

## CB No: MCA-M/CF/WRA/W-01

**Invitation for Bids for the Wastewater Recycling Plant Design-Build****ANSWERS TO CLARIFICATION QUESTIONS – ISSUE No. 6 (Questions 86-90)  
November 04, 2021**

<b>Questions and Answers 1-32 were issued to all registered Bidders on August 24, 2021</b> <b>Questions and Answers 33-35 were issued to all registered Bidders on August 27, 2021</b> <b>Question and Answer 36 was issued to all registered Bidders on September 6, 2021</b> <b>Questions and Answers 37-69 were issued to all registered Bidders on September 17, 2021</b> <b>Questions and Answers 70-85 were issued to all registered Bidders on September 24, 2021</b>	
<b>Question 86:</b>	<p>We would like to ask an extension of Bid Closing Date with 37 days, because we were able to start our work for this Bid when Addendum No.1 was issued. Original qualification criteria does not allow us to participate in this Bid, however revised criteria via Addendum No.1 allowed us to participate in this Bid with partners. 37 days are the time difference between original IFB issued date 26-Jul-2021 and the Addendum No.1 issued date 01-Sep-2021.</p> <p>Because start of project was shifted to 01-Sep-2021 for us and other Bidders who were in similar situation, 37 days extension of Bid Closing Date will give fair opportunities to all Bidders.</p>
<b>Answer 86:</b>	There is very limited flexibility in the overall project schedule to amend the Submission date which shall remain at 10 am Ulaanbaatar time (UTC+8), Mongolia on January 21, 2022 (180 Bid Period), as set forth in Instructions to Bidders (ITB) 23.1 of Section II of the Bidding Documents.
<b>Question 87:</b>	Please inform us about eligibility of (country withheld for Confidentiality reasons) companies in the Wastewater Recycling project of MCA- Mongolia.
<b>Answer 87:</b>	<p>MCA-Mongolia cannot comment on whether a company is a Government-Owned Enterprise based solely on the country named in the question. <b>In accordance with the MCC Program Procurement Guidelines (PPG), however, Government-Owned Enterprises of any country are not eligible to compete for contracts for goods or works. Evidence of control may be assumed by MCC for enterprises from countries that have been deemed nonmarket economies by either the US Department of Commerce or the World Trade Organization, which would make the enterprise a Government-Owned Enterprise for MCC PPG purposes and, therefore, ineligible to compete.</b></p> <p>Furthermore, as set forth in ITB 5.5 of the bidding documents of MCC for procurement of large works: <i>“A Bidder, all parties constituting the Bidder, and any subcontractors and suppliers for any part of the Contract, including related services, may have the nationality of any country, subject to the nationality restrictions specified in this Section 5. An entity will be deemed to have the nationality of a country if such entity is constituted, incorporated, or registered in, and operates in conformity with, the provisions of the laws of that country.”</i></p> <p>Furthermore, Section IV of the IFB - Bid submission Forms – contains Form ELI-4: Beneficial Ownership Disclosure Form (BODF). This Form is to be completed by each Bidder. In case of joint venture, the Bidder must submit a separate Form for each member. The beneficial ownership information to be submitted in this Form shall be current as of the date of its submission. For the purposes of this Form, a Beneficial Owner of a Bidder or of a joint venture member is any natural person who ultimately owns or controls the Bidder or joint venture member by meeting one or more of the following conditions:</p>

	<ul style="list-style-type: none"> <li>• directly or indirectly holding 10% or more of the shares;</li> <li>• directly or indirectly holding 10% or more of the voting rights;</li> <li>• directly or indirectly having the right to appoint a majority of the board of directors or equivalent governing body of the Bidder or joint venture member.</li> </ul> <p>Therefore, MCA-Mongolia cannot advise a potential Bidder if it is deemed to be to a Government-Owned Enterprise or not. That determination is made by MCC. Bidders must submit every Bid Form required in the Invitation for Bids, including but not limited to Form ELI-3: Government-Owned Enterprise Certification Form and Form ELI-4: Beneficial Ownership Disclosure Form.</p>
<b>Question 88:</b>	Have you made any changes to the project fund and PQ (pre-qualification) since early this year until Project bidding officially announced Aug.2021.
<b>Answer 88:</b>	<p>This Wastewater Recycling Plant Design-Build Procurement was not subject to an earlier Pre-Qualification process. The Source of Funds for this procurement is set forth in Instructions to Bidders (ITB) 2.1 of Section I of the Bidding Documents. The Qualification Requirements are set forth in Section III of the Bidding Documents “<i>Qualification and Evaluation Criteria</i>”.</p> <p>There have been no changes to the above in any of the four (4) Addendums issued to date.</p>
<b>Question 89:</b>	Is there any Pre-Qualification list?
<b>Answer 89:</b>	As per the response to Question 88, this procurement was not subject to an earlier Pre-Qualification process, so there is no list of pre-qualified firms. The Qualification Requirements are set forth in Section III of the Bidding Documents “ <i>Qualification and Evaluation Criteria</i> ”.
<b>Question 90:</b>	How many companies submitted the Executive Summary?
<b>Answer 90:</b>	As set forth in Addendum 4 issued on November 01, 2021, two Innovative Concepts were rejected, and none were accepted. There is no requirement in the Bidding Document for MCA-Mongolia to inform Bidders of the number of entities, or the names of entities that submitted an Executive Summary for Innovative Concepts.