

The clarification of Tender documentation no. 0102-2741/6 from 20th May 2015, according to the requests received by email from 10th June 2015, at 10:17 AM and 3:24 PM and from 11th June 2015, at 11:17 AM and 2:33 PM

Question 1: If the bid is submitted as an individual with sub-contractor/sub-provider, whether the sub-provider submit all documentation (mandatory, optional conditions) or just fill the table with his data?

Answer to question 1: If the bid is submitted as an individual with sub-contractor/sub-provider is not required to submit all documentation (mandatory, optional conditions). However, in accordance with Article 81, paragraph 3 of the Law on Public Procurement ("Official Gazette", No. 42/11 and 57/14), the bidder shall, at the request of the Contracting Authority, provide access to documentation of sub-contractor or sub-provider, or provide other evidence to determine the fulfilment of the requirements for participation in the procurement process.

Question 2: In order to provide the service under item no. 1, is it enough to provide support for a period of 20 consultancy days or it is expected to take a longer period?

Answer to question 2: A maximum or a minimum duration of support to meet the specified requirements within the service under item no.1 is not defined by Tender documentation. The Selected Consultant is expected to provide the Agency all specified services within the schedule of activities which will be subject of the compromise. Selected Consultant is allowed to propose in his offer methodology of work that will most effectively allow the fulfilment of all requirements.

Question 3: Regarding the Tender Documentation (page 22-24): Whether the certificate for participation in the spectrum auction should explicitly state the name of the team leader or team member (eg. "Mr. NAME participated in this project as a team leader...")? With that respect, would it be sufficient that the certificate include only the name of the company (eg. "This is to certify that the company XXXX has performed the following for us...")?

Answer to question 3: The certificates for participation in spectrum auctions described shall refer to the leader and members of the consulting team, and need to explicitly specify the names of the leader and team members offered. The certificates including only the name of the company, not the names of the leader and members of the consulting team, will not be awarded by points. More information about the form of certificates and the way of awarding by points can be found in the clarification of the Tender documentation from 27th May 2015 (<http://www.ekip.me/eng/download/JN/JN%205%202015%20clarification1.pdf>), in response to questions 5, 6, 7, 8 and 9.

Question 4: What kind of documentation exactly, as a lawyer, I can sign on behalf of my client?

Answer to question 4: As specified on page no. 43 of Tender documentation, documents to be prepared by the bidder and which are integral parts of the bid must be personally signed by the authorized person of the bidder. The Article 4, paragraph 1, item 14 of the Law on Public

Procurement ("Official Gazette", No. 42/11 and 57/14) defines **an authorized person** as a legal representative or the head of the contracting authority or the bidder or the person authorized on its behalf to undertake certain activities in the public procurement procedure. Thus, under the authority of the legal representative or the head of the bidder, authorized person can signed all documents that are integral parts of the bid, except for the Statement of Independence in relation to the Interest of the Electronic Communication Market in Montenegro (page 36 of Tender documentation) and the Statement on Non-Existence of the Conflict of Interest on the side of the bidder, joint bid applicant, sub-provider/sub-contractor (page 37 of Tender documentation), which have be signed by the legal representative or the head of the bidder, the joint bid applicant, the sub-contractor or sub-provider.

Question 5: As for the main contractor and sub-contractor, do I have to be authorized by the sub-contractors, or only by the main contractor?

Answer to question 5: The Tender documentation does not recognize the term "general contractor". As specified on page 27 of the Tender documentation, the bid may be submitted in one of the following ways: as an individual bid, as an individual bid with sub-contractor / sub-provider, a joint bid or a joint bid with sub-contractor / sub-provider. In both cases involving the submission of the bid with sub-contractor / sub-provider, for all the actions in the public procurement procedure it is sufficient to submit only the authorization of the bidder.

This clarification is part of the Tender documentation.