financial fall within the guidelines set in these SBDs. Refer also to Answers Nos. 02, 03, 05 and 26. |

1. [1] *The similarity shall be based on the physical size, complexity, methods/technology and/or other characteristics described in Section VII, Scope of Works. Summation of number of small value contracts (less than the value specified under requirement) to meet the overall requirement will not be accepted.* [↑](#footnote-ref-1)
2. [2] *Substantial completion shall be based on 80% or more works completed under the contract.* [↑](#footnote-ref-2)
3. [3] *For contracts under which the Applicant participated as a joint venture member or sub-contractor, only the Applicant’s share, by value, shall be considered to meet this requirement.* [↑](#footnote-ref-3)