CLARIFICATIONS TO PARTICIPATION QUERIES NO.1 DATED 12/10/2026

Engineer/Supervision of the Design and Build Works Contracts for Section 3 – Paraćin–Trupale–Medjurovo within the framework of the Belgrade–Niš Railway Modernization Project

TABLE OF CLARIFICATIONS	
Question No 1: With reference to Section III.1.3(e) of the Contract Notice, which requires the Engineer to engage "one or more independent ATS-accredited laboratories" for the required geotechnical, pile, aggregate, concrete and reinforcing steel tests, we kindly request clarification of whether the accreditation requirement is intended to ensure the technical competence and independence of the testing laboratory, rather than to restrict the testing services exclusively to laboratories accredited by the Accreditation Body of Serbia (ATS). In this regard, would the Contracting Authority accept a laboratory established either in Serbia or in another country, provided that the laboratory is independently accredited in accordance with EN ISO/IEC 17025 by a national accreditation body that is a signatory to the relevant EA MLA and/or ILAC MRA, and that the laboratory's accredited scope specifically covers the testing activities required under the Contract? Such accreditation provides internationally recognized assurance of the laboratory's competence, impartiality and reliability of testing results. Accordingly, please confirm that accreditation by another internationally recognized national accreditation body covered by the relevant mutual recognition arrangements, may be accepted as meeting the intent of the accreditation requirement, irrespective of the country in which the laboratory is established. In the interest of ensuring access to suitably qualified and internationally accredited testing facilities while maintaining the required level of technical assurance, we would appreciate confirmation that the requirement may be satisfied by laboratories holding EN ISO/IEC 17025 accreditation from an accreditation body covered by the relevant EA MLA / ILAC MRA, without requiring accreditation specifically from ATS, provided that the accredited scope covers the required testing activities.	**Answer No 1:** The requirement is intended to ensure the technical competence, impartiality and independence of the testing laboratory and is not intended to restrict the testing services exclusively to laboratories accredited by the Accreditation Body of Serbia (ATS). Accordingly, a laboratory established in Serbia or in another country may be accepted, provided that: 1. it is accredited in accordance with EN ISO/IEC 17025 by a national accreditation body that is a signatory to the relevant EA MLA and/or ILAC MRA for testing; 2. its accredited scope specifically covers the testing methods and activities required under the Contract; 3. the laboratory complies with the applicable Serbian legislation, technical regulations, standards and Contract requirements; and 4. the laboratory satisfies the required independence and impartiality requirements. Where applicable Serbian legislation or a specific technical regulation requires a particular test or conformity assessment activity to be performed by an ATS-accredited, designated or otherwise authorised body in Serbia, such mandatory requirement shall prevail.

Question No 2:	**Answer No 2:**
Due to the holiday season and the resulting limited availability of key personnel involved in the preparation of the application, as well as the additional time required to obtain the necessary approvals and supporting documentation, we kindly request a three-week extension of the application submission deadline. Such an extension would enable applicants to finalize their submissions with the required level of accuracy, completeness, and quality, while also ensuring fair competition and broader participation in the application process.	The Contracting Authority has considered the request. The Contract Notice was dispatched on 23 July 2026, while the deadline for receipt of applications was initially 24 September 2026, providing potential Applicants with approximately two months for the preparation and submission of their applications. The Contracting Authority further notes the following. At this stage, Applicants are required to submit the Application Form together with the Annexes and Forms listed in Section IV.2.2 of the Contract Notice and the supporting documents evidencing the selection criteria set out in Sections III.1.2 and III.1.3 a) to d). No company or personal licences, or certificates/agreements concerning the testing laboratories, NoBo, DeBo or AsBo, are required at this stage. As expressly stated in Section III.1.1, company licences and personal licences will not be subject to any verification or assessment during the shortlisting phase and are not required prior to the date of contract signature. As expressly stated in Section III.1.3, the requirements concerning the engagement of the testing laboratories, the NoBo, the DeBo and the AsBo do not apply at the pre-qualification stage, and no certificates, licences or agreements with these bodies are to be submitted with the Application. The preparation of the technical and financial proposal falls within the second stage of the procedure, for which the shortlisted candidates will be granted a separate period in accordance with the applicable rules. By Addendum No. 1 to the Prequalification Document, issued on 17 September 2026, the deadline for the receipt of requests to participate was extended to 15 October 2026. By Addendum No. 2 to the Prequalification Document, issued on 12 October 2026, that deadline has been further extended to 05 November 2026 at 12:00 hrs (CET), with the public opening of submitted Expressions of Interest on the same date at 13:00 hrs. The deadline for requests for clarification has been set at 21 days before the deadline for submission, and clarifications will be published at the latest 11 days before that deadline. The extension has been granted in view of the volume of clarifications to be published and of the amendments to the Prequalification Document, so that all interested parties have sufficient time to take them into account and applies equally to all candidates.
Question No 3:	**Answer No 3:**

Contract Notice, section III.1.3) Technical and professional capacity, Criteria a) We find this requirement, in the part where it limits the eligibility of projects only to those involving "*modernization and/or upgrading of existing single-track or double-track railway lines"* to be **highly restrictive and we believe it significantly and unnecessarily narrows the pool of potential (otherwise capable and relevant) consultants, without a clear technical justification**. Coupled with additional requirements pertaining to the length of supervised railway sections, the requirement as a whole would exclude firms with highly relevant railway supervision experience and therefore contradicts with IFI procurement frameworks which generally require qualification criteria to be **relevant, proportionate, non-discriminatory, and linked to the contract objectives**. A requirement that excludes supervision of new railway construction is likely to reduce competition more than necessary. From a strictly technical perspective, many of the competencies required are identical on both types of projects, supervision of either modernization / upgrading or construction of new construction project: • contract administration, • FIDIC Engineer services, • quality control, • track works supervision, • signaling and telecom supervision, • electrification supervision, • safety management, • testing and commissioning. Furthermore, these requirements **may disproportionately affect international competition** since in many countries there are relatively few modernization projects, while large amounts of railway investment go to new rail corridors, high-speed rail, and network expansions. Consequently, international firms with extensive railway supervision credentials could be excluded even though they have broader railway expertise than firms that supervised only rehabilitation projects. Finally, although modernization of existing lines may present certain specific challenges (traffic management during works, possessions, maintaining operations, interface with existing assets), **new railway construction often**	The Contracting Authority has reconsidered the requirement and has amended it. Criterion III.1.3(a) now admits references for the supervision of works on the construction of new railway lines, in addition to the modernization and upgrading of existing lines. The greater part of Section 3 consists of the modernization and upgrading of the existing railway line, to be executed while that line remains in operation, under a temporary signalling regime with interlocking devices (UMZ) which is itself within the scope of this Contract (Section II.1.4). The Contracting Authority accepts that the disciplines listed in the request are common to some extent to both new construction and modernization. Criterion III.1.3(a) is not directed at those disciplines, but at experience of supervising works on a railway which remains in commercial operation throughout their execution. These conditions are relevant to a substantial part of the Works under this Contract: the planning and administration of possessions, the temporary signalling and interlocking arrangements, the interfaces with infrastructure and systems already in service, and the staged commissioning and partial taking-over of infrastructure carrying traffic. On a new alignment, such matters generally arise to a very limited extent, principally only at interfaces with the existing network. For that reason, while references concerning new railway construction are now admitted, at least one of the reference contracts submitted under criterion III.1.3(a) must concern the modernization and/or upgrading of an existing single-track or double-track railway line, with a minimum length of forty (40) km. Capacity relevant to new construction is also assessed under criteria III.1.3(b)(ii) and III.1.3(c), neither of which is confined to modernization nor to railways.

involves equal or greater complexity that comes with earthworks, bridges, tunnels, track installation, signaling integration, systems commissioning, and interface management. All being said, **we are kindly asking the Client to remove this unnecessary limitation and extend the eligibility of projects to those that involve supervision of construction of new single-track or double-track railway lines.**	
Question No 4: Contract Notice, section III.1.3) Technical and professional capacity, Criteria b) Related to our previous question/request – the Criteria b) also introduces the same restrictive criteria to the nominated railway projects, however it is unclear whether this limitation also applies to "*in other types of linear infrastructure projects with similar contract conditions*". If the Client's intention was indeed to introduce this restriction also for nominated linear infrastructure projects (road infrastructure, namely), that would be particularly restrictive as there are very few road modernization / upgrading projects of such size that can meet the additional criteria regarding the value of the works contract supervised and/or value of the supervision contract. Together with the reasons we outlined in our Question 1, we are kindly asking the Client to extend the **eligibility of projects to those involving new construction, both for the railway projects and other linear infrastructure projects**. Please note that, if your reply to our request is positive and the eligibility is extended to projects involving supervision of new construction (railways and other linear infrastructure), this would require changes in the way the applications would be re-examined if more than 6 eligible individual legal entities or consortia are meeting the selection criteria. Then the re-examination would have to take into account also the new construction projects wherever applicable.	**Answer No 4:** The Contracting Authority has considered the request. 1. The qualification "the modernization and/or upgrading of existing single-track or double-track railway lines" applies to limb (i) of criterion III.1.3(b) only. Limb (ii) — "in other types of linear infrastructure projects with similar contract conditions" — is not limited to the modernization, rehabilitation or upgrading of existing infrastructure, and admits references concerning the supervision of newly constructed linear infrastructure. For the avoidance of doubt, limb (ii) of criterion III.1.3(b) covers linear infrastructure projects other than the modernization and/or upgrading of existing railway lines, including the supervision of newly constructed railway lines, provided that all other requirements of criterion III.1.3(b) are met. All other requirements of criterion III.1.3(b) apply without change to references submitted under either limb. 2. Criterion III.1.3(a) has been amended and now admits the supervision of works on the construction of new railway lines, as set out in Answer No. 3. At least one of the reference contracts submitted under that criterion must, however, concern the modernization and/or upgrading of an existing single-track or double-track railway line, with a minimum length of forty (40) km. Limb (i) of criterion III.1.3(b) remains confined to the modernization and/or upgrading of existing railway lines; references concerning new construction are admitted under limb (ii). 3. The factors applied where more than six eligible Candidates satisfy the selection criteria are unaffected. Paragraph 1 above is a clarification of the Contract Notice; paragraph 2 reflects an amendment to it.
Question No 5:	**Answer No 5:**

Contract Notice, section III.1.3) Technical and professional capacity, additional requirements This requirement asks the interested bidders to "*demonstrate to have a minimum of 50% participation in each of the project(s) brought as reference listed under (a), (b) and (c)".* In a large infrastructure project which is, due to the project's complexity and size, very often implemented by a large consortium, it is hard to secure a 50% or bigger share for a single consortium member, even for the lead member of the consortium. The duties and responsibilities of a lead partner remain the same, whether its share is 50% or less. **Therefore, we are kindly asking the Client to consider changing this requirement and allow for either projects where candidates had minimum 50% participation or had the lead role in the consortium.**	The request is accepted in part: the minimum participation required in each project submitted as a reference under criteria III.1.3 (a), (b) and (c) is reduced from 50% to 40%. The minimum 40% participation is the means by which the Contracting Authority establishes that the Candidate itself performed a substantial part of the reference contract relied upon. The status of lead member does not establish the extent of the services performed by that member: it reflects the representation of the consortium towards the employer, is determined by the members' own arrangements, and may correspond to a participation well below that level, with the substantial part of the services having been performed by other members. The request that the status of lead member be accepted in place of a participation threshold is therefore not accepted. The request for a reduction of the threshold is accepted in part. The minimum participation required in each reference project submitted under criteria III.1.3 (a), (b) and (c) is reduced from 50% to 40%. The amendment is published as an amendment to the Prequalification Document and applies equally to all candidates. For the purposes of criteria III.1.3 a), b) and c), participation means the Candidate's share of the supervision services performed under the reference contract, as evidenced by the joint venture or consortium agreement and/or by the employer's certificate.
Question No 6: The Candidate must demonstrate to have a minimum of 50% participation in each of the project(s) brought as reference listed under (a), (b) and (c). The required references under criteria (a), (b) and (c) encompass large scale railway projects and contract amounts. On international level such contracts are usually done by Joint Ventures of 3 and more firms and therefore none of those firms has a participation of 50% or more. Only very few firms are implementing such contracts as a sole firm or with a minimum 50% participation. To allow an adequate competition we request to relieve this criteria and accept lower participation rates, i.e. 25%.	**Answer No 6:** Please refer to the answer to Question No. 5. The minimum participation required in each reference project submitted under criteria III.1.3 (a), (b) and (c) is reduced from 50% to 40%.
Question No 7: a) During the previous ten (10) years, the candidate (individual legal entity or consortium altogether) must have successfully completed at least two (2)	**Answer No 7:** Please refer to the answer to Question No. 3. Criterion III.1.3(a) has been amended and now

contracts for the supervision of works on the modernization and/or upgrading of existing single-track or double-track railway lines. Please accept newly constructed railway line projects where the candidate has, in addition to the Construction Supervision, supported Operation and Maintenance of the line when under operation. In that way both required qualifications are covered: Supervision of the Construction, Construction/ Maintenance under Operation.	admits references for the supervision of works on the construction of new railway lines. At least one of the reference contracts submitted under criterion III.1.3(a) must, however, concern the modernization and/or upgrading of an existing single-track or double-track railway line, with a minimum length of forty (40) km. Subsequent support for the operation and maintenance of a newly constructed railway line does not satisfy that particular requirement.
Question No 8: DECLARATION REFERRED TO IN POINT 3 OF THE APPLICATION FORM Please confirm whether the declaration should be submitted only by the Consortium Leader. The usual procedure requires the declaration to be submitted by all members of the Consortium.	**Answer No 8:** The Contracting Authority confirms that the Declaration referred to in Point 3 of the Application Form, Annex 1-a, shall be submitted only by the individual legal entity or, in the case of a JVCA, by the Consortium Leader. Other JVCA members are not required to submit Annex 1-a separately. However, each JVCA member shall individually submit the Declaration on Honour on Exclusion Criteria and Selection Criteria, Annex 1-b, and the Covenant of Integrity, Annex 1-c, in accordance with Point 3 of the Application Form. The Consortium Leader shall submit Annexes 1-a, 1-b, 1-c and 1-d, as specified in the Application Form.
Question No 9: DECLARATION ON HONOUR ON EXCLUSION CRITERIA AND SELECTION CRITERIA Please confirm that copies of the documentary evidence demonstrating compliance with the exclusion and selection criteria should not be provided at this stage of the procurement procedure. Under the standard procedure, such evidence is submitted only by the tenderer identified for possible contract award, upon request of the Evaluation Committee, in accordance with PRAG. Accordingly, our understanding is that the application should include only those documents and supporting evidence expressly requested in the Contract Notice, namely: o Registration certificate, o Certificates of completion, employer/client references, or other documentary evidence confirming satisfactory performance for the technical and professional capacity, o Copies of the company's certified financial statements of account for the last three financial years for which accounts have been closed (with translations into the procedural language,	**Answer No 9:** The Contracting Authority confirms that documentary evidence demonstrating the absence of exclusion grounds is not required to be submitted at the application stage, except for the duly completed and signed declarations and any supporting evidence expressly required by the procurement documents. With regard to the selection criteria, Candidates are required to submit with their application the documents and information expressly requested in the Contract Notice and the Application Form. In particular, the Application Form requires: • a copy of the registration certificate, as specified in Form 1; • copies of the company's certified financial statements for the last three financial years for which accounts have been closed, together with an independent audit report, as specified in Form 2; • the information and supporting evidence concerning technical and professional experience expressly required by the procurement documents. In particular, where a reference contract is not yet fully completed, the satisfactorily completed portion must be

if necessary), with an independent audit report, and ○ ISO certificates or proof of conformity with ISO standards or proper declarations.	supported by appropriate documentary evidence demonstrating its scope, value, dates and the Candidate's participation; and • the information required under Form 4 concerning compliance with ISO 9001, ISO 14001 and ISO 45001 or, in the absence of such certificates or proof of conformity, the alternative information specified in Form 4. For clarity, Form 4 requires information concerning the relevant ISO certificates or conformity with the relevant standards; it does not expressly require copies of the ISO certificates to be submitted with the application. Documentary evidence concerning exclusion or selection criteria which is not expressly required at the application stage may be requested subsequently in accordance with the procurement documents and the applicable PRAG provisions. Candidates should therefore submit the documents and supporting evidence expressly required by the Contract Notice and the Application Form and should not provide additional documentation that has not been requested.
Question No 10: FORM 1 GENERAL INFORMATION ABOUT THE APPLICANT: Please clarify Invitation for Tender No.	**Answer No 10:** At the application stage, no Invitation for Tender number has yet been assigned, as the procedure is currently at the pre-qualification/shortlisting stage. Candidates shall use the procurement reference EIB-GtP/2025/ENG/S3 where the Tendering / Contract Notice reference is requested. The field "Invitation for Tender No." in Annex 1-c, Covenant of Integrity, may therefore be left blank or marked "N/A" at this stage. For clarity, the field "Invitation for Tender No." is contained in Annex 1-c, rather than in Form 1, General Information about the Applicant.
Question No 11: FORM 1 GENERAL INFORMATION ABOUT THE APPLICANT: - Could you please provide the template of the Legal Entity Form required as an attachment to Form 1. - In the case of a Joint Venture (JV), please clarify who should submit and sign Form 1 and who should submit and sign Form 1.1. Given the nature of the information required in these forms, it is unclear how it should be completed and signed.	**Answer No 11:** No separate template is prescribed for this procedure; please refer to the answer to Question No. 25. Form 1 shall be completed and signed by each individual legal entity and, in the case of a JVCA, separately by each member including the Lead Member, and submitted together with a copy of the official registration document of the entity concerned, while Form 1.1 is completed and signed by the Lead Member on behalf of the JVCA.
Question No 12:	**Answer No 12:**

FORM 2 FINANCIAL CAPACITY: - The instructions for the Financial Data Table state: *"All individual companies and all members of a JVCA are requested to complete the following table of financial data based on their annual accounts and latest projections."* However, the provided template currently does not include a specific field or row where each member of a JV, Consortium, or Association can indicate its legal entity name. Could you please clarify where each member should identify itself in the table? In addition, the Contract Notice (Section III.1.2(a) and (b)) requires the Applicant to demonstrate its economic and financial standing on a consolidated basis. Could you please provide the form or template to be used for the consolidation of the financial data of all Consortium members? - Para 3 states: *"Financial data and declarations presented by the applicant must be given in euro or national currency (NC) equivalent. Original bank statements may be also attached for reference".* We assume that this paragraph is part of the instructions to consultants (as the first 2 paragraphs are)? Please confirm our understanding - Point 3 states: *"Approximate value of services in hand (at home and abroad) (euro or national currency)."* Could you please confirm whether this should be treated as supplementary information relating to the table provided under Point 2, namely: *"Annual value of consultancy / supervision services undertaken for each of the last three years and projected for the next two years"?* If not, please clarify the period for which these approximate values should be provided. Additionally, could you please provide the required format or template for presenting this information? - Point 6 states: *"Please enclose a reference/certificate about the financial situation of the company and its access to credit facilities (maximum amount of credit facility to be stated in euro or NC equivalent), Please enclose a bank reference or certificate concerning the financial situation of the company and its access to credit facilities, where required by the Contract Notice"*. Given	In the case of a JV/CA (joint venture/consortium), each member is required to separately complete and submit Form 2 – Financial Capacity, based on its annual financial statements and most recent projections. For clear identification, the full legal name of the relevant member of the JV/CA should be indicated at the top of each Form 2. It is not necessary to submit a separate form with consolidated financial data. The fulfilment of the criteria of economic and financial capacity is assessed in accordance with Section III.1.2 of the Contract Notice. For criterion III.1.2(a), the annual turnover of the consortium members is assessed on an aggregate basis, provided that the lead member participates with at least fifty percent (50%) of the minimum required annual turnover. For criterion III.1.2(b), the required current ratio of at least 1 must be met by each member of the consortium individually. It is confirmed that the provision according to which financial data and declarations must be expressed in euros or equivalent in national currency is part of the instruction for filling in Form 2. The conversion of currencies is carried out in accordance with the relevant provisions of the tender documents. It is also confirmed that the data required in point 3, "Approximate value of services currently implemented (in the country and abroad)", is supplementary information in relation to the data specified in point 2, which refer to the annual value of consultancy/supervision services performed during the previous three years and projected for the next two years. With regard to Point 6, the Contracting Authority confirms that no bank reference or certificate concerning access to credit facilities is required with the application, since the Contract Notice does not establish access to credit facilities as an economic and financial selection criterion. Accordingly, point 6 applies only where such evidence is expressly required by the Contract Notice.

that evidence of access to credit facilities is not requested in the Contract Notice, please confirm our understanding that no corresponding letter is required to be submitted with the application.	
Question No 13: FORM 3 LITIGATION HISTORY and FORM 4 COMPLIANCE WITH INTERNATIONAL STANDARDS: Please clarify our understanding that Prequalification No means Contract Notice No: EIB-GtP/2025/ENG/S3?	**Answer No 13:** The Contracting Authority confirms that, for the purposes of Forms 3 and 4, the field "Prequalification No." shall be completed with the procurement reference: EIB-GtP/2025/ENG/S3.
Question No 14: FORM 5 STAFF: According to PRAG, the information requested in Form 5 is normally included in the Declaration referred to in Point 3 of the Request to Participate form. Since the application format has been modified in this procedure, could you please confirm whether the information required under Point 5.3 must be submitted and signed individually by each JV member, with the consolidated data for all JV members being provided in Form 5?	**Answer No 14:** The Contracting Authority confirms the above understanding. In the case of a JVCA, each JVCA member, including the Lead Member, shall complete and sign separately the table under Point 5.3, providing its own staff data. The main staff table in Form 5 shall contain the consolidated data for the JVCA as a whole, calculated as the sum of the corresponding data provided individually by the JVCA members under Point 5.3. This is consistent with the instruction in Footnote 21 of Form 5. The consolidated Form 5 shall be submitted as part of the JVCA application by the Lead Member. For clarity, for both the individual Point 5.3 tables and the consolidated Form 5, the applicable reporting years for this procurement are 2023, 2024 and 2025, in accordance with Criterion III.1.3(d) of the Contract Notice. The references in Point 5.3 to "Year before past year", "Past year" and "Current year" shall therefore be understood as 2023, 2024 and 2025, respectively. In the case of an individual applicant, only its own staff data shall be provided in Form 5.
Question No 15: Project-level EU TSI compliance and NoBo certification Please clarify whether the Contracting Authority would accept references for the supervision of railway modernisation and/or upgrading works that meet the prescribed length and speed requirements, where compliance with EU TSI standards and NoBo certification for the INF and ENE subsystems was achieved at project level, even if the Consultant's contractual scope did not expressly include the formal approval of the design	**Answer No 15:** Please note that criterion III.1.3(a) Technical and professional capacity expressly requires that the Candidate (individual legal entity or consortium altogether) must have successfully completed at least two (2) contracts for the supervision of works on the construction and/or modernization and/or upgrading of existing single-track or double-track railway lines with a total length of at least one hundred (100) km, for speeds of at least 120 km/h, in accordance with EU TSI standards and certified by

documentation prepared by the Contractor and/or the Employer.	NoBo (INF and ENE subsystems), including review and approval of the design documentation prepared by the Contractor and/or the Employer. Therefore, compliance with EU TSI standards and NoBo certification achieved at project level does not, in itself, satisfy the above requirement where the scope of services performed under the reference contract did not include the review and approval of the design documentation prepared by the Contractor and/or the Employer. Such references will not be accepted under criterion III.1.3(a). For the avoidance of doubt, criterion III.1.3(a) does not require that the Notified Body was engaged by or through the Consultant; it is sufficient that the works supervised were subject to NoBo certification for the INF and ENE subsystems, irrespective of which party engaged the Notified Body.
Question No 16: Standards equivalent to EU TSI Please confirm whether projects implemented in accordance with EU TSI standards or with other internationally recognised railway interoperability, safety, and infrastructure standards demonstrably equivalent to EU TSI standards would be considered acceptable.	**Answer No 16:** The Contracting Authority does not confirm the proposed interpretation. For the purposes of Criterion III.1.3(a), the referenced project must have been implemented in accordance with the applicable EU Technical Specifications for Interoperability (TSIs) and must have been subject to the corresponding NoBo certification, as required by the Contract Notice. Other internationally recognised railway interoperability, safety or infrastructure standards, even where technically comparable to EU TSI requirements, will not by themselves be considered equivalent for the purposes of this selection criterion. Projects implemented outside the European Union may nevertheless be accepted, provided that the relevant railway works were designed and implemented in accordance with the applicable EU TSI requirements and were subject to the required NoBo conformity assessment/certification.
Question No 17: Supervision of new railway construction Please clarify whether experience in the supervision of new railway construction projects may also be accepted, in addition to the supervision of the modernisation, upgrading, or rehabilitation of existing railway lines, provided that such projects meet the prescribed technical and speed requirements.	**Answer No 17:** Please refer to the answers to Questions No. 3 and No. 4.

Question No 18: Reconsideration of the minimum length requirements We respectfully request the Contracting Authority to reconsider the current requirements concerning the cumulative railway line length and the minimum railway line length of an individual reference contract, with a view to ensuring proportionality and broader competition. Provided that all other technical and speed requirements are met, we kindly request the Contracting Authority to consider reducing the prescribed length thresholds to more proportionate levels so that otherwise comparable and successfully completed railway supervision experience is not excluded solely based on project length.	**Answer No 18:** The Contracting Authority has considered the request and accepts it in part. The length requirements under criterion III.1.3(a) have been established taking into account the scale, complexity and characteristics of the Works to be supervised and the level of relevant experience considered necessary for the performance of the Contract. The individual minimum length has been reduced from fifty (50) km to forty (40) km, and it applies to one reference contract only, that reference being required to concern the modernization and/or upgrading of an existing railway line. The cumulative length of one hundred (100) km is unchanged; it is a total to be demonstrated across at least two reference contracts, the number of which is not limited, and no individual minimum length applies to any further reference. The Contracting Authority considers the length requirements, as amended, to be related to the subject matter of the Contract and proportionate to it.
Question No 19: With reference to Section III.1.2 – Economic and financial standing, criterion 1, we note that the minimum annual turnover of EUR 15,000,000 is assessed at consortium level, with the lead member required to account for at least 50% of the minimum threshold. We fully understand the rationale for establishing an adequate level of financial capacity for the successful delivery of the Services. However, we are concerned that the additional requirement for the lead member to account for at least 50% of the EUR 15 million threshold may unnecessarily restrict competition and exclude otherwise qualified consortiums whose combined financial capacity satisfies the EUR 15 million requirement. In particular, consortium structures may involve complementary partners with significant experience and financial capacity, where the lead member does not necessarily account for 50% of the consortium's combined turnover but nevertheless has sufficient financial standing, experience and organisational capacity to perform its role as lead member. In this regard, could the Client please consider reducing the minimum share of the EUR 15 million turnover requirement attributable to the lead member from 50% to 40%, while maintaining the	**Answer No 19:** The Contracting Authority has considered the request. The requirement that the lead member account for at least 50% of the minimum annual turnover threshold is intended to ensure an adequate level of financial standing and capacity of the lead member, commensurate with its leading role in the consortium. The Contracting Authority considers this requirement proportionate to the nature, scale and duration of the Contract. Accordingly, the request is not accepted. The requirement remains unchanged.

overall minimum consortium turnover requirement of EUR 15 million? We believe that a 40% requirement would continue to ensure that the lead member has substantial financial capacity, while providing greater flexibility for qualified consortiums and avoiding an unnecessary restriction on competition. We would appreciate the Client's consideration of this proposed adjustment in the interest of ensuring broad and effective competition in the procurement procedure.	
Question No 20: Contract Notice – Requests for Clarifications Please clarify whether requests for clarification must be submitted no later than 10 days or 21 days before the deadline for submission of Requests to Participate. The information provided in the Contract Notice appears to be inconsistent with the update published on the EBRD website.	**Answer No 20:** By Addendum No. 1 to the Prequalification Document, issued on 17 September 2026, Section V.2 of the Contract Notice has been amended. Requests for clarification must be received no later than 21 days before the deadline for the submission of requests to participate, and clarifications will be published on the Contracting Authority's website at the latest 11 days before that deadline. By Addendum No. 2 to the Prequalification Document, issued on 12 October 2026, Section IV.2.3 has been further amended and the deadline for the receipt of requests to participate is 05 November 2026 at 12:00 hrs (CET), with the public opening of submitted Expressions of Interest on the same date at 13:00 hrs at Nemanjina 6, 11000
Question No 21: Contract Notice – Company Licenses Please confirm whether the licensing requirements may be fulfilled through subcontractors.	**Answer No 21:** The Contracting Authority confirms that the national company licensing requirements set out in Section III.1.1 of the Contract Notice may not be fulfilled through subcontractors or other capacity-providing entities. The tenderer recommended for award must itself satisfy the applicable company licensing requirements in accordance with Serbian legislation. The procurement documents expressly provide that reliance on the capacities of other entities is not permitted for the national licensing requirements under Section III.1.1. Accordingly, a subcontractor's company licence cannot be used to satisfy the licensing requirement of the tenderer. In the case of a JVCA, the required licences shall be held by the relevant JVCA member(s) responsible for performing the activities for which such licences are required, in accordance with the applicable Serbian legislation and the agreed allocation of responsibilities within the JVCA. The licensing requirements under Section III.1.1 of the Contract Notice are not assessed at the pre-

	qualification stage and are not a condition for the submission or evaluation of tenders at the second stage. They must be satisfied by the tenderer recommended for award no later than the date of contract signature, as stated in Section III.1.1. As stated above, those requirements may not be fulfilled through subcontractors or other capacity-providing entities, including by the tenderer recommended for award; in the case of a JVCA they must be held by the relevant JVCA member or members.
Question No 22: Contract Notice / Application Form – Annual Turnover and Current Ratio The Application Form does not include a table for presenting the combined annual turnover of the consortium. Please advise how the cumulative annual turnover of the consortium should be demonstrated. Furthermore, Form 2, intended for demonstrating the financial capacity of individual consortium members, does not contain a field for indicating the current ratio. Please clarify where this information should be provided**.**	**Answer No 22:** In the case of a consortium, each member of the consortium fills in Form 2 – Financial Capacity individually, with its financial data. The fulfilment of the criterion of a minimum annual turnover of EUR 15,000,000 is assessed at the consortium level, as the sum of the annual turnover of all members for each of the last three financial years (2023, 2024 and 2025). The lead member of the consortium must participate with at least 50% of the required minimum annual turnover. The Current Ratio is calculated as the ratio of current assets to current liabilities based on data from the last available, closed financial statements. In the case of a consortium, the requirement for the Current Ratio to be at least 1 must be met by each member of the consortium individually. It is not necessary to introduce a separate additional form. The above information is proved through individually completed Form 2 forms and attached financial statements of each member of the consortium.
Question No 23: Application Form – Declaration Referred to in Point 3 Please confirm whether this Declaration is required to be completed solely by the Lead Member of the consortium or by all consortium members. Based on our previous experience, similar declarations are typically submitted by each consortium member individually. We would therefore appreciate confirmation that submission by the Lead Member alone is sufficient for the purposes of this procurement procedure.	**Answer No 23:** The Contracting Authority confirms that the Declaration referred to in Point 3 of the Application Form, Annex 1-a, shall be completed and submitted only by the individual legal entity or, in the case of a JVCA, by the Lead Member. Other JVCA members are not required to complete or submit Annex 1-a separately. However, each JVCA member shall individually complete and submit the Declaration on Honour on Exclusion Criteria and Selection Criteria, Annex 1-b, and the Covenant of Integrity, Annex 1-c, in accordance with Point 3 of the Application Form. Accordingly, submission of Annex 1-a by the Lead Member alone is sufficient for the purposes of this procurement procedure.
Question No 24: Application Form – Joint Covenant of Integrity	**Answer No 24:**

Please clarify which reference number should be inserted under *"Invitation for Tender No."*. The relevant reference could not be identified in the procurement documents made available. Please advise on the correct reference number to be used.	The Contracting Authority confirms that no separate "Invitation for Tender No." has been assigned at the current prequalification / shortlisting stage. The applicable procurement reference is EIB-GtP/2025/ENG/S3, which is already indicated in Annex 1-c under "Tendering No.". Accordingly, the field "Invitation for Tender No." in the Joint Covenant of Integrity may be left blank or marked "N/A" at this stage.
Question No 25: Application Form – Form 1: General Information about the Applicant The form states that *"The attached Legal Entity Form should also be completed."* However, no Legal Entity Form appears to have been included among the procurement documents. Please confirm whether this form is required and, if so, kindly provide the applicable template.	**Answer No 25:** The Contracting Authority confirms that the identification of each legal entity referred to in Form 1 is required, but that no separate template is prescribed for this procedure. The identification data are provided in Form 1 itself, which is completed and signed by each individual legal entity and, in the case of a JVCA, separately by each member including the Lead Member. Each Applicant and, in the case of a JVCA, each member including the Lead Member, shall submit together with Form 1 a copy of its official registration document — an extract from the commercial or companies register, or the equivalent document of the country in which it is established — evidencing its name, legal form, registered office and registration number. Where that document is not issued in English, a translation into English shall be provided. No further form is required.
Question No 26: Application Form – Form 1: General Information about the Applicant, Point 10 Please clarify whether the information requested under this point relates to the companies forming the consortium or to affiliated entities, such as parent companies, subsidiaries, or other companies within the same corporate group.	**Answer No 26:** The information requested under Point 10 of Form 1 relates to other companies involved in the project in connection with the respective legal entity completing Form 1, such as parent companies, subsidiaries, subcontractors or other related entities, as applicable. The members forming the JVCA are identified separately in Point 1 of the Application Form and in Form 1.1, Data on Joint Venture/Consortium, and therefore do not need to be repeated under Point 10 solely because they are consortium members. Where a JVCA member also has a separate corporate or contractual relationship with another entity involved in the project, such as a parent company, subsidiary or subcontractor, that information should be stated under Point 10. If no such other companies are involved in relation to the respective legal entity, "N/A" may be indicated.
Question No 27: Application Form – Form 1.1: Data on Joint Venture / Consortium (JVCA), Point 2	**Answer No 27:** The term "Managing board's address" in Point 2 of Form 1.1 shall be understood as the address designated for the management and administration

Please clarify what information should be provided under the heading *"Managing board's address"*, as the meaning of this term is unclear. Please confirm whether the registered office address of the Lead Member should be indicated	of the JVCA for the purposes of this procurement procedure. Where the JVCA does not have a separately established managing board or dedicated address, the registered office address of the Lead Member may be indicated, provided that the Lead Member is responsible for representing and coordinating the JVCA. Accordingly, it is not necessary for the JVCA to establish a separate managing board or separate office solely for the purpose of completing Form 1.1.
Question No 28: Application Form – Form 1.1: Data on Joint Venture / Consortium (JVCA), Points 4 and 5 Please clarify the instruction *"if different from Point 1 of the Application Form"*. As the names of the consortium members and the Lead Member should correspond to those provided in Point 1, the purpose of this note is unclear. Please confirm whether Points 4 and 5 should be completed in all cases or left blank where the information is identical to that already provided in Point 1.	**Answer No 28:** Points 4 and 5 of Form 1.1 should be completed in all cases. Where the names of the JVCA members and the Lead Member are identical to those already stated in Point 1 of the Application Form, the Applicant may either repeat the same information or state "Same as Point 1 of the Application Form." The wording *"if different from Point 1 of the Application Form"* is intended to avoid unnecessary duplication where the information is unchanged. It does not mean that Points 4 and 5 should be left blank. Where there is any difference, the full and correct names of all JVCA members and of the Lead Member shall be provided in Points 4 and 5 respectively.
Question No 29: Application Form – Form 1.1: Data on Joint Venture / Consortium (JVCA), Points 6 and 7 These points require the submission of either a JVCA Agreement or a Declaration of Intention to Form a Joint Venture/Consortium, including details concerning each party's participation, capital contribution, profit and loss arrangements, financial commitment expressed as a percentage of the contract value, and responsibilities for contract execution. Given that this is a prequalification stage and that no Request for Proposals (RfP), including the Terms of Reference, detailed scope of services, or list of key experts, has yet been issued, it is unclear how applicants are expected to define such contractual and financial arrangements at this stage. Please clarify this requirement and advise what information and level of detail are expected under Points 6 and 7 of Form 1.1 during the prequalification stage	**Answer No 29:** At the prequalification stage, Applicants are not required to have finalised all detailed contractual, financial and operational arrangements of the JVCA. For the purposes of Points 6 and 7 of Form 1.1, the JVCA Agreement or Declaration of Intention to Form a Joint Venture/Consortium shall provide, at a minimum: • the identity of all JVCA members and the Lead Member; • the proposed percentage participation of each JVCA member; • the proposed financial commitment of each member, expressed as a percentage of the Contract; • the proposed allocation of the main responsibilities and types of services to be performed by each member; and • the agreed or proposed principles concerning capital contribution and profit/loss participation, as applicable.

	At this stage, the allocation may be presented at the level of the principal service areas and responsibilities. Detailed allocation of individual experts, detailed staffing arrangements and the final internal commercial arrangements of the JVCA are not required at the prequalification stage, as the Request for Proposals and the detailed Terms of Reference have not yet been issued. The information provided must nevertheless be sufficiently clear to demonstrate the intended structure of the JVCA, the role of each member and consistency with the qualification requirements of the procurement procedure. The arrangements may be further detailed at the tender stage. However, the composition of the JVCA may not be changed during the procurement procedure without the prior written approval of the Contracting Authority, as provided in the Application Form.
Question No 30: Application Form – Form 2 – Financial Capacity, Point 6 Under this point, the following requirement is stated: *"Please enclose a reference/certificate about the financial situation of the company and its access to credit facilities (maximum amount of credit facility to be stated in euro or NC equivalent), Please enclose a bank reference or certificate concerning the financial situation of the company and its access to credit facilities, **where required by the Contract Notice**".* Please confirm our understanding that submission of such a reference or certificate is not required in this prequalification stage, as no corresponding requirement is specified in the Contract Notice.	**Answer No 30:** The Contracting Authority confirms the above understanding. Submission of a bank reference or certificate concerning the financial situation of the company and its access to credit facilities is not required at the prequalification stage, as the Contract Notice does not establish access to credit facilities as an economic and financial selection criterion. Section III.1.2 of the Contract Notice requires compliance with the applicable annual turnover and current ratio requirements only. Accordingly, the wording in Point 6 of Form 2 shall apply only "where required by the Contract Notice". Since no such requirement is included in the present Contract Notice, no corresponding bank reference or certificate needs to be submitted with the application.
Question No 31: With reference to the tender in subject, we hereby respectfully submit the following request of clarification: With reference to Section III, point 1.3) Technical and Professional Capacity, letters (a), (b) and (c), the Tender Documents state the following requirement: "At least two (2) contracts for the supervision of works on the modernization and/or upgrading of existing single-track or double-track railway lines with a total length of at least one hundred (100) km, for speeds of at least 120 km/h, in accordance with EU TSI standards and certified by NoBo (INF and	**Answer No 31:** Criterion III.1.3(a) requires that each of the reference contracts relied upon satisfies, within one and the same contract, all the elements of the criterion, namely the supervision of works on the construction and/or modernization and/or upgrading of a single-track or double-track railway line meeting the prescribed length and speed requirements, in accordance with EU TSI standards and certified by NoBo (INF and ENE subsystems), including the review and approval of the design documentation prepared by the Contractor and/or the Employer. Accordingly, the requirement may not be satisfied by combining two separate contracts, one covering the review and approval of the design documentation

ENE subsystems), including review and approval of the design documentation prepared by the Contractor and/or the Employer." In this respect, we would kindly request the Contracting Authority to clarify whether the required supervision of works contract shall include inside its scope design review and approval of design documents activities or whether we can provide 2 different projects: one covering the design review and approval of design documents activities and another one covering works supervision activities.	and the other covering the supervision of works. References presented in that manner will not be accepted under criterion III.1.3(a). Please also refer to the answer to Question No. 15. That requirement remains unchanged.
Question No 32: Please clarify whether requests for clarification must be submitted no later than 10 days or 21 days before the deadline for submission of requests to participate. The information stated in the Contract Notice appears to be inconsistent with the update published on the various website.	**Answer No 32:** Please refer to the answer to Question No. 20. Following Addendum No. 1 to the Prequalification Document, the deadline for requests for clarification is 21 days before the deadline for the submission of requests to participate, and, following Addendum No. 2 to the Prequalification Document, issued on 12 October 2026, the deadline for the receipt of requests to participate is 05 November 2026 at 12:00 hrs (CET).
Question No 33: Company licences: Please confirm whether the licensing requirements may be provided through subcontractors.	**Answer No 33:** Please refer to the answer to Question No. 21.
Question No 34: Declaration referred to in point 3 of the Application Form: Please confirm whether this Declaration is to be completed only by the Lead Member of the consortium and not by the other consortium members. We would therefore appreciate confirmation that submission by the Lead Member alone is sufficient for this procurement procedure.	**Answer No 34:** Please refer to the answers to Questions No. 8 and No. 23.
Question No 35: Joint Covenant of Integrity: Please confirm the reference number to be indicated under "Invitation for Tender No.", as it could not be identified in the procurement documents provided.	**Answer No 35:** Please refer to the answers to Questions No. 10 and No. 24.
Question No 36: Form 1 – General Information about the Applicant: The form states that *"The attached Legal Entity Form should also be completed"*. However, no Legal Entity Form appears to have been included with the Application Form or the procurement documents provided. Please confirm whether this	**Answer No 36:** Please refer to the answer to Question No. 25.

form is required and, if so, kindly provide the applicable template.	
Question No 37: Form 1.1 – Data on Joint Venture / Consortium (JVCA) Point 2: Please clarify what information should be provided under "Managing board's address", as the meaning of this term is unclear. Please confirm whether the registered office address of the Lead Member of the consortium should be indicated.	**Answer No 37**: Please refer to the answer to Question No. 27.
Question No 38: Form 1.1 – Data on Joint Venture / Consortium (JVCA) Points 4 and 5: Please clarify the instruction "if different from Point 1 of the application form" and confirm whether Points 4 and 5 should be completed in all cases or left blank where the information is identical to Point 1.	**Answer No 38:** Please refer to the answer to Question No. 28.
Question No 39: Form 1.1 – Data on Joint Venture / Consortium (JVCA) Points 6 and 7: Please clarify the information and level of detail expected for the JVCA Agreement or Declaration of Intention at the prequalification stage, given that the RfP, ToR, detailed scope of services, and list of experts have not yet been issued.	**Answer No 39**: Please refer to the answer to Question No. 29.
Question No 40: Form 2 – Financial Capacity Current ratio: Form 2, provided for the purpose of demonstrating financial capacity, does not include a field for the current ratio. Please confirm where this ratio should be indicated. In addition, the cumulative financial table for all consortium members appears to be missing.	**Answer No 40:** Please refer to the answers to Questions No. 12 and No. 22.
Question No 41: Form 2 – Financial Capacity Point 6: Point 6 states: *"Please enclose a reference/certificate about the financial situation of the company and its access to credit facilities (maximum amount of credit facility to be stated in euro or NC equivalent). Please enclose a bank reference or certificate concerning the financial situation of the company and its access to credit facilities, where required by the Contract Notice."* Please confirm our understanding that submission of such a reference or certificate is not applicable	**Answer No 41**: Please refer to the answer to Question No. 30.

in this prequalification procedure, as no such requirement is specified in the Contract Notice.	
Question No 42: Extension of the deadline Due to the complexity of preparing the EOI, as well as the holiday season, we kindly request an extension of the deadline by three weeks.	**Answer No 42:** Please refer to the answer to Question No. 2. By Addendum No. 1 to the Prequalification Document, issued on 17 September 2026, the deadline for the receipt of requests to participate was extended to 15 October 2026, and by Addendum No. 2 to the Prequalification Document, issued on 12 October 2026, it has been further extended to 05 November 2026 at 12:00 hrs (CET).
Question No 43: With reference to Form 2 – Financial Capacity of the Application – Form – Engineer – Supervision - Section-3, we kindly request the following clarifications regarding the information to be provided under this form: 1. Item 1 – Basic Capital Form 2 requests the provision of information relating to “Basic Capital”, including the fields “Amount”, “Currency”, “Authorised” and “Issued”. Could you please clarify the meaning of “Basic Capital” and confirm the specific corporate or financial information that should be reported under this section? 2. Item 2 – Annual Value of Consultancy / Supervision Services Could you please confirm that the figures requested under Item 2 correspond to the company's revenues from consultancy and supervision services as reported in its Profit and Loss Statement (P&L)? 3. Item 2 – Forecast Breakdown for Year+2 (year 2027) Our company currently has projections available for the overall turnover for Year+2 (year 2027); however, a breakdown between domestic (“At home”) and international (“Abroad”) activities is not available. Could you please confirm that it is acceptable to provide only the total projected value for Year+2? 4. Item 4 – Financial Estimates for Year+2 (year 2027) Item 4 requires applicants to provide estimates for the next two years. While we are able to provide all historical financial data and estimates for the current year and Year+1 ((year 2026), the estimates for Year+2 (year 2027) are not yet available. Could you please confirm that the	**Answer No 43:** 1. Item 1 – Basic Capital. The term "Basic Capital" refers to the registered share capital of the legal entity completing Form 2, as recorded in the competent companies register and reflected in its financial statements. "Authorised" shall be understood as the authorised share capital and "Issued" as the subscribed and issued (paid-in) share capital, each stated in the applicable amount and currency. Where the applicable national legislation does not distinguish between authorised and issued capital, the Applicant shall state its registered share capital and indicate "N/A" in the remaining field, with a brief explanatory note. 2. Item 2 – Annual value of consultancy / supervision services. The Contracting Authority confirms that the figures requested under Item 2 correspond to the Applicant's revenues from consultancy and/or supervision services as reported in its profit and loss account for the relevant financial years. For the avoidance of doubt, fulfilment of criterion III.1.2(a) of the Contract Notice is assessed on the basis of the annual turnover for the last three closed financial years, namely 2023, 2024 and 2025. 3. Item 2 – Forecast breakdown for Year+2. The Contracting Authority confirms that, where a breakdown between "At home" and "Abroad" is not available for Year+2, the Applicant may state the total projected value only, indicating that the breakdown is not available. 4. Item 4 – Financial estimates for Year+2. The Contracting Authority confirms that, where estimates for Year+2 have not yet been prepared, the corresponding column may be left blank or marked "not available", with a brief explanatory note. The projected figures for the next two years constitute supplementary information and are not assessed against the economic and financial selection criteria set out in Section III.1.2 of the Contract Notice, which are based on the last three closed financial years.

Year+2 column may be left blank in such circumstances? 5. Item 5 – Banking Information Item 5 requests the names and addresses of the company's banks. As our company maintains numerous banking relationships both domestically and internationally, could you please confirm that it is sufficient to provide details of the company's three principal banks only? 6. Item 6 – Bank Reference / Credit Facility Certificate Item 6 requests to provide "*a bank reference or certificate concerning the company's financial situation and access to credit facilities, where required by the Contract Notice.*" We have not identified any explicit requirement in the Contract Notice for the submission of such a document. Could you please confirm that the submission of a bank reference/certificate is not required as part of the present application?	5. Item 5 – Banking information. The Contracting Authority confirms that it is sufficient to state the name and address of the Applicant's three principal banks. 6. Item 6 – Bank reference / credit facility certificate. Please refer to the answer to Question No. 30. Submission of a bank reference or certificate concerning the financial situation of the company and its access to credit facilities is not required at the prequalification stage, since the Contract Notice does not establish access to credit facilities as an economic and financial selection criterion.
Question No 44: Contract Notice, section III.1.3) Technical and professional capacity, Criteria a) With reference to the requirement that asks bidders to nominate railway projects "*implemented in accordance with the applicable EU Technical Specifications for Interoperability and certified by a Notified Body for the Infrastructure and Energy subsystems*," we respectfully request clarification that the required experience may be demonstrated cumulatively through two or more reference projects. Compliance with the applicable Technical Specifications for Interoperability, or TSIs, and verification by a Notified Body, or NoBo, are closely related but distinct elements of the railway interoperability process. A consultant may therefore have substantial experience in the design, implementation, review or supervision of TSI-compliant railway works under one project, and experience with successful NoBo verification of INF and ENE, subsystems under another project. In practice, railway projects may be designed and implemented in accordance with applicable TSIs without undergoing formal NoBo verification. This is particularly relevant to: • projects implemented outside the EU regulatory authorization framework; • non-EU countries that voluntarily apply European railway standards;	**Answer No 44:** The Contracting Authority has considered the request and does not accept it. Criterion III.1.3(a) requires that each of the reference contracts relied upon satisfies all the elements of the criterion within one and the same contract. The referenced works must have been implemented in accordance with the applicable EU Technical Specifications for Interoperability and must have been subject to the corresponding NoBo certification for the INF and ENE subsystems. The required experience may not be demonstrated cumulatively, by combining a reference in which the works were implemented in accordance with the applicable TSIs with a separate reference in which NoBo verification of the INF and ENE subsystems was carried out. Please also refer to the answer to Question No. 31. The two elements are not separable for the purposes of this criterion. NoBo verification is the procedure by which conformity with the applicable TSIs is independently assessed and established, and the Contracting Authority requires experience of supervising works in which that assessment was actually carried out, rather than experience of works declared to have been designed to TSI requirements without the corresponding conformity assessment. Experience of each element gained separately, on different projects, does not demonstrate the capability sought. As stated in the answer to Question No. 16, references concerning projects implemented outside

• projects financed by international financial institutions; and • projects where the employer requires TSI-compliant design and construction without requiring a formal EC verification procedure by a NoBo. Consequently, requiring both TSI compliance and completed NoBo verification of the INF and ENE subsystems within the same reference project could unfairly exclude bidders with directly relevant and equivalent technical experience. It may also disproportionately favor projects implemented in particular regulatory environments, especially projects delivered within the EU interoperability and authorization framework. We therefore respectfully request confirmation that bidders may demonstrate the required experience cumulatively through two or more reference projects, provided that the references collectively demonstrate: 1. experience in the implementation, supervision or review of railway works in accordance with applicable TSIs; and 2. experience in the successful NoBo verification or certification of the INF and ENE subsystems. Allowing cumulative references would preserve the Client's objective of verifying competence in both areas, while supporting proportionality, equal treatment and broader competition.	the European Union may be accepted, provided that the relevant railway works were designed and implemented in accordance with the applicable EU TSI requirements and were subject to the required NoBo conformity assessment/certification. The circumstance that a project applied European railway standards without undergoing NoBo verification does not satisfy criterion III.1.3(a).
Question No 45: Contract Notice, section III.1.3) Technical and professional capacity, Criteria a) The Client is asking bidders to nominate contracts for railway supervision projects where candidates' service also included "*review and approval of the design documentation prepared by the Contractor and/or the Employer*". While we understand the Client's intention to ensure that the selected consultant has adequate design-review experience, the current wording is unnecessarily restrictive and may exclude bidders with technically equivalent or more extensive experience. The requirement focuses on a particular contractual arrangement and terminology rather than on the actual technical capability required. Depending on the contract form, jurisdiction and allocation of responsibilities, consultants may have	**Answer No 45:** The Contracting Authority has considered the request and provides the following clarification as to how the requirement is applied. The requirement is assessed on the substance of the services actually performed under the reference contract, and not on the particular terminology used in that contract. Accordingly, a reference will be accepted where the scope of the Consultant's services included the review of the design documentation prepared by the Contractor and/or the Employer, together with participation in the decision on that documentation, irrespective of whether that function was described as approval, acceptance, consent, no-objection or recommendation for approval, and irrespective of whether the final act of approval was reserved to the Employer, to a competent authority or to the responsible designer. Candidates are invited to describe, in respect of each reference relied upon, the design documentation reviewed and the function performed by the

performed substantially the same services under descriptions such as: • review and verification of designs; • design audit or independent technical review; • review of working drawings, shop drawings and design modifications; • issuance of comments, consent or no-objection; • recommendation of design documentation to the Employer for approval. In many contracts, the consultant reviews the design but does not formally "approve" it because final approval remains with the Employer, a competent authority or the responsible designer. Such differences in terminology do not diminish the relevance or quality of the consultant's experience. Restricting eligible references to contracts containing both "review and approval," and only where the design was prepared by the Contractor and/or Employer, may therefore: • exclude functionally equivalent experience; • favour a particular contract model or wording; • reduce competition and bidder participation; • create uncertainty during evaluation; • prevent the Client from considering otherwise highly qualified consultants. We therefore kindly request that the criterion be amended to focus on the substance of the services performed and to accept equivalent experience. We suggest the following wording: *"including substantive review, verification, acceptance, recommendation for approval, issuance of no-objection, or approval of design documentation, working drawings, shop drawings, design modifications or equivalent technical submissions prepared by the Contractor, Employer, designer or another responsible party."* This amendment would preserve the Client's requirement for relevant design-review competence while ensuring proportionality, equal treatment and adequate competition. We kindly request the Client to amend or clarify the requirements referred to in both our questions accordingly.	Consultant in relation to its approval, so that the reference may be assessed on that basis. The above concerns the manner in which the requirement is applied and does not alter the elements of criterion III.1.3(a). It does not affect the answers to Questions No. 15, No. 16 and No. 31, which remain applicable.
Question No 46:	**Answer No 46:**

With reference to **Contract Notice EIB-GtP/2025/ENG/S3,** we kindly request clarification regarding the eligibility of economic operators in relation to nationality and country of establishment. While the procurement documents refer to the EIB Guide to Procurement and include forms based on PRAG procedures, we could not identify any explicit provision defining the countries whose economic operators are eligible to participate. Could the Contracting Authority please clarify: a) Is participation in this procurement procedure open to economic operators established in any country, provided that all exclusion, selection and contractual requirements are met? b) If any nationality or country of establishment restrictions apply, please specify the applicable eligibility rules and legal basis. c) Please confirm whether such restrictions, if applicable, apply to all entities participating in the application and performance of the contract, including consortium members, entities whose capacities are relied upon, and subcontractors. d) Please also confirm whether the requirement to indicate the nationality and country of registration of legal entities is intended solely for identification purposes or whether it forms part of the eligibility assessment during the prequalification stage.	**Section V.2 of the Contract Notice identifies the rules applicable to this procedure and provides the links to the EIB Guide to Procurement and to the PRAG. For ease of reference, the Contracting Authority confirms the following.** **a) Participation is open irrespective of the nationality or country of establishment of the economic operator. Under Section 1.2 of the EIB Guide to Procurement, firms originating from all countries of the world are eligible to tender for works, goods and services contracts, and under Section 3.2.1 tenders are open to nationals of all countries. Participation remains subject to the exclusion criteria and to the selection criteria set out in the Contract Notice. Consistently with the above, Section III.1.1 of the Contract Notice states that this contract does not require provisions on local preferences or local content.** **b) No eligibility restriction based on nationality or country of establishment applies. Participation is subject to the following restrictions, which apply irrespective of the country of establishment: the financial sanctions imposed by the European Union or adopted by the United Nations Security Council under Article 41 of the Charter of the United Nations, in respect of which the EIB will not provide financing directly or indirectly, as stated in Section V.2 of the Contract Notice and in Section 1.2 of the EIB Guide to Procurement; ineligibility arising from Prohibited Conduct and from the Bank's Exclusion Policy under Section 1.4 of the EIB Guide to Procurement; and the exclusion situations set out in Section 2.4.2.1 of the PRAG, as referred to in Section V.2 of the Contract Notice. The declarations and undertakings applicable to sanctions are set out in Annex 1-c to the Application Form, the Joint Covenant of Integrity, which is completed and signed individually by each entity participating in the application. Under that Annex each signatory declares that it is not listed or otherwise subject to EU and/or UN Sanctions, and that it is not listed or otherwise subject to US and/or UK Sanctions, and undertakes not to act in contravention of those measures. Annex 1-c further records that a signatory which is subject to an exclusion decision by the EIB, or which is subject to EU or UN Sanctions, will not be eligible to be awarded a contract financed by the EIB, and that a signatory included on the EBRD's lists of persons or entities ineligible to become an EBRD counterparty, or subject to UN Sanctions, will not be eligible to be awarded an EBRD-financed**

	contract. In addition, and as a separate requirement, Section V.2 of the Contract Notice obliges candidates to disclose any sanctions, exclusions, debarments or equivalent measures imposed by European institutions or multilateral development banks, irrespective of whether such measures remain in force. **c) The exclusion criteria and the restrictions referred to under b) apply to each entity participating in the application. In accordance with Point 3 of the Application Form and with the instructions to Annex 1-b, the Declaration of Honour is completed individually by the Applicant or the Lead Member, by each other JVCA member, by each capacity-providing entity and by each ordinary subcontractor identified at the time of tendering. The introductory part of the Application Form further provides that entities on whose capacities the Applicant relies on must respect the same rules of eligibility.** **d) The nationality stated in the Application Form is the country in which the legal entity is registered. This information is used for identification purposes and for verifying compliance with the restrictions referred to under b). The country of establishment is not in itself a selection criterion at the prequalification stage; the applicable selection criteria are those set out in Sections III.1.1, III.1.2 and III.1.3 of the Contract Notice. Consistently with this, Point 12 of Form 1 requests information on establishment in the state of the Contracting Authority for information only.** **The above is a clarification of the procurement documents and does not amend the Contract Notice.**
Question No 47: With regard to Technical and Professional Capacity Criterion III.1.3(c), "During the previous ten (10) years, the candidate (individual legal entity or consortium altogether) must have successfully completed at least one (1) contract for the supervision of construction works on a i) railway tunnel, or ii) linear infrastructure tunnel, with a minimum length of two (2) km, including services covering the review of the design for construction (or a similar type of design) and supervision of the construction of the structure executed in accordance with FIDIC conditions of contract or other similar conditions of contract. For a double tube tunnels, each tube will be counted	**Answer No 47:** a) For the purposes of criterion III.1.3(c), a "linear infrastructure tunnel" is a tunnel forming part of a linear transport or other linear infrastructure facility and constructed by tunnelling methods. Road, motorway, metro and other urban rail tunnels are accordingly eligible, as are tunnels forming part of other linear infrastructure. In each case the reference must satisfy all the remaining elements of criterion III.1.3(c), namely the minimum length of two (2) kilometres, the inclusion in the scope of services of the review of the design for construction, or a similar type of design, and of the supervision of the construction of the structure, and execution in accordance with FIDIC conditions of contract or other similar conditions of contract.

separately", could the Contracting Authority please clarify the following: a) What types of tunnels are considered eligible under the term "linear infrastructure tunnel" (e.g. road, motorway, metro, utility or other infrastructure tunnels)? b) How should the minimum tunnel length requirement of 2 km be assessed in the case of a double-tube tunnel? In particular, may the lengths of both tubes be aggregated when assessing compliance with this requirement, or must the minimum length of 2 km be met by each tube individually?	b) Criterion III.1.3(c) requires one (1) contract for the supervision of construction works on a tunnel with a minimum length of two (2) km. Where the tunnel supervised under that contract is a double tube tunnel, each tube is taken into account, and the minimum length of two (2) km is assessed by reference to the combined length of the tubes supervised under that contract. The lengths of the two tubes may therefore be aggregated for the purpose of assessing compliance with the minimum length requirement. The above is a clarification of the procurement documents and does not amend the Contract Notice.
Question No 48: CONTRACT NOTICE Ⅲ.1.3) Technical and professional capacity a) Under the Conditions for participation **regarding** Technical and professional capacity it is required: *"During the previous ten (10) years. the candidate (individual legal entity or consortium altogether) must have successfully completed at least two (2) contracts for the supervision of works on the modernization and/or upgrading of existing single-track* or *double-track railway Tines with a total length of at least one hundred (100) km, for speeds of at least 120 km/h, in accordance with EU TSI standards and certified by NoBo (INF and ENE subsystems), including review and approval of the design documentation prepared by the Contractor and/or the Employer. At least one of the submitted contracts (for references) must be for the supervision of works on the modernization and/or upgrading of an existing single-track or double-track railway Tine with a minimum length of fifty (50) km.* " While we fully recognize the complexity of the Project and the need for candidates to demonstrate their capability to successfully implement it through relevant prior experience, we note that the combination of subcriteria under criterion a) appears to be excessively restrictive. As currently formulated, these requirements may significantly limit competition and potentially reduce the number of eligible participants to only one or two companies. The objective of a tender procedure is to ensure effective competition by attracting the widest possible range of qualified candidates, thereby enabling the Client to obtain the best value in terms of quality and price. In this regard, we kindly request that the Client reconsider the requirements under criterion a)	**Answer No 48:** The Contracting Authority has considered the request and does not accept it. The Contracting Authority first notes that the requirements under criterion III.1.3(a) are not cumulative in the manner described in the request. The criterion requires at least two (2) reference contracts with a combined length of at least one hundred (100) km, of which at least one contract must concern the modernization and/or upgrading of an existing railway line with a minimum length of forty (40) km. That minimum length applies to one reference contract only and is not a requirement applicable to each reference contract. The remaining elements of criterion III.1.3(a) must, however, be satisfied within one and the same contract. The referenced works must have been carried out on the construction and/or modernization and/or upgrading of a single-track or double-track railway line, implemented in accordance with the applicable EU TSI standards and certified by NoBo for the INF and ENE subsystems, and the scope of the Consultant's services under that contract must have included the review and approval of the design documentation prepared by the Contractor and/or the Employer. These elements may not be demonstrated through different reference projects. Please also refer to the answers to Questions No. 31 and No. 44 and No. 45. As regards the rationale, the subject of this Contract is the supervision of Design and Build Works Contracts on the modernization and upgrading of an existing railway line, under which the Engineer is required to review and approve the Contractor's design documentation and, at the same time, to manage the conformity assessment against the applicable TSIs by the Notified Body engaged by the Engineer, covering both the design and the works for

and allow the various elements of the experience requirements, such as compliance with TSI standards and certification by a Notified Body (NoBo), review and approval of design documentation prepared by the Contractor, and experience on railway sections with a minimum length of 50 km, to be demonstrated through different reference projects rather than a single contract reference. Alternatively, we would appreciate it if the Client could provide the rationale for requiring all of these characteristics to be demonstrated under one reference project.	the INF and ENE subsystems. The competence sought is the coordinated exercise of those functions within a single supervision contract on an operating railway line. Experience of each element acquired separately, on unrelated contracts, does not demonstrate that competence. The Contracting Authority further notes that the criterion requires the two reference contracts to be completed during the previous ten (10) years, and that references may be relied upon where the contract has been fully or substantially completed, as provided in the Contract Notice. Candidates may also satisfy criterion III.1.3(a) as a consortium, the criterion applying to the consortium as a whole.
Question No 49: CONTRACT NOTICE III.1.3) Technical and professional capacity a) Under criterion a) it is required that the candidates need to demonstrate experience on: • at least two supervision contracts for modernization and/or upgrading of existing railway lines with a cumulative length of at least **100 km;** and • at least one supervision contract involving a railway section with a minimum length of **50 km.** However, Section 3 itself consists of 4 subsections: - Paracin-Stalac: approximately 20.8 km; - Stalac-Djunis: approximately 17.7 km; - Djunis-Trupale: approximately 37.7 km; - Trupale-Medjurovo: approximately 3.0 km, Given that none of the individual subsections approaches the 50 km threshold and considering that the works are envisaged to be implemented under two separate contracts, we respectfully request that this requirement be revised to ensure that it is proportionate to the scope and length of the individual subsections. In particular, we kindly ask that the minimum length requirement be adjusted to better reflect the characteristics of the sections comprising the project.	**Answer No 49:** The Contracting Authority has considered the request and does not accept it. The subject of this Contract is the provision of Engineer/Supervision services in respect of Section 3 as a whole, comprising all four subsections, and not in respect of an individual subsection. The circumstance that the Works are implemented through two Design and Build Works Contracts does not affect this, as the Engineer/Supervision services for Section 3 are procured under a single Services Contract covering both of them. For the avoidance of doubt, the minimum length of forty (40) km applies to one reference contract only, that reference being required to concern the modernization and/or upgrading of an existing railway line. Criterion III.1.3(a) requires at least two (2) reference contracts and does not limit their number: the remaining length required to reach the total of at least one hundred (100) km may therefore be demonstrated through one or more further reference contracts, none of which is subject to an individual minimum length. Each reference contract relied upon must, however, satisfy all the remaining elements of criterion III.1.3(a), as set out in the answers to Questions No. 31, No. 44 and No. 48.
Question No 50: CONTRACT NOTICE III.1.3) Technical and professional capacity a) and b) Criteria a) and b) currently provide that only the modernization and/or upgrading of existing railway lines may be submitted as eligible references. Considering that the construction of a new	**Answer No 50:** The Contracting Authority has considered the request and accepts it in part. Criterion III.1.3(a) has been amended and now admits references for the supervision of works on the construction of new railway lines. At least one of the reference contracts submitted under that criterion must, however, concern the modernization and/or upgrading of an

railway line is generally at least as complex, and often more complex, than the modernization and upgrading of an existing railway line, we respectfully request that the Client reconsider this limitation. Furthermore, modernization projects frequently include significant works elements that are typically associated with new railway construction. In the present project, Subsection 3.2 includes approximately 17.7 km of railway on a new alignment, together with tunnels, major bridges, and a viaduct, all of which are characteristic of new railway construction projects. In order to ensure a broader and more pr.oportionate recognition of relevant experience, we kindly request that the requirements under criteria a) and b) be amended as follows: **"Construction, modernization and/or upgrading of existing or new single-track or double-track raflway lines."** We believe that such an amendment would better reflect the nature and complexity of the project while promoting wider competition among qualified candidates.	existing single-track or double-track railway line, with a minimum length of forty (40) km, for the reasons set out in Answer No. 3. Limb (i) of criterion III.1.3(b) remains confined to the modernization and/or upgrading of existing railway lines; references concerning newly constructed linear infrastructure are admitted under limb (ii). Please refer to the answers to Questions No. 3, No. 4 and No. 17. As regards the characteristics of Subsection 3.2 referred to in the request, capacity relevant to new construction, including tunnels and major structures, is also assessed under criteria III.1.3(b)(ii) and III.1.3(c), neither of which is confined to the modernization of existing infrastructure nor to railways.
Question No 51: CONTRACT NOTICE III.1.3) Technical and professional capacity The requirement under criteria a), b), and c) stipulates that the candidate must demonstrate a minimum participation of 50% in each project submitted as a reference. We believe that this requirement may unduly limit competition and reduce the number of potential candidates. Projects of comparable scale and complexity typically require the combined expertise and resources of multiple entities acting in a joint venture or consortium in order to ensure successful implementation. Consequently, projects of this magnitude are often delivered by joint ventures comprising more than two members, in which individual participants may hold less than a 50% share despite having played a leading role in the execution of the contract. In order to promote wider competition and enable the participation of suitably qualified candidates, we kindly request that the Client consider revising this requirement to allow references where the candidate acted as the lead member of a joint venture or consortium, irrespective of its percentage share, provided that it can demonstrate	**Answer No 51:** Please refer to the answer to Question No. 5, which addresses the same request. The status of lead member does not establish the extent of the services actually performed by that member; the minimum participation is the means by which the Contracting Authority establishes that the Candidate itself performed a substantial part of the reference contract relied upon. The request is accepted in part. The minimum participation required in each reference project submitted under criteria III.1.3(a), (b) and (c) is reduced from 50% to 40%. The request that the status of lead member be accepted in place of a participation threshold is not accepted.

a substantial role and responsibility in the delivery of the referenced project.	
Question No 52: CONTRACT NOTICE III.1.3) Technical and professional capacity d) Criterion d) requires the candidate to demonstrate that they have employed at least 40 permanent employes in the relevant fields (FIDIC, earthworks, infrastructure, tunnels, bridges, superstructure, signaling and telecommunications, mechanical engineering, electrical engineering, traffic, claims management, quantity surveying, health and safety, environmental protection) in each of the last three years (2023, 2024, and 2025). Considering the scale and complexity of the project, including the supervision of implementation of two separate works contracts, it appears that the minimum staffing requirement under criterion d) is relatively modest when compared to the technical capacity requirements set out under criteria a), b), and c). We would therefore appreciate it if you could clarify the rationale for establishing the minimum threshold at 40 permanent employees and whether this level of staffing is considered sufficient to ensure the successful delivery of services associated with the project requirements.	**Answer No 52:** Criterion III.1.3(d) establishes a minimum level of technical and professional capacity to be demonstrated at the prequalification stage. It is not an estimate of the staffing to be deployed under the Contract. The threshold has been set at the level considered necessary to establish that a Candidate possesses a permanent organisation covering the fields relevant to this Contract, while remaining proportionate to the subject matter of the Contract. The number, composition and qualifications of the experts to be engaged for the performance of the services are determined by the Terms of Reference and are the subject of the technical proposal at the second stage of the procedure. As stated in Section II.2.5 of the Contract Notice, the Contract will be awarded on the basis of the most economically advantageous tender, using a quality-to-price ratio of 80:20, with the detailed award criteria and evaluation methodology set out in the procurement documents. Criterion III.1.3(d) remains unchanged.
Question No 53: Having carefully reviewed the selection criteria set out in Section III.1.3 of the Contract Notice we would respectfully request clarification regarding several technical and professional capacity requirements which. in our view. may have an unnecessanly restrictive effect on competition when considered individually and, in particular, in combination. Our observations are submitted in the spirit of promoting broad international competition and ensuring equal access to the procurement procedure for qualified consultants with relevant railway supervision experience. As stated in Section V.2 of the Contract Notice this procurement is governed by the **EIB Guide to Procurement July 2024)** and **PRAG.** The Contract Notice further expressly recognizes the right of economic operators to raise concerns where certain clauses or provisions may restrict international competition. In this regard, we respectfully note that the applicable procurement frameworks are founded upon the principles of: • transparency;	**Answer No 53:** The Contracting Authority has considered the request and accepts it in part. Please refer to the answers to Questions No. 18 and No. 49, which address the same request. The subject of this Contract is the provision of Engineer/Supervision services in respect of Section 3 as a whole, comprising all four subsections, and not in respect of an individual subsection. The circumstance that the Works are to be implemented through two Design and Build Works Contracts does not affect this, as the Engineer/Supervision services for Section 3 are procured under a single Services Contract covering both of them. The length of the individual subsections is therefore not the relevant measure of the scope of the services to be supervised. Criterion III.1.3(a) has nevertheless been amended and the individual minimum length has been reduced from fifty (50) km to forty (40) km. That minimum length applies to one reference contract only, that reference being required to concern the modernization and/or upgrading of an existing railway line. Criterion III.1.3(a) requires at least two

• proportionality; • equal treatment; • non-discrimination; • fair and effective competition; • widest possible participation of qualified economic operators; and • qualification requirements limited to what is necessary to demonstrate the candidate's ability to perform the contract. Similarly, PRAG provides that selection criteria should be objective. related to the subject matter of the contract and proportionate to the legitimate objective pursued. Against this background we respectfully request clarification regarding the Point III.1.3) Technical and professional capacity, i.e. the following requirements: **1. Railway Length** Under criteria a). the Contract Notice requires candidates to demonstrate: • at least two supervision contracts for modernization and/or upgrading of existing railway lines with a cumulative length of at least **100 km;** and • at least one supervision contract involving a railway section with a minimum length of 50km. However, Section 3 itself consists of: • Paracin-Stalac: approximately 20.8 km; • Stalac-Djunis: approximately 17.7 km; • Djunis-Trupale: approximately 37.7 km; • Trupale-Medjurovo: approximately 3.0 km, representing a total project length of approximately **79 km.** Given that: • the overall project length is below 80 km; • the project is divided into four subsections (taking into consideration Client's intention that there will be two contracts for works: one covering Section 3.2. and second covering the remaining sections (3.1. 3.3. and 3.4); and • no individual subsection approaches the 50 km threshold, we would appreciate clarification regarding the rationale for requiring a minimum 50 km railway supervision reference. We respectfully note that this requirement may not appear proportionate to the scope of the assignment and may unnecessarily exclude consultants having extensive railway modernization supervision experience on	(2) reference contracts and does not limit their number: the remaining length required to reach the total of at least one hundred (100) km may be demonstrated through one or more further reference contracts, none of which is subject to an individual minimum length. Criterion III.1.3(a) may also be satisfied by the consortium as a whole. The length requirements under criterion III.1.3(a) have been established taking into account the scale, complexity and characteristics of the Works to be supervised and the level of relevant experience considered necessary for the performance of the Contract. The Contracting Authority considers them related to the subject matter of the Contract and proportionate to it, in accordance with the principles of the EIB Guide to Procurement and the PRAG referred to in the request.

projects of comparable technical complexity, in the Project country, and wider region. but shorter lengths.	
Question No 54: **2. NoBo Certification** Under criteria a), the Contract Notice requires that submitted railway references must be implemented in accordance with **EU TSI standards and certified by a NoBo** (INF and ENE subsystems). We would appreciate clarification regarding the necessity and proportionality of requiring NoBo-certified references as a mandatory qualification criterion. While we fully recognize the relevance of experience related to railway interoperability, systems integration and conformity assessment, we respectfully note that many major railway projects worldwide are delivered under FIDIC Yellow Book and other internationally recognized design-build arrangements but are not subject to the European NoBo certification regime. Examples include railway projects financed by Multilateral Development Banks, Export Credit Agencies, National Governments and International railway authorities outside the European Union. Many of these projects involve: • high-speed railways; • major railway modernisation programmes; • new railway corridors; • complex tunnels and structures; • railway electrification systems; • signalling and telecommunications systems; • comprehensive testing and commissioning obligations; • design review and management under Design-Build contracts; and • sophisticated contract administration under FIDIC Yellow Book conditions. In many cases, the technical standards, engineering complexity, interface management requirements and risk profiles of these projects are fully comparable to, and in some cases exceed, those of major European railway projects. However, because they are implemented outside the European interoperability framework, they are not subject to formal NoBo certification. Consequently, a consultant may possess extensive experience supervising large and technically complex railway projects, including design review, contract administration, systems integration,	**Answer No 54:** The Contracting Authority has considered the request and does not accept it. Please refer to the answers to Questions No. 16, No. 44 and No. 48. The Contracting Authority confirms that the requirement was established with regard both to the technical requirements of the services and to the principles of proportionality, equal treatment, non-discrimination and effective international competition applicable to EIB-financed procurement. The requirement is directly linked to the subject matter of the Contract. The Works to be supervised are to be implemented in accordance with the applicable EU Technical Specifications for Interoperability, and the Engineer is required, at the same time as reviewing and approving the Contractor's design documentation, to manage the conformity assessment against the applicable TSIs by the Notified Body, covering both the design and the works for the INF and ENE subsystems. The competence sought under criterion III.1.3(a) is experience of supervising works on which that assessment was actually carried out, as set out in the answer to Question No. 44. The requirement is not a restriction based on the geographical location of the reference project or on the source of its financing. As stated in the answer to Question No. 16, references concerning projects implemented outside the European Union are accepted, provided that the relevant railway works were designed and implemented in accordance with the applicable EU TSI requirements and were subject to the required NoBo conformity assessment/certification. The Contracting Authority accepts that railway projects delivered under FIDIC Yellow Book or similar conditions outside the EU interoperability framework may be of comparable technical complexity; such projects do not, however, provide the experience of managing the EC verification procedure by a Notified Body which the Engineer will be required to exercise under this Contract, and are therefore not accepted under criterion III.1.3(a). The Contracting Authority further notes that criterion III.1.3(a) is the only criterion under Section III.1.3 that requires TSI compliance and NoBo certification. Criteria III.1.3(b)(ii) and III.1.3(c) are not confined to railways nor to the EU interoperability regime, and

testing and commissioning. yet be unable to satisfy the NoBo requirement solely because the project was implemented outside the European Union or outside the scope of EU interoperability legislation. We are concerned that the current formulation may effectively restrict eligible railway references to arelatively limited subset of projects undertaken within the EU interoperability regime, thereby excluding substantial amounts of highly relevant international railway experience. We respectfully submit that limiting eligible references exclusively to NoBo-certified projects may unnecessanly exclude highly relevant railway supervision experience and significantly reduce competition, particularly among consultants with extensive experience on large and complex railway projects delivered under FIDIC Yellow Book or similar conditions outside the Europe. Furthermore, when considered together with the requirements for railway modernization references, mandatory design review experience, high financial thresholds and minimum participation percentages, the NoBo requirement may have a cumulative effect that substantially narrows the pool of otherwise qualified international consultants. For these reasons, we would appreciate confirmation that the Client assessed the NoBo certification requirement not only from a technical perspective, but also in light of the procurement principles of proportionality, equal treatment, non-discrimination and effective international competition applicable to EIB-financed procurement procedures.	the references submitted under them are not subject to that requirement.
Question No 55: **3. Requirement for Design Review and Approval Experience** Under criteria a), the Contract Notice requires that submitted railway supervision references include **review and approval of design documentation prepared by the Contractor and/or the Employer.** We would appreciate clarification regarding the rationale for limiting eligible references to supervision assignments that included design review and approval services. Across Europe, many major railway infrastructure projects are delivered under procurement models in which: • design is completed prior to construction;	**Answer No 55:** The Contracting Authority has considered the request and does not accept it. Please refer to the answers to Questions No. 15, No. 31, No. 45 and No. 48. The subject of this Contract is the supervision of Design and Build Works Contracts, under which the design documentation is prepared by the Contractor and the Engineer is required to review and approve it. The review and approval of the Contractor's design documentation is accordingly a core function of the Engineer under this Contract, and not an ancillary service. Supervision assignments in which the Consultant was responsible for construction supervision, project controls, claims and variation management, testing and commissioning, quality assurance, contract administration, safety

• design review is performed by the infrastructure manager; • design approval is undertaken by independent verifiers; or • the supervision consultant is responsible for construction supervision and contract administration but not for design approval. Examples include projects undertaken for: • Deutsche Bahn (Germany); • OBB Infrastruktur (Austria); • SNCF Reseau (France); • ProRafl (Netherlands); • ADIF (Spain); • RFI (Italy); • Trafikverket (Sweden); and • Network Rail (United Kingdom). In these cases, consultants may be responsible for: • construction supervision; • project controls; • claims and variation management; • testing and commissioning; • quality assurance; • contractual administration; • safety management; and • handover procedures, without being responsible for formal design approval. Also, in many cases, the companies that provided supervision services previously prepared complete design documentation (from Conceptual Design to Design for construction stages) and such projects often involved technical complexity equal to or greater than that of the present assignment. We would therefore appreciate clarification as to why major railway supervision assignments that did not include design review responsibilities are not considered equivalent experience for the purpose of shortlisting.	management and handover, but had no function in relation to the review of the design documentation, do not demonstrate that competence and are not considered equivalent for the purposes of criterion III.1.3(a). As stated in the answer to Question No. 45, the requirement is assessed on the substance of the services actually performed under the reference contract and not on the terminology used in that contract. A reference will be accepted where the scope of the Consultant's services included the review of the design documentation prepared by the Contractor and/or the Employer, together with participation in the decision on that documentation, irrespective of whether that function was described as approval, acceptance, consent, no-objection or recommendation for approval, and irrespective of whether the final act of approval was reserved to the Employer, to a competent authority or to the responsible designer. Candidates are invited to describe, for each reference relied upon, the design documentation reviewed and the function performed by the Consultant in relation to its approval.
Question No 56: **4. Restriction to Modernization and Upgrading References** Under criteria a) and b), the Contract Notice requires candidates to demonstrate supervision experience related to the **modernization and/or upgrading of existing single-track or double-track railway lines.** We would appreciate clarification regarding the rationale for limiting eligible railway references	**Answer No 56:** The Contracting Authority has considered the request and accepts it in part. Criterion III.1.3(a) has been amended and now admits references for the supervision of works on the construction of new railway lines. At least one of the reference contracts submitted under that criterion must, however, concern the modernization and/or upgrading of an existing single-track or double-track railway line, with a minimum length of forty (40) km. Limb (i) of criterion III.1.3(b) remains unchanged. Please refer to the

exclusively to modernization and upgrading projects. The subject project includes not only rehabilitation and upgrading activities but also substantial elements commonly associated with new railway construction, including: a. new alignments; b. tunnels; c. major bridges and viaducts; d. railway systems integration; e. design-build delivery arrangements; and f. complex construction activities performed under railway operational constraints. In particular, Subsection 3.2 includes approximately 17.7 km of railway on a **new alignment,** together with tunnels, major bridges and a viaduct. Many consultants have successfully supervised: g. new high-speed railways; h. new conventional railway corridors; i. new double-track railway sections; j. railway bypasses and realignments; k. major railway tunnels and structures; under FIDIC Red or Yellow Book, EPC or similar arrangements. Such projects frequently involve engineering, management and contractual complexities equal to, or greater than, those associated with modernization and upgrading projects. Consequently, a consultant that has successfully supervised the construction of a new railway line may appear to be excluded, whereas a consultant supervising modernization works of lower technical complexity may satisfy the criterion. With a reference to the above argumentation, we hereby also highlight that an previous tender procedures for reconstruction or modernization of railway Jines in Serbia and the rest of the Western Balkans (such as Nis - Dimitrovgrad, Nis - Brestovac, Beograd - Stara Pazova, Stara Pazova - Novi Sad, Novi Sad - Subotica, Vrbnica - Bar, Kriva Palanka - border to Bulgaria, Vore - Hani i Hotit, Durres - Rrogozhine) found railway construction references eligible.	answers to Questions No. 3, No. 4, No. 17 and No. 50, which address the same request. As stated in those answers, that requirement is directed at experience of supervising works on a railway which remains in commercial operation throughout their execution, including the planning and administration of possessions, the temporary signalling and interlocking arrangements, the interfaces with infrastructure and systems already in service, and the staged commissioning and partial taking-over of infrastructure carrying traffic. The greater part of Section 3 consists of the modernization and upgrading of the existing railway line under those conditions. Capacity relevant to new construction, including the new alignment, tunnels, major bridges and viaduct on Subsection 3.2 referred to in the request, is also assessed under criteria III.1.3(b)(ii) and III.1.3(c), neither of which is confined to the modernization of existing infrastructure nor to railways. As regards the procurement procedures for other railway projects in Serbia and the wider region referred to in the request, the selection criteria of each procurement procedure are established by reference to the subject matter and characteristics of the contract concerned. The criteria applied in other procedures, whether conducted by this Contracting Authority or by other contracting authorities, do not determine the criteria applicable to this procedure. .
Question No 57: **5. Requirement for Minimum 50% Participation fn Reference Projects** The Contract Notice requires applicants to demonstrate a minimum participation of **50% fn**	**Answer No 57:** The Contracting Authority has considered the request and accepts it in part. Please refer to the answers to Questions No. 5, No. 6 and No. 51, which address the same request, including the requests for

each reference project submitted under criteria III.1.3(a), (b) and (c). We would appreciate clarification regarding the rationale and proportionality of this requirement. Large and complex railway infrastructure projects, particu1ar1y high-speed railway and major modernization programmes, are commonly delivered through international joint ventures and consultant consortia comprising several leading engineering firms. This delivery model is widely used across Europe and internationally because it enables the combination of complementary technical expertise, specialist railway systems knowledge, 1oca1 experience and project management capabilities required for projects of this scale and complexity. In such arrangements, responsibilities are generally allocated according to technical competence and specialist expertise rather than ownership share or percentage participation. As a result, a consultant may be responsible for substantial and critical aspects of project delivery, including contract administration, design review, project controls, systems integration, testing and commissioning, construction supervision or stakeholder management, while holding a participation share below 50%. Consequently, the proposed threshold may exclude consultants that have played a significant and demonstrable role in the successful delivery of highly relevant railway projects solely because their contractual participation percentage did not exceed 50%. In our view, participation percentage alone does not necessarily provide a reliable indicator of the relevance, quality or extent of a consultant's contribution to a reference assignment. Furthermore, considering the limited number of recently completed railway modernization projects of comparable scale in Serbia and the wider region, the application of a 50% threshold may further narrow the pool of qualified candidates and restrict competition without a corresponding increase in assurance regarding technical capability. We respectfully submit that relevant experience should primarily be assessed based on the nature of the services performed, the responsibilities assumed and the consultant's demonstrated contribution to the successful execution of the assignment. In this regard, a threshold of 40% participation by the Lead Company would still	a lower participation threshold and for recognition of the status of lead member. The minimum participation is the means by which the Contracting Authority establishes that the Candidate itself performed a substantial part of the reference contract relied upon. Neither the status of lead member nor the description of the responsibilities assumed within a consortium establishes the extent of the services actually performed by that member, and neither is accepted in place of a participation threshold. The minimum participation required in each reference project submitted under criteria III.1.3(a), (b) and (c) is reduced from 50% to 40%. It is not reduced below that level, since a share materially below 40% would no longer establish that the Candidate itself performed a substantial part of the reference contract. For the avoidance of doubt, where the Candidate is a consortium, the minimum participation is assessed in respect of the Candidate as a whole, in accordance with the wording of criterion III.1.3. Accordingly, where two or more members of the applying consortium each participated in the same reference contract, their respective participations in that contract are taken together for the purposes of the 40% threshold, provided that all of the entities concerned are members of the consortium submitting the application.

provide assurance that the applicant played a substantial and meaningful role in the reference project while better reflecting prevailing market practice for large international railway consultancy contracts. Could the Client therefore please clarify the justification for the 50% participation requirement and confirm whether its potential impact on effective competition was assessed, particularly in light of the structure of comparable railway supervision projects currently being implemented or recently completed in Serbia and the wider region?	
Question No 58: **6. Cumulative Restrictive Effect of the Selection Criteria** While each individual qualification requirement may pursue a legitimate objective, procurement requirements should also be assessed in terms of their cumulative impact on competition. Although each requirement may individually provide evidence of experience, their combined effect appears capable of significantly reducing the number of otherwise highly qualified international consultants able to participate in the procedure. We are particularly concerned that the combination of: a. mandatory design review experience; b. NoBo-certified references; c. Yellow FIDIC-based railway project experience; and d. ownership-based participation requirements; under one combined requirement, may exclude numerous consultants with extensive experience in projects which involve high technical complexity, interoperability requirements, safety obligations and contractual challenges equal to or greater than those applicable to the present assignment. However, because of differences in procurement structures, allocation of design responsibilities and contractual arrangements, they may not satisfy all the specific qualification requirements despite being highly relevant from a technical and professional perspective. In our understanding, qualification criteria should verify whether a consultant has the capacity to perform the services being procured and should not unnecessarily exclude equivalent experience obtained under alternative but widely recognized European railway delivery models.	**Answer No 58:** The Contracting Authority has considered the request. The Contracting Authority confirms that the selection criteria were established by reference to the subject matter of the Contract and were assessed, both individually and in their combined effect, against the principles of proportionality, equal treatment, non-discrimination and effective international competition set out in the EIB Guide to Procurement and the PRAG. The criteria are not cumulative in the manner described in the request. Each criterion under Section III.1.3 is directed at a distinct element of the services to be performed: criterion (a) at the supervision of the construction, modernization and upgrading of railway lines implemented under the EU interoperability framework, including the review and approval of the Contractor's design, at least one reference being required to concern the modernization and/or upgrading of an operating line; criterion (b) at the scale of the supervision contracts previously performed, limb (ii) of which is not confined to railways nor to existing infrastructure; criterion (c) at the supervision of tunnel construction, which is not confined to railways; and criterion (d) at the permanent organisation of the Candidate. The Contracting Authority further notes that the Contract Notice does not require the reference contracts under criterion III.1.3(a) to have been executed under FIDIC Yellow Book conditions, and that criteria III.1.3(b)(i) and III.1.3(c) require FIDIC conditions of contract, or other similar conditions of contract, without specifying the Yellow Book. The Contracting Authority also draws attention to the elements of the Contract Notice and of these clarifications which widen the range of admissible experience: the reference period of ten (10) years; the admissibility of contracts fully or substantially

We would therefore appreciate confirmation that the Client assessed not only the individual justification of each criterion but also the cumulative effect of all requirements on effective international competition, in accordance with the principles of proportionality, equal treatment, non-discrimination and broad market access. Our concern does not relate to any single criterion in isolation. Rather,it concerns the combined impact of the qualification requirements, which may substantially reduce the number of otherwise qualified and experienced railway consultants able to participate in the procedure. With a reference to all of the above, while we fully appreciate the Oient's objective of identifying consultants with the appropriate level of technical expertise and relevant railway experience, we are concerned that the selection criteria, particularly when considered collectively, appear to be structured in a manner that may substantially limit effective international competition. In our view, the combination of highly specific requirements may disproportionately favor a very limited group of market participants with recent experience on a narrow subset of projects, while excluding numerous internationally recognized consultants that possess demonstrably relevant and comparable expertise. We are concerned that current requirements will limit the involvement of international Companies present in the region, which are currently engaged on almost the same supervision projects in the Country. We therefore respectfully invite the Oient to reconsider the current qualification requirements and to evaluate whether broader recognition of equivalent railway experience could achieve the intended quality objectives while further promoting competition, equal treatment, non-discrimination and wider participation, in line with the principles governing EIB-financed procurement procedures.	completed; the acceptance of references concerning projects implemented outside the European Union, as set out in the answer to Question No. 16; the assessment of the design review function on the substance of the services performed rather than on contractual terminology, as set out in the answer to Question No. 45; the admissibility of the supervision of new railway construction under criterion III.1.3(a), of newly constructed linear infrastructure under limb (ii) of criterion III.1.3(b) and of non-railway tunnels under criterion III.1.3(c), as set out in the answers to Questions No. 3, No. 4 and No. 47; the reduction of the individual reference length under criterion III.1.3(a) from fifty (50) km to forty (40) km; the reduction of the minimum participation in each reference project from 50% to 40%; and the possibility for Candidates to satisfy criteria III.1.3(a), (b) and (c) as a consortium, the criteria applying to the consortium as a whole. The Contracting Authority does not accept that the criteria, so applied, favour a limited group of market participants. They are directed at the capability required for the performance of this Contract and are open to any economic operator, irrespective of its country of establishment, which is able to demonstrate that capability, as confirmed in the answer to Question No. 46.
Question No 59: We are writing to formally request an extension of time of three (3) weeks for the submission of the following EOI: Engineer/Supervision of the Design and Build Works Contracts for Section 3 – Paraćin–Trupale – Međurovo, Belgrade – Niš Railway Modernization Project. We are confident that this brief extension will be highly beneficial, ensuring our proposal is detailed and fully optimized in response to the requirements.	**Answer No 59:** Please refer to the answers to Questions No. 2 and No. 42, which address the same request. By Addendum No. 1 to the Prequalification Document, issued on 17 September 2026, the deadline for the receipt of requests to participate was extended to 15 October 2026, and by Addendum No. 2 to the Prequalification Document, issued on 12 October 2026, it has been further extended to 05 November 2026 at 12:00 hrs (CET).

Question No 60:	Answer No 60:
Joint Venture Participation Threshold (50%) **Current Requirement:** Each reference contract must demonstrate at least 50% participation by the candidate (individual legal entity or consortium altogether). **Clarification Sought:** Could you please clarify the rationale for setting the minimum participation threshold at 50% for each reference contract? - Regional IFI practice (EIB, EBRD, World Bank) in comparable railway supervision tenders (e.g., Romania Curtici – Simeria, North Macedonia Corridor X, Serbia Belgrade – Stara Pazova, Croatia, Montenegro Bar – Vrbnica) sets this threshold at 30–40% to ensure both meaningful involvement and broad competition. - The EIB Guide to Procurement (2024), Sections 1.2, 2.3.2, and 2.3.3 and PRAG Section 2.6.8 require that selection criteria be proportionate and not unduly restrictive. - EU Directive 2014/24/EU, Article 58(4) mandates that minimum levels of ability must be related and proportionate to the subject matter of the contract. Given that a 50% threshold is significantly higher than regional and IFI norms, we are concerned this will exclude relevant projects and therefore exclude otherwise qualified consortia and unnecessarily reduce competition. Would the Client please consider lowering the participation threshold to a standard 30% or 40% in line with EIB and regional best practice?	The Contracting Authority has considered the request and accepts it in part. The minimum participation required in each project submitted as a reference under criteria III.1.3 a), b) and c) is reduced from 50% to 40%. It is not reduced below that level, since a share materially below 40% would no longer establish that the Candidate itself performed a substantial part of the reference contract. Please refer to the answers to Questions No. 5, No. 6 and No. 51. As regards the rationale, experience is attributable to the entity which actually performed the services. Where a reference contract was implemented by a consortium, the participation threshold is the means by which the Contracting Authority establishes the extent of the services performed by the Candidate itself, as distinct from those performed by the other members of that consortium. A candidate whose involvement in a reference contract was below that level would not thereby demonstrate that it has itself performed a substantial part of the services relied upon. For the purposes of criteria III.1.3 a), b) and c), participation means the Candidate's share of the supervision services performed under the reference contract, as evidenced by the joint venture or consortium agreement and/or by the employer's certificate. The Contracting Authority further notes the manner in which criterion III.1.3 is framed as a whole: the reference period extends to ten (10) years; the criteria are assessed in respect of the candidate as an individual legal entity or as a consortium altogether, so that the references of the several members may be relied upon; the number of reference contracts which may be submitted is not limited; and under criterion III.1.3 a) only one reference contract is required to concern the modernization and/or upgrading of an existing railway line of at least forty (40) km, the second and any further reference contracts being subject to no individual minimum length. For the avoidance of doubt, where the Candidate is a consortium, the minimum participation is assessed in respect of the Candidate as a whole, in accordance with the wording of criterion III.1.3. Accordingly, where two or more members of the applying consortium each participated in the same reference contract, their respective participations in that contract are taken together for the purposes of the 40% threshold, provided that all of the entities

	concerned are members of the consortium submitting the application. The procurement procedures referred to in the request were conducted by other contracting authorities, in respect of different contracts and under their own arrangements. The selection criteria for the present Contract have been determined by reference to its own subject matter, scope and duration.
Question No 61: **NoBo Certificate Requirement as a Prequalification Filter** Current Requirement: Candidates must provide NoBo (Notified Body) certificates for INF and ENE subsystems, as part of their reference contracts. Clarification Sought: Could you clarify the justification for requiring NoBo certificates as a hard prequalification filter, given that: - NoBo services are independent and typically contracted directly by the Employer/Infrastructure Manager (Applicant) under EU law (Directive 2016/797/EU, Articles 2(23), 15(1), and 42; Commission Implementing Regulation EU 2019/250)? - The Supervising Engineer is not the legal holder of the EC certificate of verification, which is commonly issued to the Applicant, not the Engineer. - In practice, the Supervising Engineer may manage or facilitate the NoBo process, but may never receive or possess the certificate, as it is often a private document of the Employer. - Regional IFI tenders (Romania Curtici–Simeria, North Macedonia Corridor X, Serbia Belgrade–Stara Pazova, Montenegro Bar–Vrbnica) do not require NoBo certificates at PQ stage; experience with TSI-compliant projects is sufficient, with NoBo engagement managed at execution. - The EIB Guide to Procurement (2024), Section 2.3.2 and PRAG Section 2.6.8 require that technical certification requirements include “or equivalent” provisions and not be used to exclude otherwise qualified candidates. - EU Directive 2014/24/EU, Article 44(1) and CJEU Case C-424/23 require acceptance of equivalent certificates or evidence. Would the Client please consider revising this requirement to accept evidence of experience with TSI-compliant projects (including managing the NoBo process), and to include an explicit “or	**Answer No 61:** The Contracting Authority has considered the request and does not accept it. Please refer also to the answers to Questions No. 15 and No. 54. The Contracting Authority notes at the outset that the Contract Notice does not require Candidates to submit a NoBo certificate and does not require a Candidate to be the holder of any EC certificate of verification. Criterion III.1.3(a) requires that the works supervised under the reference contract were implemented in accordance with the applicable EU TSI standards and were certified by NoBo for the INF and ENE subsystems. This is a characteristic of the referenced project. The criterion does not require that the Notified Body was engaged by the Consultant, nor that the Consultant was the holder of the resulting certificate; it is immaterial for the purposes of criterion III.1.3(a) by which party the Notified Body was engaged. The circumstance that the EC certificate of verification is issued to the applicant for verification rather than to the supervising Engineer is therefore without effect on the application of this criterion. Compliance with this element of the criterion is evidenced in the same manner as the remaining elements, namely through certificates of completion, employer or client references, or other documentary evidence confirming satisfactory performance, as provided in the Contract Notice. Documentary evidence issued by the employer or client which identifies the referenced works and confirms that they were subject to the NoBo conformity assessment for the INF and ENE subsystems is sufficient for this purpose. The Contracting Authority further draws attention to the fact that the requirements concerning the engagement of the testing laboratories, the NoBo, the DeBo and the AsBo expressly do not apply at the prequalification stage. As stated in the Contract Notice, no certificates, licences or agreements with these bodies are required with the application, and those requirements are not assessed during shortlisting; the tenderer recommended for award shall provide the corresponding evidence after

equivalent" language in the qualification criteria, in line with EU law and EIB procurement policy?	notification of the award and before signature of the Contract. As regards the request to accept equivalent standards or certification, please refer to the answer to Question No. 16. The subject of this Contract includes the conformity assessment against the applicable TSIs for the INF and ENE subsystems, covering both the design and the Works, and the experience sought under criterion III.1.3(a) corresponds to that scope.
Question No 62: **Reference Project Length Requirement (≥100 km)** Current Requirement: Candidates must provide references for supervision of modernization / upgrading of railway lines with a total length of at least 100 km (with at least one contract of 50 km), despite Section 3 itself being 76.2 km in length. Clarification Sought: Could you clarify the reasoning for setting the reference length threshold above the actual project length? - Regional IFI practice is to set reference requirements at or slightly below the project length (e.g., 2×30–50 km or 1×50–100 km for projects of similar or greater length). - The EIB Guide to Procurement (2024), Sections 2.3.2 and 2.3.4 and PRAG Section 2.6.8 require that experience requirements be proportionate to the contract scope and value. - EU Directive 2014/24/EU, Article 58(4) mandates proportionality in minimum ability requirements. Given that Section 3 is 76.2 km, a 100 km reference threshold appears disproportionately high and may unnecessarily restrict competition. Would the Client please consider lowering the reference length requirement to match or slightly undercut the actual project length, in line with IFI and EU best practice?	**Answer No 62:** The Contracting Authority has considered the request and accepts it in part. Please refer to the answers to Questions No. 49 and No. 53. The Contracting Authority notes that the length of one hundred (100) km is a cumulative total to be demonstrated across at least two (2) reference contracts. No single reference contract is required to concern a railway line of one hundred (100) km. The only individual minimum length under criterion III.1.3(a) has been reduced from fifty (50) km to forty (40) km, and it applies to one reference contract only, that reference being required to concern the modernization and/or upgrading of an existing railway line; the second and any further reference contracts are subject to no individual minimum length. That individual requirement of forty (40) km is therefore well below the length of the railway line to be supervised under this Contract. As regards the length of Section 3, the Contract Notice provides that it comprises four subsections, namely Paraćin–Stalać of approximately 20.8 km, Stalać–Đunis of approximately 17.7 km, Đunis–Trupale of approximately 37.7 km and Trupale–Međurovo of approximately 3 km together with station tracks, the services under this Contract covering Section 3 as a whole. The requirement that at least two (2) reference contracts be submitted is directed at repeated experience of supervising works of this nature, rather than at volume alone. The cumulative length of one hundred (100) km follows from the requirement to submit more than one reference contract of meaningful size and is not a requirement that any single reference exceed the length of the present project. The Contracting Authority considers criterion III.1.3(a), as amended, to be related to the subject matter of the Contract and proportionate to it. The reference period extends to ten (10) years; the number of reference contracts which may be

	submitted is not limited; and the criterion is assessed in respect of the candidate as an individual legal entity or as a consortium altogether, so that the references of the several members may be relied upon. The procurement procedures referred to in the request were conducted by other contracting authorities, in respect of different contracts and under their own arrangements. The selection criteria for the present Contract have been determined by reference to its own subject matter, scope and duration.
Question No 63: **Exclusion of Greenfield/New-Build References** Current Requirement: Only modernization, upgrade, or reconstruction projects are accepted as valid references; new-build (Greenfield) projects are excluded, despite Section 3 including substantial new alignment, tunnels, and Greenfield works. Clarification Sought: Could you clarify the rationale for excluding Greenfield/new-build references, given that: - Section 3 includes significant new alignment and Greenfield components, especially in the Stalać–Đunis and Đunis–Trupale subsections, with five new tunnels and five new bridges. - Regional IFI tenders (Romania Curtici–Simeria, North Macedonia Corridor X, Serbia Belgrade–Stara Pazova, Montenegro Bar–Vrbnica) routinely accept both modernization and new-build references, provided the technical complexity is comparable. - The EIB Guide to Procurement (2024), Section 2.3.4 and PRAG Section 2.6.8 require that equivalent experience be accepted where relevant. Would the Client please consider revising the criteria to accept Greenfield/new-build references for projects of comparable technical complexity, in line with the actual scope of Section 3 and IFI best practice?	**Answer No 63:** The Contracting Authority has considered the request and accepts it in part. Criterion III.1.3(a) has been amended and now admits references for the supervision of works on the construction of new railway lines. At least one of the reference contracts submitted under that criterion must, however, concern the modernization and/or upgrading of an existing single-track or double-track railway line, with a minimum length of forty (40) km. Please refer to the answers to Questions No. 3, No. 4, No. 17, No. 50 and No. 56, which address the same request. References concerning newly constructed infrastructure are not excluded from the selection criteria as a whole. The qualification concerning the modernization and/or upgrading of existing railway lines applies to limb (i) of criterion III.1.3(b) and, under criterion III.1.3(a), to one reference contract only. Limb (ii) of criterion III.1.3(b) is not limited to existing infrastructure and admits references concerning newly constructed linear infrastructure, including the supervision of newly constructed railway lines, provided that all other requirements of criterion III.1.3(b) are met. Criterion III.1.3(c) is likewise not confined to the modernization of existing infrastructure, nor to railways. As regards the new alignment, tunnels and bridges referred to in the request, the corresponding capacity is therefore assessed under criteria III.1.3(a), III.1.3(b)(ii) and III.1.3(c). The characteristics of Section 3 relied upon in the request are accordingly reflected in the selection criteria.
Question No 64: **Annual Turnover Requirement (EUR 15M)** Current Requirement: The annual turnover requirement is set at EUR 15,000,000 (average over the last three years), which is only 50% of the contract value (EUR 30,450,000).	**Answer No 64:** The Contracting Authority has considered the request and does not accept it. The economic and financial capacity criteria set out in Section III.1.2 of the Contract Notice remain unchanged. For accuracy, the requirement is not an average over the last three financial years, but an annual turnover of at least EUR 15,000,000 in each of them.

Clarification Sought: Could you clarify the rationale for setting the annual turnover threshold at such low level, given that: - Market consultation feedback recommended a higher threshold (min. EUR 20 million or above) to ensure that only firms with sufficient financial capacity and stability would be shortlisted. - The EIB Guide to Procurement (2024), Section 2.3.2 and PRAG Section 2.6.8 require that financial capacity requirements be proportionate to the contract value and duration, and set at a level that ensures the contractor's ability to perform without unduly restricting competition. - EU Directive 2014/24/EU, Article 58(3) allows for a minimum annual turnover up to twice the contract value, except in justified cases. Given the multi-year duration and complexity of the contract, a higher threshold may be warranted to ensure financial robustness. Would the Client consider increasing the annual turnover requirement to min EUR 20 million or above, as recommended during market consultation, to better reflect the scale and risk profile of the assignment?	The threshold has been determined by reference to the subject matter, scope and duration of this Contract and is considered appropriate for the purpose of establishing the financial capacity required to perform it. Selection criteria establish a minimum level of capacity and must remain proportionate; the Contracting Authority does not consider an increase to be warranted.
Question No 65: **General Principle of Open Competition and Proportionality** Current Situation: The Contract Notice (EIB-GtP/2025/ENG/S3) states that the procurement is governed by the EIB Guide to Procurement and must ensure "an open international competition, non-discrimination of tenderers, fairness and transparency of the process, and selection of the most economically advantageous offer" (Section 1.2, EIB Guide to Procurement (July 2024)). However, the cumulative effect of the technical and professional capacity requirements—particularly the overlapping and highly specific sub-criteria under Requirements A, B, and C - appears to significantly narrow the pool of eligible candidates, contrary to these principles. Legal and Policy Context: • EIB Guide to Procurement (July 2024), Section 1.2: "The Bank requires that the procurement process be summarised as open international competition, non-discrimination of tenderers, fairness and transparency of the process, and selection of the most economically advantageous offer."	**Answer No 65:** The Contracting Authority has considered the request and accepts it in part. The selection criteria set out in Section III.1.3 of the Contract Notice have been amended as set out below. The selection criteria describe this project. Each element of criterion III.1.3 corresponds to an element of the project scope. The Contracting Authority does not require experience beyond what this project consists of. As regards the request for the inclusion of "or equivalent" wording in relation to contract conditions, the Contracting Authority notes that the criteria already admit contract conditions other than FIDIC. As stated in the answer to Question No. 58, criteria III.1.3(b)(i) and III.1.3(c) require FIDIC conditions of contract, or other similar conditions of contract, and limb (ii) of criterion III.1.3(b) refers to other types of linear infrastructure projects with similar contract conditions. This concerns the contract conditions only. As regards the cumulative effect of the criteria, the criteria are not to be satisfied by mutually exclusive sets of references. The Contract Notice does not require that different reference contracts be submitted under criteria III.1.3(a) and III.1.3(b), and criterion III.1.3(b) now provides expressly that the same reference contracts may serve both value

• PRAG Section 2.6.8: "Selection criteria must not be used to reduce the number of candidates in an artificial manner." • EU Directive 2014/24/EU, Article 58(1) & (4): "All requirements shall be related and proportionate to the subject-matter of the contract." • EU Directive 2014/24/EU, Article 65(1): "...the objective and non-discriminatory criteria or rules they intend to apply..." • CJEU Case Law (C-424/23 DYKA Plastics, C-171/15, C-31/87 Beentjes): Requirements must be reasonable, proportionate, and not restrict access to otherwise qualified economic operators. • EIB/JASPERS Guidance: Selection criteria and technical specifications must not be drafted in a way that restricts market access or excludes equivalent solutions without objective justification; references to specific standards must always be accompanied by "or equivalent". Concern: The cumulative and overlapping nature of the requirements set out in the Contract *Notice*—each with multiple, highly specific sub-criteria such as 1) Reconstruction and / or modernization-only, and 2) minimum lengths and speeds, and 3) TSI compliance, and 4) NoBo certification for both INF and ENE, and 5) high value thresholds, and 6) FIDIC-only, and 7) 50% participation) - substantially narrows the pool of eligible candidates. This approach risks excluding even top-tier international transport organizations with extensive and relevant experience, but who may not meet every specific sub-condition in combination. As a result, the process may not achieve open international competition, may artificially reduce the number of candidates, and may not deliver the most economically advantageous offer, contrary to the EIB Guide to Procurement, PRAG, EU Directives, and established CJEU case law. Clarification Sought: In light of the above, and to ensure compliance with the EIB Guide to Procurement, PRAG, EU procurement law, and the principles of open competition and proportionality, would the Client consider revising the prequalification criteria to avoid such a narrow and cumulative set of requirements? Specifically, we request that the qualifying experience criteria be	tests. Furthermore, the reference period extends to ten (10) years; candidates may rely on contracts which have been fully or substantially completed, and on projects started before the reference period provided they were completed within it; the number of reference contracts which may be submitted is not limited; under criterion III.1.3(a) only one reference contract is required to concern the modernization and/or upgrading of an existing railway line of at least forty (40) km; criterion III.1.3(c) requires one (1) reference contract only; and all criteria under Section III.1.3 are assessed in respect of the candidate as an individual legal entity or as a consortium altogether, so that the references of the several members may be relied upon. As regards the acceptance of new-build references, criterion III.1.3(a) has been amended and now admits the supervision of works on the construction of new railway lines, subject to the requirement that at least one reference contract concern the modernization and/or upgrading of an existing railway line. Limb (ii) of criterion III.1.3(b) admits references concerning newly constructed linear infrastructure, including the supervision of newly constructed railway lines, provided that all other requirements of criterion III.1.3(b) are met. Please refer to the answers to Questions No. 3, No. 4, No. 17, No. 50, No. 56 and No. 63. As regards the participation threshold, it has been reduced from 50% to 40%; please refer to the answers to Questions No. 5, No. 51, No. 57 and No. 60. As regards the cumulative effect of the selection criteria, please refer also to the answer to Question No. 58.

broadened—by allowing for "or equivalent" experience, in particular in relation to the FIDIC Contract requirement in requirement B, in addition to (i) accepting both modernization and new-build references, (ii) reducing the number and specificity of overlapping sub-criteria, and (iii) lowering the participation threshold, as set out above —to ensure that the tender process remains open, competitive, and accessible to project success.	
Question No 66: The Contract Notice refers to Directive (EU) 2016/797, the Rulebook published in the Official Gazette of RS No. 33/22 and the Law on Safety in Railway Traffic, Official Gazette of RS No. 41/2018. Please confirm that the applicable Serbian legal framework also includes the current Law on Interoperability of the Railway System, Official Gazette of RS No. 62/2023, and amend the Contract Notice accordingly.	**Answer No 66:** The provisions referred to in the request form part of the requirements concerning the engagement of the independent Notified Body, Designated Body and Assessment Body. As stated in the Contract Notice, those requirements do not apply at the prequalification stage, no certificates, licences or agreements with those bodies are required with the application, and they are not assessed during shortlisting. Please also refer to the answer to Question No. 61. The instruments cited in the Contract Notice in that context are cited for the purpose of identifying the registration, designation or recognition requirements applicable to the bodies concerned. The Contract Notice does not purport to set out an exhaustive statement of the legislation applicable to the performance of the Services. The Services will be performed in accordance with the legislation of the Republic of Serbia in force and applicable at the time of performance, together with the applicable EU technical specifications for interoperability. The detailed regulatory framework applicable to the assignment will be set out in the Terms of Reference forming part of the tender documents to be issued to the shortlisted candidates at the second stage of the procedure. No amendment of the Contract Notice is required for these purposes, and the request to amend it is not accepted.
Question No 67: Please specify the order of precedence between: ○ the Serbian Law on Interoperability of the Railway System; ○ the applicable Serbian rulebooks and national railway technical rules; ○ Directive (EU) 2016/797; ○ applicable EU TSIs; and applicable COTIF / UTP requirements.	**Answer No 67:** The matter raised concerns the performance of the Services and does not affect the preparation of applications at the prequalification stage, at which only the exclusion criteria and the selection criteria set out in the Contract Notice are assessed. The relationship between the legislation of the Republic of Serbia, the applicable technical rules and the international instruments referred to in the request is determined by that legislation and by the international instruments themselves. It is not established by the Contract Notice, and the

	Contracting Authority does not determine it by way of clarification. The Services will be performed in accordance with the legislation of the Republic of Serbia in force and applicable at the time of performance, together with the applicable EU technical specifications for interoperability. The requirements applicable to the assignment will be set out in the Terms of Reference and in the conditions of contract forming part of the tender documents to be issued to the shortlisted candidates at the second stage of the procedure. Please also refer to the answer to Question No. 66.
Question No 68: The Contract Notice requires the NoBo to be listed in NANDO. However, Articles 2 and 19 of the Serbian Law on Interoperability recognise bodies notified either to the European Commission or to the Secretary General of OTIF. Will a body duly notified to OTIF for the relevant scope also be accepted? If not, please provide the legal justification for restricting eligibility exclusively to NANDO-listed bodies.	**Answer No 68:** The requirement referred to in the request forms part of the requirements concerning the engagement of the independent Notified Body, Designated Body and Assessment Body. As stated in the Contract Notice, those requirements do not apply at the prequalification stage, no certificates, licences or agreements with those bodies are required with the application, and they are not assessed during shortlisting. Please also refer to the answers to Questions No. 61 and No. 66. The requirements applicable to the bodies to be engaged for the performance of the Services will be set out in the Terms of Reference forming part of the tender documents to be issued to the shortlisted candidates at the second stage of the procedure, in accordance with the legislation of the Republic of Serbia in force and applicable at that time.
Question No 69: Please clarify the meaning of the requirement that the NoBo must be “registered with the competent authority for the constructed section of the railway line”. NoBo notification normally relates to a defined TSI, subsystem and conformity assessment procedure rather than to an individual railway section. Please state the exact notification scope required.	**Answer No 69:** The requirement referred to in the request forms part of the requirements concerning the engagement of the independent Notified Body, Designated Body and Assessment Body. As stated in the Contract Notice, those requirements do not apply at the prequalification stage, no certificates, licences or agreements with those bodies are required with the application, and they are not assessed during shortlisting. Please also refer to the answers to Questions No. 61, No. 66 and No. 68. By way of clarification, the reference to the constructed section of the railway line identifies the Works in respect of which the Notified Body is to act and is not to be understood as requiring a notification granted in respect of an individual railway section. The scope of the verification activities and the corresponding requirements applicable to the bodies to be engaged will be set out in the Terms of Reference forming part of the tender documents to

	be issued to the shortlisted candidates at the second stage of the procedure.
Question No 70: Please provide the complete regulatory baseline for the assessment, including the exact versions and amendments of the INF, ENE, PRM and SRT TSIs and all applicable Serbian national railway technical rules.	**Answer No 70:** The matter raised concerns the performance of the Services and does not affect the preparation of applications at the prequalification stage, at which only the exclusion criteria and the selection criteria set out in the Contract Notice are assessed. The Services will be performed in accordance with the legislation of the Republic of Serbia in force and applicable at the time of performance, together with the applicable EU technical specifications for interoperability. The regulatory framework applicable to the assignment, including the applicable technical specifications for interoperability and national technical rules, will be set out in the Terms of Reference forming part of the tender documents to be issued to the shortlisted candidates at the second stage of the procedure. Please also refer to the answers to Questions No. 66 and No. 67.
Question No 71: Please confirm which verification modules or combinations of modules are expected for the INF and ENE subsystems and whether Intermediate Statements of Verification are required for: ○ the design phase; ○ individual subsections or parts; ○ the construction/production phase; and phased commissioning.	**Answer No 71:** The matters raised concern the manner in which the Services are to be performed and the arrangements applicable to the independent Notified Body, Designated Body and Assessment Body. As stated in the Contract Notice, those requirements do not apply at the prequalification stage, no certificates, licences or agreements with those bodies are required with the application, and they are not assessed during shortlisting. The present stage is limited to the assessment of the exclusion criteria and the selection criteria set out in the Contract Notice. The detailed technical and procedural matters raised are not determined by the Contract Notice. They follow from the legislation in force, from the applicable technical specifications for interoperability, and from the regimes under which those bodies are notified, designated or recognised, and they are resolved in the course of implementation between the parties and the bodies concerned, in accordance with those instruments. The requirements applicable to the assignment will be set out in the tender documents to be issued to the shortlisted candidates at the second stage of the procedure.
Question No 72:	**Answer No 72:**

Please define the intended certification breakdown, including the number of certificates or intermediate statements expected by: ○ Works Contract; ○ subsection; ○ structural subsystem; ○ geographical or functional part; and temporary or final commissioning stage.	Please refer to the answer to Question No. 71.
Question No 73: Please confirm whether one NoBo must cover INF, ENE, PRM and SRT, or whether several notified bodies with complementary notification scopes may be engaged.	**Answer No 73:** The matter raised concerns the performance of the Services and does not affect the preparation of applications at the prequalification stage, at which only the exclusion criteria and the selection criteria set out in the Contract Notice are assessed. The Contract Notice does not require that a single body cover all of the structural subsystems concerned. The subsystems covered, and the arrangements for the engagement of the bodies concerned, will be set out in the Terms of Reference forming part of the tender documents to be issued to the shortlisted candidates at the second stage of the procedure. Please also refer to the answers to Questions No. 66, No. 70 and No. 72.
Question No 74: How will future amendments of the applicable TSIs or national technical rules during the 72-month contract period be treated? Please identify the regulatory baseline date and confirm whether changes to that baseline will constitute a variation with an adjustment of time and remuneration.	**Answer No 74:** Please refer to the answer to Question No. 71.
Question No 75: Please identify the “applicant” for the NoBo and DeBo verification procedures: the Employer, the relevant Works Contractor, the Engineer or another entity.	**Answer No 75:** The matter raised concerns the performance of the Services and does not affect the preparation of applications at the prequalification stage, at which only the exclusion criteria and the selection criteria set out in the Contract Notice are assessed. As stated in the Contract Notice, the engagement of the independent Notified Body, Designated Body and Assessment Body forms part of the scope of the Services. The respective roles and responsibilities of the parties in the verification and assessment procedures, including the identification of the applicant for the purposes of those procedures, will be set out in the Terms of Reference forming part of the tender documents to be issued to the shortlisted candidates at the second stage of the procedure.

	Please also refer to the answers to Questions No. 66, No. 70 and No. 73.
Question No 76: If the Engineer is intended to act as an authorised representative of the applicant, please confirm that the Employer will issue the necessary written authorisation and specify who will sign and assume responsibility for the subsystem declarations of verification.	**Answer No76:** Please refer to the answer to Question No. 71.
Question No 77: Please identify the "proposer" responsible for applying the CSM risk management process and accepting the significant change under Article 8 of the Serbian Law on Safety in Railway Traffic. Please clarify whether this will be the Employer, Infrastructure Manager, Works Contractor or Engineer.	**Answer No 77:** Please refer to the answer to Question No. 71.
Question No 78: Please explain the legal and procurement rationale for placing the NoBo, DeBo and AsBo under the contractual and payment responsibility of the Engineer, considering that the Engineer will also review and approve designs, supervise the Works and certify the Contractor's performance.	**Answer No 78:** Please refer to the answer to Question No. 71.
Question No 79: How will the functional, organisational and financial independence of the NoBo, DeBo and AsBo be protected from the Engineer and the Works Contractors? In particular, will these bodies: ○ report directly and simultaneously to the Employer; ○ have unrestricted access to the Employer, Directorate for Railways, designs, sites and testing records; ○ retain sole control over their findings and certificates/reports; and be protected against replacement or withholding of payment due to an unfavourable assessment result?	**Answer No 79:** Please refer to the answer to Question No. 71.
Question No 80: Would the Contracting Authority consider appointing these bodies directly or procuring their services as a separate contract or lot in order to provide a clear contractual chain and full independence?	**Answer No 80:** The Contracting Authority confirms that the engagement of the independent Notified Body, Designated Body and Assessment Body forms part of the scope of the Services, as set out in the Contract Notice. It is not intended to appoint those bodies under separate contracts concluded by the Contracting Authority.

	Please refer to the answers to Questions No. 78 and No. 79 as regards the basis of that arrangement and the independence of the bodies concerned. The payment arrangements applicable to the Contract, including those relating to the costs of the bodies to be engaged, will be set out in the Terms of Reference and in the conditions of contract forming part of the tender documents to be issued to the shortlisted candidates at the second stage of the procedure.
Question No 81: Please confirm whether the NoBo, DeBo and AsBo are to be treated as specialist subcontractors. If so, will their services and fees be counted within the general limit of 30% of the contract value applicable to subcontracting	**Answer No 81:** The requirements concerning the engagement of the independent Notified Body, Designated Body and Assessment Body do not apply at the prequalification stage and are not assessed during shortlisting. Those bodies are not to be identified in the Application Form, and no declarations, forms or supporting documents are required in respect of them at this stage. Their status for the purposes of the performance of the Contract, and the corresponding contractual arrangements, will be set out in the Terms of Reference and in the conditions of contract forming part of the tender documents to be issued to the shortlisted candidates at the second stage of the procedure. Please also refer to the answers to Questions No. 61, No. 78 and No. 80.
Question No 82: May an independent NoBo, DeBo or AsBo be proposed by more than one shortlisted tenderer, considering the limited number of suitably authorised bodies and the fact that these bodies are not assessed during the prequalification stage?	**Answer No 82:** The independent Notified Body, Designated Body and Assessment Body are not proposed or identified at the prequalification stage, and no declarations or supporting documents are required in respect of them with the application. Please refer to the answer to Question No. 81. For the avoidance of doubt, the Contracting Authority confirms that no exclusivity applies in respect of those bodies. The same body may be proposed by more than one tenderer, and a body is not required to act for one tenderer only. Tenderers and the bodies concerned remain subject to the requirements as to confidentiality and conflicts of interest, and a body acting for more than one tenderer must not disclose or use the information of one tenderer for the benefit of another. The corresponding arrangements will be set out in the tender documents to be issued to the shortlisted candidates at the second stage of the procedure.
Question No 83:	**Answer No 83:**

May the same legal entity, or separate entities belonging to the same corporate group, provide more than one of the NoBo, DeBo and AsBo services, provided that all required notification, designation, accreditation and impartiality requirements are satisfied?	The independent Notified Body, Designated Body and Assessment Body are not proposed or identified at the prequalification stage, and no declarations or supporting documents are required in respect of them with the application. Please refer to the answers to Questions No. 81 and No. 82. Whether a given body may act in more than one of those capacities, and whether entities belonging to the same group may do so, follows from the regimes under which those bodies are notified, designated or recognised and from the requirements of independence and impartiality applicable under those regimes. It is not determined by the Contract Notice. The corresponding arrangements applicable to the performance of the Contract will be set out in the Terms of Reference forming part of the tender documents to be issued to the shortlisted candidates at the second stage of the procedure.
Question No 84: Since the requested AsBo is described as an independent external body, please confirm whether it must be accredited as a Type A inspection body according to SRPS ISO/IEC 17020.	**Answer No 84:** The Contract Notice requires the engagement of an independent Assessment Body, as it does in respect of the Notified Body and the Designated Body. That requirement is to be understood as requiring independence from the Consultant. Accordingly, those functions may not be performed by the Consultant itself, by any member of the Consultant's joint venture or consortium, or by any entity on whose capacities the Consultant relies for the purposes of this Contract. The requirements concerning the engagement of those bodies do not apply at the prequalification stage and are not assessed during shortlisting. The corresponding arrangements will be set out in the Terms of Reference forming part of the tender documents to be issued to the shortlisted candidates at the second stage of the procedure. Please also refer to the answers to Questions No. 79 and No. 81.
Question No 85: Please define the precise accreditation or recognition scope required from the AsBo, including whether its scope must explicitly cover: ○ railway infrastructure; ○ energy; ○ signalling and telecommunications; ○ tunnels; ○ system integration; and overall consistency of the risk management process.	**Answer No 85:** Please refer to the answer to Question No. 71.

Question No 86: Will accreditation issued by a foreign accreditation body that is a signatory to the relevant EA/ILAC multilateral arrangement be accepted, or must the AsBo be accredited by the Accreditation Body of Serbia or specifically recognised by the Serbian Directorate for Railways?	**Answer No 86:** Please refer to the answer to Question No. 71.
Question No 87: Phase 3 refers to obtaining "final NoBo, DeBo and AsBo certificates". Under Article 8 of the Serbian Law on Safety in Railway Traffic and the Rulebook published in Official Gazette of RS No. 62/22, the AsBo issues a Safety Assessment Report rather than a certificate. Please confirm the correct AsBo deliverable and amend the wording.	**Answer No 87:** Please refer to the answer to Question No. 71.
Question No 88: Please define the AsBo deliverables and milestones, including the independent assessment plan, design-stage assessment reports, construction-stage reports, closure of non-conformities and the final Safety Assessment Report.	**Answer No 88:** Please refer to the answer to Question No. 71.
Question No 89: Phase 1 includes a "preliminary assessment" of the as-built design, although the as-built design can only be completed during or after construction. Please clarify the intended timing and deliverable and reconcile this provision with Phases 2 and 3.	**Answer No 89:** Please refer to the answer to Question No. 71.
Question No 90: Please clarify whether "preliminary assessment" means an Intermediate Statement of Verification by NoBo/DeBo and an interim independent assessment report by AsBo, or merely informal review comments. Statutory assessment deliverables should not be replaced by advisory opinions.	**Answer No 90:** Please refer to the answer to Question No. 71.
Question No 91: Please provide details of any NoBo, DeBo, AsBo or other conformity assessment activities already performed for Subsection 3.2 and for the terminated Lot 1 Works Contract.	**Answer No 91:** Please refer to the answer to Question No. 71.
Question No 92: Will all existing certificates, intermediate statements, assessment reports, hazard records, design review records and supporting evidence be made available to the newly engaged bodies?	**Answer No 92:** Please refer to the answer to Question No. 71.
Question No 93:	**Answer No 93:**

Who will bear the risk and cost if the newly engaged NoBo, DeBo or AsBo cannot rely on previous assessments or finds that previously approved designs or executed Works do not comply with the applicable requirements?	Please refer to the answer to Question No. 71.
Question No 94: Please explain the technical, legal and procurement reasons for excluding permanent ERTMS from this Contract while retaining temporary signalling and telecommunications within its scope.	**Answer No 94:** The scope of this Contract follows the Works Contracts to which the supervision relates. As stated in the Contract Notice, the Works for Section 3 are implemented through two Design and Build Works Contracts, and the installation of ERTMS is planned under a third Works Contract. That third Works Contract is not covered by this Contract, and the supervision of the ERTMS works will be the subject of a separate procurement procedure. The temporary signalling and telecommunication system required during the execution of the Works forms part of the Works Contracts covered by this Contract and is accordingly within the scope of the Services. The scope of this Contract is therefore determined by reference to the Works Contracts concerned, and not by reference to categories of systems.
Question No 95: Please confirm whether the exclusion covers: ○ only ETCS; ○ ETCS and GSM-R/FRMCS; ○ the complete trackside CCS subsystem; ○ all permanent signalling systems; and/or all permanent telecommunications systems.	**Answer No 95:** Please refer to the answer to Question No. 71.
Question No 96: Please identify the separate Works and supervision procurement that will cover ERTMS, its planned procurement and implementation schedule, and the entity that will provide the related NoBo, DeBo and AsBo services.	**Answer No 96:** The ERTMS works and the corresponding supervision services are not the subject of this procurement procedure. Any separate procurement procedure will be published in accordance with the applicable rules. Please also refer to the answers to Questions No. 94 and No. 95.
Question No 97: Please confirm that exclusion of the ERTMS Works does not exclude the assessment of interfaces between ERTMS/CCS and: ○ infrastructure; ○ energy; ○ tunnels and SRT requirements; ○ telecommunications;	**Answer No 97:** Please refer to the answer to Question No. 71.

○ operational rules; ○ testing and commissioning; and safe integration of the railway system.	
Question No 98: Considering that Article 19 of the Serbian Law on Interoperability requires verification of subsystem interfaces, please specify who will assess and certify the interfaces between the INF/ENE works under this Contract and the ERTMS works under the separate contract.	**Answer No 98:** Please refer to the answer to Question No. 71.
Question No 99: Will one AsBo be responsible for the overall significant change and system-level integration, or will separate AsBos be appointed? If separate bodies are intended, who will maintain the master hazard record, coordinate transferred hazards and issue the overall conclusion on safe integration?	**Answer No 99:** Please refer to the answer to Question No. 71.
Question No 100: Please identify the certification and authorisation regime applicable to the temporary signalling and telecommunications system included in this Contract. Will it require separate DeBo verification, CSM risk assessment, AsBo assessment and a temporary or restricted permit for use?	**Answer No 100:** Please refer to the answer to Question No. 71.
Question No 101: What operational speed and traffic regime are planned before permanent ERTMS is commissioned? Please clarify whether the modernised line is intended to enter commercial operation under temporary signalling and, if so, for how long and under which authorisation.	**Answer No 101:** Please refer to the answer to Question No. 71.
Question No 102: If the separate ERTMS contract is delayed, will the Engineer and the NoBo/DeBo/AsBo engaged under this Contract remain responsible for interface assessment and final commissioning support? Please confirm the corresponding entitlement to extension of time and additional remuneration.	**Answer No 102:** Please refer to the answer to Question No. 71.
Question No 103: Please confirm whether all NoBo, DeBo and AsBo fees, testing, travel, site inspections and certification costs must be included in the Engineer's fee-based financial proposal or will be treated as reimbursable items.	**Answer No 103:** Please refer to the answer to Question No. 71.
Question No 104: Please confirm that the Engineer and the independent assessment bodies will be subject to	**Answer No 104:** Please refer to the answer to Question No. 71.

an obligation of professional care, but will not be required to guarantee the issue of a positive certificate or report where the design, Works or risk management process remains non-compliant.	
Question No 105: Will the technical proposal at the second stage be required to identify the proposed NoBo, DeBo and AsBo, their exact authorisation scopes, references, personnel, methodology, estimated level of effort and commercial allocation? If not, how will the Contracting Authority assess the quality and adequacy of these critical statutory services under the 80% technical evaluation?	**Answer No 105:** Please refer to the answer to Question No. 71.
Question No 106: **Request for Extension of EOI Submission Deadline** We kindly request that the current EOI submission deadline be extended, so that companies interested in this project may sufficiently review the Client's requirements and prepare a more complete EOI. Allowing sufficient preparation time is expected to encourage broader participation from qualified firms and to enhance competitiveness. Accordingly, we respectfully request that the EOI submission deadline be extended to 22 October. We would appreciate the Client's favorable consideration of this request.	**Answer No 106:** Please refer to the answers to Questions No. 2, No. 42 and No. 59, which address the same request. By Addendum No. 1 to the Prequalification Document, issued on 17 September 2026, the deadline for the receipt of requests to participate was extended to 15 October 2026, and by Addendum No. 2 to the Prequalification Document, issued on 12 October 2026, it has been further extended to 05 November 2026 at 12:00 hrs (CET), which is beyond the date requested.
Question No 107: **Request for Recognition of New Railway Construction Supervision Experience under Company Experience Requirement (a)** We understand that Company Experience Requirement (a) requires supervision experience related to railway modernization or rehabilitation works. Supervision of new railway construction works likewise encompasses construction supervision, quality control, schedule management, safety management, and related technical review across the overall railway infrastructure, and in terms of scope of work and technical complexity may be considered equivalent to, or greater than, supervision experience for railway modernization or rehabilitation. We therefore request confirmation as to whether supervision experience for new railway construction works can also be recognized under Company Experience Requirement (a).	**Answer No 107:** The Contracting Authority has considered the request and accepts it in part. Criterion III.1.3(a) has been amended and now admits references for the supervision of works on the construction of new railway lines. At least one of the reference contracts submitted under that criterion must, however, concern the modernization and/or upgrading of an existing single-track or double-track railway line, with a minimum length of forty (40) km, for the reasons set out in Answer No. 3. Please refer to the answers to Questions No. 3, No. 4, No. 17, No. 50, No. 56 and No. 63, which address the same request.

If possible, we request that the relevant requirement be expanded to read "Supervision experience for new construction, modernization, or rehabilitation of railways."	
Question No 108: **Query on the Scope of Similar Linear Infrastructure under Company Experience Requirement (b)** We request confirmation as to whether the scope of Similar Linear Infrastructure required under Company Experience Requirement (b) includes supervision experience for new railway construction works. Please clarify whether supervision experience for new railway construction works can be recognized as satisfying this requiremen	**Answer No 108:** The Contracting Authority confirms that limb (ii) of criterion III.1.3(b) covers linear infrastructure projects other than the modernization and/or upgrading of existing railway lines, including the supervision of newly constructed railway lines, provided that all other requirements of criterion III.1.3(b) are met. The Contracting Authority further confirms that criterion III.1.3(a) has been amended and now admits references for the supervision of works on the construction of new railway lines, provided that at least one of the reference contracts submitted under that criterion concerns the modernization and/or upgrading of an existing single-track or double-track railway line, with a minimum length of forty (40) km. Please refer to the answers to Questions No. 3, No. 4, No. 63 and No. 107.
Question No 109: **Query on Recognition of TSI and NoBo Design Experience under Company Experience Requirement (a)** Regarding the TSI compliance and NoBo certification experience required under Company Experience Requirement (a), we would like to ask whether experience in performing TSI conformity assessment and NoBo certification procedures during the course of railway design services can also be recognized as satisfying this requirement. Please confirm whether, where such design experience was carried out in accordance with TSI requirements and underwent NoBo review and certification, it can be recognized as relevant TSI and NoBo experience under Company Experience Requirement (a).	**Answer No 109:** The Contracting Authority has considered the request and does not accept it. Criterion III.1.3(a) requires contracts for the supervision of works on the construction and/or modernization and/or upgrading of railway lines. The requirements concerning implementation in accordance with the applicable EU TSI standards and certification by NoBo for the INF and ENE subsystems are characteristics of the works supervised under such a contract. They are not a separate element capable of being demonstrated by other services. Accordingly, experience acquired in the provision of design services, including where the design was prepared in accordance with the applicable TSI requirements and was subject to NoBo verification, does not satisfy criterion III.1.3(a). For the avoidance of doubt, the review and approval of the design documentation prepared by the Contractor and/or the Employer is required under criterion III.1.3(a) as a function performed by the Consultant within the supervision contract relied upon, and not as a separate design service. Please also refer to the answers to Questions No. 31, No. 44 and No. 48.
Question No 110:	**Answer No 110:**

Query on Combining Multiple Reference Projects to Satisfy the Requirements of III.1.3(a) Where a JV/Consortium submits multiple Reference Projects, we request confirmation as to whether the detailed requirements of III.1.3(a) — including total length, design speed, EU TSI compliance, and NoBo certification - may be satisfied by combining different Reference Projects. For example, where one JV Member holds railway design or supervision experience satisfying the EU TSI and NoBo certification requirements, and another JV Member holds separate railway supervision experience satisfying the design speed requirement of 120 km/h or above and the required length, please confirm whether these two References may be combined to satisfy the requirements of III.1.3(a) at the overall JV level.	The Contracting Authority confirms that criterion III.1.3(a) is assessed in respect of the candidate as an individual legal entity or as a consortium altogether, so that reference contracts held by different members of the applying consortium may be relied upon together. That does not permit the individual elements of the criterion to be demonstrated through different reference contracts. Each reference contract relied upon must itself satisfy all the elements of criterion III.1.3(a), namely the supervision of works on the construction and/or modernization and/or upgrading of a single-track or double-track railway line meeting the prescribed speed requirement, implemented in accordance with the applicable EU TSI standards and certified by NoBo for the INF and ENE subsystems, including the review and approval of the design documentation prepared by the Contractor and/or the Employer. What is assessed cumulatively across reference contracts is the total length of at least one hundred (100) km, of which at least one reference contract must concern the modernization and/or upgrading of an existing railway line of at least forty (40) km. Accordingly, in the example given in the request, a reference contract which does not itself meet the TSI and NoBo requirements may not be combined with a reference contract which does. Please also refer to the answers to Questions No. 31, No. 44, No. 48, No. 49 and No. 109.
Question No 111: **Request to Relax the Minimum Participation Rate Requirement for Reference Projects** With respect to Company Experience Requirements (a), (b), and (c), we understand that a minimum participation rate of 50% or more is required for the Candidate in each Reference Project. In large-scale railway and infrastructure supervision projects, it is common for multiple specialized firms to jointly carry out the work as a JV or Consortium, and a participation rate of 30% or more can also sufficiently demonstrate a substantial and meaningful role performed in the project. Accordingly, in order to allow broader recognition of qualifying experience and to enhance competitiveness, we request that the minimum participation rate requirement for each Reference Project be relaxed from the current 50% to 30%.	**Answer No 111:** The Contracting Authority has considered the request and accepts it in part. The minimum participation required in each project submitted as a reference under criteria III.1.3 a), b) and c) is reduced from 50% to 40%. It is not reduced to 30%, since a share materially below 40% would no longer establish that the Candidate itself performed a substantial part of the reference contract. Please refer to the answers to Questions No. 5, No. 6, No. 51, No. 57 and No. 60, which address the same request. For the purposes of criteria III.1.3 a), b) and c), participation means the Candidate's share of the supervision services performed under the reference contract, as evidenced by the joint venture or consortium agreement and/or by the employer's certificate. For the avoidance of doubt, where the Candidate is a consortium, the minimum participation is assessed in respect of the Candidate as a whole, in

	accordance with the wording of criterion III.1.3. Accordingly, where two or more members of the applying consortium each participated in the same reference contract, their respective participations in that contract are taken together for the purposes of the 40% threshold, provided that all of the entities concerned are members of the consortium submitting the application.
Question No 112: **Query on Recognizing a Single Reference Project under Multiple Experience Requirements** We would like to raise a query regarding Company Experience Requirements III.1.3(a), (b), (c), and (d). Where a single Reference Project simultaneously satisfies two or more experience requirements, please confirm whether the same project may be submitted against multiple criteria and recognized as qualifying experience under each respective criterion. For example, if one project satisfies the requirements of both III.1.3(a) and III.1.3(b), please confirm whether that project may be submitted as a Reference under both (a) and (b) and recognized as one qualifying reference for each criterion.	**Answer No 112:** The Contracting Authority confirms that the same reference contract may be submitted under more than one of criteria III.1.3 a), b) and c) and may be taken into account under each of them, provided that it satisfies all the requirements of each criterion under which it is submitted. The Contract Notice does not require that different reference contracts be submitted under those criteria. For the avoidance of doubt, criterion III.1.3(b) now provides expressly that the same reference contracts may serve both value tests. The number of reference contracts required under each criterion is unaffected. In particular, criterion III.1.3(a) requires at least two (2) reference contracts, and a single reference contract cannot satisfy that requirement on its own. Criterion III.1.3(d) concerns the number of permanent employees of the candidate and is not demonstrated by reference projects. Please also refer to the answers to Questions No. 49, No. 52 and No. 65.
Question No 113: FORM 2 FINANCIAL CAPACITY – Point (Definition of "services in hand") Does the term “services in hand” refer to the applicant’s ongoing/current contracts as of the submission date?	**Answer No 113:** The Contracting Authority confirms that Point 3 of Form 2 refers to the services under contracts which are ongoing as at the date of submission of the Application, that is, contracts awarded to the Applicant and not yet completed at that date.
Question No 114: FORM 2 FINANCIAL CAPACITY – Point (Sector scope for ongoing contracts) Should all ongoing consultancy/supervision contracts, regardless of sector, be included, or should only contracts related to the relevant sector of this assignment be considered?	**Answer No 114:** Point 3 of Form 2 is not limited by sector. Applicants state the approximate value of all services in hand, at home and abroad, irrespective of the sector concerned. This is distinct from Point 2, which concerns the annual value of consultancy and supervision services.
Question No 115: Contract Notice - Technical and Professional Capacity With reference to Section III.1.3(b), please confirm our understanding that railway projects carried out	**Answer No 115:** The Contracting Authority confirms the Applicant's understanding. Please refer to the answers to Questions No. 58 and No. 65. Criterion III.1.3(b) admits contract conditions other than FIDIC:

under contract conditions similar to FIDIC are also acceptable under sub-item (i), provided that all other requirements of the criterion are fulfilled, in the same manner as envisaged for projects under sub-item (ii).	supervision services are accepted where they were provided in accordance with FIDIC contract conditions or in accordance with similar contract conditions, under both limb (i) and limb (ii), provided that all other requirements of criterion III.1.3(b) are met.
Question No 116: Contract Notice - Technical and Professional Capacity With reference to Section III.1.3(a), please confirm that supervision contracts for the construction of new single-track or double-track railway lines will also be accepted as qualifying references, provided that they meet all other requirements of the criterion regarding length, design speed, EU TSI compliance, NoBo certification, and review and approval of design documentation.	**Answer No 116:** The Contracting Authority confirms the Applicant's understanding. Criterion III.1.3(a) has been amended and supervision contracts for the construction of new single-track or double-track railway lines are accepted as qualifying references, provided that they meet all other requirements of the criterion as to design speed, implementation in accordance with the applicable EU TSI standards, certification by NoBo for the INF and ENE subsystems, and the review and approval of the design documentation prepared by the Contractor and/or the Employer. At least one of the reference contracts submitted under criterion III.1.3(a) must, however, concern the supervision of works on the modernization and/or upgrading of an existing single-track or double-track railway line, with a minimum length of forty (40) km. The cumulative length of at least one hundred (100) km is assessed across all reference contracts submitted. Please refer to the answers to Questions No. 3, No. 4 and No. 107.
Question No 117: Application Form – Joint Covenant of Integrity Please clarify whether the "Notes" at the end of the document should be retained or deleted. If they are to be retained, please indicate the exact information that should be provided within the brackets.	**Answer No 117:** The Notes at the end of Annex 1-c are retained. The square brackets appearing in Annex 1-c are completed as follows: – "[specify client/promoter]" and "[client/promoter]": Infrastruktura železnice Srbije a.d., Nemanjina 6, 11000 Belgrade, Republic of Serbia; – "[specify either: the European Investment Bank's "Guide to Procurement" or the European Bank for Reconstruction and Development's Procurement Policies and Rules]": the European Investment Bank's "Guide to Procurement"; – "[promoter and EBRD/EIB (whoever is Lead Financier)]": Infrastruktura železnice Srbije a.d. and the European Investment Bank; – "[specify address]": European Investment Bank, 98-100 boulevard Konrad Adenauer, L-2950 Luxembourg. No other change to the text of the Covenant of Integrity is required. It shall be completed, dated and signed by a duly authorised representative and submitted with the Application in accordance with

	Point 3 of the Application Form. As regards the field "Invitation for Tender No.", please refer to the answers to Questions No. 10 and No. 24.
Question No 118: Following our review of the selection criteria set out in Section III.1.1(a), (b) and (c), we respectfully request clarification and amendment of the requirements identified below. In their current form, these requirements appear capable of exceeding what is necessary to establish the technical and professional capacity required for the services and may therefore be inconsistent with the principles of proportionality, equal treatment and effective competition applicable to public procurement. We have not yet received a response to our previously submitted questions concerning these criteria. We request that those questions be answered together with the matters raised in this letter and that all responses be formally communicated to the market. We acknowledge that the responsibilities of a works contractor and a supervision consultant are not identical and that their qualification requirements need not be the same. However, each minimum requirement must remain objectively connected to the subject matter of the contract, justified by the scope, complexity and risks of the assignment, and no more restrictive than necessary to verify the required capacity. Where a less restrictive criterion would provide equivalent assurance, the imposition of a higher threshold requires a specific and reasoned justification. The cumulative effect of the requirements is material. The thresholds relating to railway length, tunnel length, NoBo certification, supervised works values and consultancy fees may, taken together, exclude economic operators possessing directly relevant experience and adequate capacity to perform the contract. The proportionality of the criteria must therefore be assessed both individually and in combination. 1. Tunnel experience – Criterion (c) Criterion (c) requires experience in supervising a tunnel of at least 2,000 metres, whereas Criterion 3.3 of the corresponding Works Contract requires experience in constructing a tunnel of at least 500 metres. Accordingly, the minimum tunnel length imposed on supervision candidates is four times the minimum length required of the contractor	**Answer No 118:** The Contracting Authority has considered the request and does not accept it. Criterion III.1.3(c) remains unchanged. The two requirements compared in the request are not directed at the same capacity. Criterion 3.3 of the Works Contract verifies the capacity to construct a tunnel. Criterion III.1.3(c) verifies the capacity to supervise tunnel construction and, in addition, to carry out the review of the design for construction and to administer the works under FIDIC conditions of contract or other similar conditions. Criterion III.1.3(c) is at the same time considerably wider in its field of application. It requires one (1) reference contract only, over a reference period of ten (10) years, and it is not confined to railway tunnels: as confirmed in the answer to Question No. 47, road, motorway, metro, urban rail and other linear infrastructure tunnels qualify, and where the reference concerns a double-tube tunnel the lengths of the tubes are aggregated for the purposes of the minimum length. The criterion may be satisfied by the consortium as a whole, and the same reference contract may also be relied upon under criteria III.1.3(a) and III.1.3(b), as confirmed in the answer to Question No. 112. As regards the alternative proposed, a threshold expressed in terms of equivalent technical complexity would not provide an objectively verifiable measure at the prequalification stage, whereas length can be verified from the documentary evidence submitted.

responsible for construction. While the respective functions differ, this disparity raises a substantial question as to whether the supervision requirement is objectively justified and proportionate. Tunnel length, considered in isolation, does not necessarily determine the complexity of the supervision services. Relevant factors may include the construction method, geological and geotechnical conditions, safety arrangements, contractual responsibilities and the specific technical tasks performed by the consultant. Please identify the objective technical characteristics, risks or operational requirements of this assignment that necessitate a 2,000-metre tunnel reference for the supervision consultant when a 500-metre tunnel reference is considered sufficient for the Works Contractor. We request that the Contracting Authority amend Criterion (c) by reducing the minimum tunnel length to 500 metres or, alternatively, by expressly accepting references demonstrating equivalent technical complexity, irrespective of tunnel length. If the Contracting Authority declines either alternative, please provide a specific and reasoned explanation of why those less restrictive means would not adequately establish the required technical capacity.	
Question No 119: 2. Railway length and NoBo certification – Criterion (a) Criterion (a) requires supervision experience covering 100 km of railway line and makes NoBo certification for the INF and ENE subsystems mandatory. By contrast, the corresponding Works Contract requires experience covering 30 km of track and electrification and does not impose an equivalent mandatory NoBo certification requirement. The requirement for 100 km of railway supervision experience therefore exceeds threefold the corresponding length required for the Works Contractor. We challenge the proportionality of this threshold and request the Contracting Authority to explain why supervision experience on 30 km, or on a shorter project of comparable technical complexity, would not provide sufficient evidence of the candidate's capacity to perform the services. Please identify the objective basis on which the 100 km threshold was calculated, including its relationship to the estimated scope, duration, technical complexity and risk profile of the	**Answer No 119:** The Contracting Authority has considered the request and accepts it in part. Criterion III.1.3(a) has been amended. It now admits references for the supervision of works on the construction of new railway lines, and the individual minimum length has been reduced from fifty (50) km to forty (40) km. At least one of the reference contracts submitted must concern the modernization and/or upgrading of an existing railway line of at least forty (40) km. The request to reduce the cumulative length to 30 km is not accepted. The two figures compared in the request are not of the same kind: the length required of the works contractor applies to a single contract, whereas the one hundred (100) km under criterion III.1.3(a) is a cumulative total to be demonstrated across at least two reference contracts, over a reference period of ten (10) years, with no individual minimum applicable to any reference other than the one referred to above. The number of reference contracts which may be submitted is not limited, and the criterion may be satisfied by the consortium as a whole, so that the references of all members are

assignment. In the absence of such justification, the requirement appears liable to restrict competition beyond what is necessary. The mandatory NoBo certification requirement raises a separate proportionality concern. Certification may depend on factors outside the supervision consultant's exclusive control, including the employer's certification strategy, the appointment and conduct of the conformity assessment body, the applicable national framework and the performance of other project participants. Consequently, the requirement may exclude candidates that have successfully performed comparable supervision services on projects where equivalent certification arrangements were not applicable, despite possessing the relevant technical competence. We request that the Contracting Authority amend Criterion (a) by reducing the railway-length threshold to 30 km and by accepting comparable supervision references without mandatory NoBo certification for the INF and ENE subsystems, provided that the candidate demonstrates experience with the relevant technical standards, conformity-assessment processes and supervision responsibilities. If either requirement is retained, please explain why competence cannot be established through evidence of the services actually performed, the technical scope supervised, the standards applied and the candidate's responsibilities in relation to interoperability and conformity assessment. A general reference to the importance of certification would not, in itself, establish that the current thresholds are necessary or proportionate.	taken together. The services under this Contract cover Section 3 as a whole, of approximately 79 km, under a single Services Contract. The request to remove the requirement of NoBo certification is not accepted. Under this Contract the Engineer is required to manage the conformity assessment against the applicable TSIs for the INF and ENE subsystems, covering both the design and the works. No other criterion in Section III.1.3 secures experience of that activity. The concern that certification may depend on matters outside the Consultant's control has been addressed. As confirmed in the answer to Question No. 15, criterion III.1.3(a) does not require that the Notified Body was engaged by or through the Consultant; it is sufficient that the works supervised were subject to NoBo certification for the INF and ENE subsystems, irrespective of which party engaged it. As confirmed in the answer to Question No. 16, references concerning projects implemented outside the European Union are accepted, provided the works were designed and implemented in accordance with the applicable EU TSI requirements and were subject to the required NoBo conformity assessment.
Question No 120: 3. Reference contract values – Criterion (b) Criterion (b) requires references covering works with an aggregate value of EUR 800 million, including at least EUR 400 million under a single contract, together with supervision service fees totalling EUR 20 million, including at least EUR 12 million under a single contract. The corresponding Works Contract requires construction references valued between EUR 350 million and EUR 500 million. The value of the supervised works and the value of the consultant's fees are distinct indicators and cannot be treated as interchangeable measures of technical capacity. Their simultaneous use as mandatory thresholds nevertheless requires a	**Answer No 120:** The Contracting Authority has considered the request and accepts it in part. Criterion III.1.3(b) has been amended to provide expressly that the same reference contracts may serve both value tests. The thresholds themselves remain unchanged. The comparison drawn in the request does not hold for the single-contract threshold. The value of EUR 400 million required for one reference contract falls within the range of EUR 350 to 500 million which the request identifies as the requirement applicable to the works contractor. The cumulative figure of EUR 800 million is of a different kind: it is a total to be demonstrated across at least two reference contracts, over a reference period of ten (10) years,

clear justification, particularly when combined with the extensive technical requirements under Criteria (a) and (c). Supervision fees may vary substantially according to contract duration, staffing model, local labour costs, reimbursable expenses, contractual allocation of responsibilities and the inclusion of ancillary services. A higher fee does not necessarily demonstrate greater technical competence, a higher level of risk or more relevant experience. Similarly, requiring a single contract to meet a substantial portion of the threshold may exclude candidates that have successfully delivered equivalent services across several major assignments. We therefore request that the Contracting Authority disclose the methodology used to determine each financial threshold and explain its relationship to the estimated value, duration, staffing requirements, scope and risk profile of the present contract. Please also explain what additional assurance each threshold provides beyond the technical and qualitative evidence already required under Criteria (a) and (c). We request that the Contracting Authority amend Criterion (b) by reducing the aggregate and single-contract thresholds for both the value of the supervised works and the value of the supervision fees. In addition, the criterion should permit candidates to demonstrate the required capacity through a combination of relevant contracts, provided that the combined references establish equivalent experience and responsibility. If these amendments are not accepted, please provide a specific justification explaining why the proposed alternatives would not provide sufficient assurance of the candidate's ability to perform the services and why the current thresholds are necessary to achieve the procurement objective. The justification should address the risk of excluding candidates with substantial and directly relevant experience solely because that experience was acquired across several contracts rather than one contract of the prescribed value.	and is not a requirement applicable to any single contract. The request that the criterion permit the required capacity to be demonstrated through a combination of contracts is accepted; it already is. Criterion III.1.3(b) requires at least two (2) reference contracts and does not limit their number. Both cumulative thresholds — EUR 800 million of supervised works and EUR 20 million of supervision services — are satisfied by the references taken together, and the criterion is assessed in respect of the candidate as an individual legal entity or as a consortium altogether, so that the references of all members of the applying consortium may be relied upon. Only the single-contract thresholds must be met by one reference, and, following the amendment, the same reference may be used for both of them. As regards the value of the supervision services, the estimated value of this Contract is EUR 30,450,000. The single-contract threshold of EUR 12 million therefore corresponds to a supervision assignment materially smaller than the one to be performed, and the cumulative threshold of EUR 20 million is to be demonstrated across all references submitted. The thresholds were established by reference to the scale of the Works to be supervised on Section 3, the duration of the Services and the level of relevant experience considered necessary for the performance of the Contract. The Contracting Authority considers them related to the subject matter of the Contract and proportionate to it.
Question No 121: 4. Acceptance of PMC and FIDIC Engineer references – Criteria (a), (b) and (c) Criteria (a), (b) and (c) refer to "supervision of works". In international railway projects, however, equivalent supervision functions are frequently performed under broader Project Management	**Answer No 121:** The Contracting Authority confirms the Applicant's understanding. References are assessed on the substance of the services performed and the responsibilities assumed, and not on the contractual designation of the assignment.

Consultancy assignments or by an Engineer appointed under FIDIC or comparable international conditions. Such assignments may include design review and approval, contract administration, quality control, certification, claims management, construction supervision and coordination of testing and commissioning. The assessment of technical capacity should be based on the substance of the services performed and the responsibilities assumed, rather than on the formal title or contractual classification of the assignment. Excluding a reference solely because supervision was delivered as part of a PMC assignment, or because the consultant acted as the FIDIC Engineer rather than under a standalone supervision contract, would impose a formalistic restriction that does not correspond to any demonstrated difference in technical capability. Such an exclusion would risk unjustifiably limiting competition and would be difficult to reconcile with a substantive assessment of equivalent experience. We therefore request that the Contracting Authority expressly confirm that references performed under PMC contracts or in the capacity of the FIDIC Engineer, under FIDIC or comparable international contractual conditions, will be accepted for the purposes of Criteria (a), (b) and (c), provided that the documented scope includes the relevant supervision activities and satisfies the applicable technical, quantitative and financial requirements. We further request confirmation that such references will not be rejected solely because they were not designated as standalone “supervision contracts” or because supervision formed part of a broader consultancy mandate. Any distinction should be based on the actual functions performed, the level of responsibility assumed and the evidence submitted, rather than on the contractual label. We request a reasoned response to each challenge raised in this letter, addressing both the individual requirements and their cumulative restrictive effect on competition. Where the Contracting Authority retains any challenged threshold, please identify the specific procurement objective pursued, demonstrate the connection between the threshold and the subject matter of the contract, and explain why a less restrictive requirement would not provide equivalent assurance of capacity.	Accordingly, services performed under a project management consultancy assignment, or in the capacity of the Engineer under FIDIC or comparable international conditions of contract, are accepted under criteria III.1.3(a), (b) and (c), provided that the documented scope of the services includes the supervision activities required by the criterion concerned and that all other requirements of that criterion as to technical content, length, value and participation are met. A reference will not be rejected solely because the assignment was not designated as a standalone supervision contract, or because the supervision services formed part of a broader consultancy mandate. Where a reference is submitted on that basis, the Applicant shall describe, in respect of that reference, the services actually performed and the responsibilities assumed, and shall substantiate that description by certificates of completion, employer/client references, or other documentary evidence confirming satisfactory performance, as required by the Contract Notice. Where the reference was implemented by a joint venture or consortium, the Candidate's share of the supervision services shall be evidenced by the joint venture or consortium agreement and/or by the employer's certificate. Please refer also to the answer to Question No. 45, which applies the same approach to the review and approval of the design documentation.

Please formally publish the responses, including the outstanding responses to our previous questions, and incorporate any resulting amendments or clarifications into an appropriate addendum or corrigendum to the procurement documents.	