No. | Question                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Answer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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1.  | As a potential bidder in above mentioned procurement, we would like you to clarify us important question regarding Performance guarantee. More precisely, necessary expiry date for the Performance guarantee is not precisely defined. Without definition of expiry date (e.g. 60 days after the period of implementation of the tasks) bank won’t provide the Performance guarantee nor the Tender guarantee and without these documents it is not possible to participate or potentially to sign a contract. Thank you very much in advance for provided clarifications. | We would like at the very beginning to inform you that bidders shall submit together with their bids only the Tender guarantee. Performance guarantee shall be submitted together with the return of the countersigned contract (i.e. only by the „successful“ tenderer). In Contract notice is stated the following: 11. Tender guarantee - Tenderers must provide a tender guarantee of 10,000.00 EUR when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer[s] upon signature of the contract by all parties. This guarantee will be called upon if the tenderer does not fulfil all obligations stated in its tender. 12. Performance guarantee - The successful tenderer will be asked to |
provide a performance guarantee of 10% of the amount of the contract at the signing of the contract. This guarantee must be provided together with the return of the countersigned contract no later than 30 days after the tenderer receives the contract signed by the contracting authority. If the selected tenderer fails to provide such a guarantee within this period, the contract will be void and a new contract may be drawn up and sent to the tenderer which has submitted the next cheapest compliant tender.

Following your question, we inform you that:

1. TENDER GUARANTEE

Period of validity of tenders is regulated in point 8. of Instruction to tenderers, as follows:

- Tenderers will be bound by their tenders for a period of 90 days from the deadline for the submission of tenders.

- In exceptional cases and prior to the expiry of the original tender validity period, the contracting authority may ask tenderers in writing to extend this period by 40 days. Such requests and the responses to them must be made in writing. Tenderers that agree to do so will not be permitted to modify their tenders and they are bound to extend the validity of their tender guarantees for the revised period of validity of the tender. If they refuse, without forfeiture of their tender guarantees, their participation in the tender procedure will be terminated. In case the contracting authority is required to obtain the recommendation of the panel referred to in Section 2.6.10.1.1. of the practical guide, the contracting authority may, before the validity period expires, request an extension.
of the validity of the tenders up to the adoption of that recommendation.

- The successful tenderer will be bound by its tender for a further period of 60 days. The further period is added to the validity period of the tender irrespective of the date of notification.

Having in mind the above mentioned, **maximum period of validity of tender is 190 days.**

In point 23. of Instruction of tenderers is stated that the tender guarantee referred to in Article 11 above is set at 10,000.00 EUR and must be presented in the form specified in the annex to the tender dossier. It must remain valid for **45 days beyond the period of validity of the tender.** Tender guarantees provided by tenderers who have not been selected will be returned together with the information letter that the tenderer has been unsuccessful. The tender guarantee of the successful tenderer will be released on signing of the contract, once the performance guarantee has been submitted.

Considering the above, we note that **the tender guarantee will be released at the latest within 235 days from the deadline for the submission of tenders.**

**2. PERFORMANCE GUARANTEE**

Delivery period is stated in annex c4f – Technical specifications: **120 days** starting from day of contract conclusion.

The warranty period shall commence on the date of issuance of Provisional Acceptance Certificate.

In annex c4f – Technical specifications is stated that **warranty in accordance with**
stated above, starting from the date of issuance of PROVISIONAL Acceptance Certificate. Minimum warranty period for the flood barriers and the equipment offered shall be **24 months**.

In Article 34 of the General Conditions is stated that upon expiry of the warranty period, or where there is more than one such period, upon expiry of the latest period, and when all defects or damage have been rectified, the project manager shall issue the contractor a FINAL acceptance certificate and a copy thereof to the contracting authority, stating the date on which the contractor completed its obligations under the contract to the project manager's satisfaction. The FINAL Acceptance Certificate shall be issued by the project manager within **30 days** after the expiration of the warranty period or as soon as any repairs ordered under Article 32 have been completed to the satisfaction of the project manager.

In Article 11 Paragraph 7 of the General Conditions (annex c4e) describes that, unless the special conditions provide otherwise, the performance guarantee shall be released within **60 days** of the issuing of the signed FINAL acceptance certificate for its total amount except for amounts which are the subject of amicable settlement, arbitration or litigation.

Please follow the points stated above in order to calculate duration of performance guarantee, in line with elements of your potential tender.

**Only the successful tenderer will be asked to provide a performance guarantee.**