

L4343 MON, ADB Project Number 48186-008 - Regional Road Construction and Maintenance for the 3rd phase.
 CW1 Construction of a new asphalt paved road for the section from Myangad to the intersection
 with Naranbulag – Ulaangom road (163km)

Questions & Answers Q&A05.

No.	Question	Response
Q&A05-1	<p>Section 1: Instructions to Bidders 19. Bid Security/Bid Securing Declaration 19.1 <i>“Unless otherwise specified in the BDS, the Bidder shall furnish as part of its Bid, in original form, either a Bid-Securing Declaration or a bid security as specified in the BDS. In the case of a bid security, the amount and currency shall be as specified in the BDS”</i> If the Bidder chooses to submit Bid Securing Declaration, is bank guarantee required also? If bank guarantee required also, is it needed to be counter-guaranteed by a bank in the Employer’s country?</p>	<p>No. As stated in the bidding document the requirement is “either.....or....” Hence if submitting a Bid securing declaration then a bank guarantee is not required.</p>
Q&A05-2	<p>21. Sealing and Marking of Bids 21.2 <i>“The inner and outer envelopes shall(c) bear the specific identification of this bidding process indicated in the BDS 1.1; “</i> If a Bidder submits a Bid for one single contract, for instance, CW 1 -1, shall the specific identification in the inner and outer envelope be: Construction of a new asphalt paved road for the section from Myangad to the intersection with Naranbulag - Ulaangom road (163km) CW1-1?</p>	<p>Yes, Please refer to Volume 1, Section 2, ITB 1.1</p>
Q&A05-3	<p>Section 3, Bid Data Sheet, ITB38.2 <i>“The qualifications of the Bidder’s subsidiaries shall be</i></p>	<p>Please refer to QA01-23 and Volume 1, Section 2, “The Bidder shall provide the Affiliate Company Guarantee Form included in</p>

	<p><i>permitted for criterion 2.4.1 Contracts of Similar Size and Nature and/or 2.4.2 Construction Experience in Key Activities in Section 3. The other firms must satisfy the criteria stated in 2.1 Eligibility in Section 3.</i></p> <p><i>The Bidder shall provide the Affiliate Company Guarantee Form included in Section 4 (Bidding Forms) filled out and signed by each subsidiary, parent entity, or affiliate that the Bidder submits for consideration of the Employer in determining its qualifications.”</i></p> <p>Shall all subsidiaries fill out and sign the Affiliate Company Guarantee? It is possible that some of subsidiaries fill out and sign the Affiliate Company Guarantee?</p>	<p>Section 4 (Bidding Forms) filled out and signed by each subsidiary, parent entity, or affiliate that the Bidder submits for consideration of the Employer in determining its qualifications.”</p> <p>If a bidder wishes to rely upon the experience of a subsidiary in order to meet an experience requirement under Volume 1, Section 3, clauses 2.4.1 to 2.4.2, then the bidder should submit a completed Affiliate Company Guarantee for that subsidiary.</p>
Q&A05-4	<p>For the reason that the financial statement of the year 2023 is going to be audited and furnished in May of 2024, is it allowed to submit the audited financial statements of year 2020-2022?</p>	<p>Please refer to QA01-10 and QA04-01.</p> <p>Yes, each bidder should submit its latest available audited financial statements.</p>
Q&A05-5	<p>Section 4: Bidding Forms Page 41, Letter of Bid “OCBNo.: “ Shall “OCB No.” be CW1-2?</p>	<p>Yes, if your bid is for contract CW1-2</p>
Q&A05-6	<p>Section 4: Bidding Forms Page 41, Letter of Bid In sub-paragraph (c) “ [insert narrative]”, what does “insert narrative” refer to?</p>	<p>Please enter the contract name of the bid. Refer to Volume 1, Section 2, ITB 1.1</p>
Q&A05-7	<p>Section 4: Bidding Forms Page 66, Form FIN -2: Average Annual Construction Turnover “Each Bidder must fill out this form. The information supplied should be the Annual Turnover of the Bidder or each partner of a Joint Venture for the total certified payments received from the clients for contracts in progress or completed, converted to US dollars at the rate of exchange at the end of the period reported.”</p> <p>Are any supporting documents, such as Contract Completion</p>	<p>No. Form FIN-2 does not indicate the requirement to submit supporting documents.</p> <p>Normally the data shown in form FIN-2 will be substantiated by the audted financial statements attached to form FIN-1.</p>

	Certificate, or Measurement Payment Record, required to support the “Average Annual Construction Turnover”?	
Q&A05-8	<p>Section 4: Bidding Forms Page 66, Form FIN -2: Average Annual Construction Turnover <i>“Each Bidder must fill out this form. The information supplied should be the Annual Turnover of the Bidder or each partner of a Joint Venture for the total certified payments received from the clients for contracts in progress or completed, converted to US dollars at the rate of exchange at the end of the period reported.”</i> “... at the end of the period reported.”, what does it mean “the period reported”</p>	For example, when entering turnover data for 2022, the exchange rate applied should be the exchange rate of 31 December 2022, which is the end of the period reported.
Q&A05-9	<p>Form FIN - 3: Availability of Financial Resources Table shows item 2 “Credit Line”and footnote 3 <i>“To be substantiated by a letter from the bank issuing the line of credit.”</i> Shall the "Credit line" be issued specifically for the Subject Contract? Or shall it be issued for the company? Is letter from the bank issuing the line of credit needed to be counter-guaranteed by a bank in the Employer’s country?</p>	<p>1) The lines of credit submitted may be either specific or general lines of credit. A bidder may submit more than one line of credit if it wishes. Form FIN-5 shows how the data in forms FIN-3 and FIN-4 will be evaluated. 2) No, a counter guarantee is not required for lines of credit.</p>
Q&A05-10	<p>Form EXP – 3: Specific Experience in Managing Environmental, Health and Safety Aspects What kind of materials shall be submitted to demonstrate Specific Experience in Managing Environmental, Health and Safety Aspects?</p>	Form EXP-3 does not indicate the requirement to submit supporting documents.
Q&A05-11	<p>Section 6 Key Personnel Requirements <i>“ Using Form PER – 1 and PER – 2 in Section 4 (Bidding Forms), the Bidder must demonstrate that it has personnel who meet the following requirements:.....</i> <i>Using Form EXP-6 in Section 4 (Bidding Forms), the Bidder must demonstrate that it has EHS personnel who meet the following requirements:.....”</i> Form EXP-6 was not found.</p>	This was an error in the bidding document. Please submit information for the Environmental Specialist and Health and Safety Specialist using forms PER-1 and PER-2

<p>Q&A05-12</p>	<p>Section 1, Clause 4. Eligible Bidders <i>4.3 A Bidder shall not have a conflict of interest. All Bidders found to have a conflict of interest shall be disqualified. A Bidder may be considered to be in a conflict of interest with one or more parties in the bidding process if any of, including but not limited to, the following apply:</i> <i>(e) a Bidder participates in more than one bid in this bidding process, either individually or as a partner in a Joint Venture, except for alternative offers permitted under ITB 13 of the Bidding Document. This will result in the disqualification of all Bids in which it is involved. However, subject to any finding of a conflict of interest in terms of ITB 4.3(a)-(d) above, this does not limit the participation of a Bidder as a Subcontractor in another Bid or of a firm as a Subcontractor in more than one Bid; “</i> My understanding about clause-4 (Eligible Bidders) and sub-clauses (a)-(e) is parent company and its subsidiaries are not allowed to bid for one same contract. I want to ask and confirm if it is allowed for the parent company and its subsidiaries bid for different Contract respectively? For example: Parent company bids for Contract CW1-1, its one subsidiary bids for Contract CW1-2, and Its another subsidiary Contract bids CW1-3, is it allowed?</p>	<p>Yes, your understanding is correct. Volume 1, Section 2, ITB1.1 states “<i>A separate bid shall be submitted for each contract.</i>” Hence if related parties do not bid for the same contract, there is not a conflict of interest under Clause 4.</p>
<p>Q&A05-13</p>	<p>Can we use the payment method of Mongolian Tugrik, US dollar and RMB combination for Foreign Currency in Schedules of Bidding Document Section 4 Bidding Forms?</p>	<p>Yes, the bidder may propose in the Schedule of Payment Currencies to receive payment in its currency or currencies in accordance with Volume 1, Section 1, Clause 15 Currencies of Bid and Payment. However, bidders are reminded that Volume 1, Section 2, ITB 15.1 states that “<i>The unit rates and the prices shall be quoted by the Bidder entirely in US Dollars</i>”</p>
<p>Q&A05-14</p>	<p>FIN-1 requires the provision of audited financial reports for recent three years. At present, the audit work of our firm in 2023 has not been completed yet, and the financial audit report is expected to be officially available on April 30.</p>	<p>Please refer to QA01-10 and QA04-01. Yes, each bidder should submit its latest available audited financial statements.</p>

	Whether the audited financial report for 2020 / 2021 / 2022 can be provided?	
Q&A05-15	Clause 4.25 provisions for Completion of updated design and obtain expertise appraisal, completion of E1A and obtain environmental construction permit completed in 180 days. At the same time, clause 1.1.73 required 40% of the workload shall be completed in the first 2 years. Because working period is very pressing, Whether the contractor can start the work according to the adjusted original design drawings of 2012 before owner and engineer finally approve the design optimization and environmental evaluation?	<p>1) The question has misunderstood that 40% of workload shall be completed in 2 years. That is incorrect. The requirement shown in Volume 1, Section 8, Part A for Section 1 is “road with length of 22km”. The figure of 40% is the proportion of release of retention money associated with completion of the section in accordance with Volume 1, Section 7, clause 14.9 Release of Retention Money.</p> <p>2) Regarding construction work during the period of design updating, please refer to the response to QA01-08</p>
Q&A05-16	Clause 1.1.73 specifies that 22km of each bid section shall be completed in the first 2 years and 40% of the workload. Considering the urgency of the construction period, whether it can be adjusted to 40% of the completed workload, without completing 22km?	No. As above response, the question has misunderstood that 40% of workload shall be completed in 2 years. That is incorrect. The requirement shown in Volume 1, Section 8, Part A for Section 1 is “road with length of 22km”. The figure of 40% is the proportion of release of retention money associated with completion of the section, as Volume 1, Section 7, clause 14.9 Release of Retention Money.
Q&A05-17	What kind of temporary land can be provided by the owner? Whether the owner is responsible for providing the temporary land for the camp, Soil extraction site, stone mining site, water for the project (or drilling Wells for water) and free of charge?	Please refer to responses QA03-02 and QA03-04
Q&A05-18	Your further information inquiry about our company will be upon request forthwith. Your no objection to our participation of the above project will be highly appreciated	The employer is not approving bidders' participation. As stated in the invitation to bid, “Open competitive bidding will be conducted in accordance with ADB’s Single-Stage: One Envelope without Prequalification procedure and is open to all Bidders from eligible countries as described in the Bidding Document.”

Bid Evaluation Committee.