

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

Invitation for Bids
For the Wastewater Recycling Plant Design-Build

ANSWERS TO CLARIFICATION QUESTIONS – ISSUE No. 2 (Questions 33-35)
August 27, 2021

Questions and Answers 1-32 issued to all registered Bidders on August 24, 2021	
Question 33:	Will you make the presentation slides available for the attendees?
Answer 33:	Yes. In accordance with IFB Section II - Bid Data Sheet – ITB 8.6 - Minutes of the Pre-Bid Conference have been issued to all registered Bidders and posted on the MCA-Mongolia website. Annexed to the minutes are: (i) Contact List of Participants; (ii) PowerPoint Presentations; (iii) Questions and Answers.
Question 34:	With regard to Joint Venture (JV) Agreements - Will you consider a Consortium Arrangement with local and international Bidders
Answer 34:	An Association or Joint Venture can be the association of any eligible entities that form the Bidder. 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 the ITB 5 of the Bidding Documents. 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. All Bidders, whether they be a Single Entity, Association or Joint Venture members must meet the requirements set forth in IFB Section III – Qualification and Evaluation Criteria.
Question 35:	Do International Bidders need local Mongolian Government permissions?
Answer 35:	<p>Again, 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 the ITB 5 of the Bidding Documents. 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.</p> <p>With regard to Mongolian Government permissions:</p> <p>Clauses 45.2 and 45.3 of the Law of Mongolia on Construction provide two options for Foreign individuals and legal entities (Foreign Contractors) to consider:</p> <p>i. Clause 45.2 states “<i>A foreign legal entity in order to carry out construction activities shall obtain a license as set forth in the clauses 19 and 20 of this law.</i>”</p> <p>ii. Clause 45.3 states: “<i>Unless otherwise specified in the legislation of Mongolia, the foreign entities to perform the construction activities to be funded from the state or local state budget or funded by the foreign aid or loan shall perform the activities in cooperation with the authorized Mongolian legal entity through entering into a contract as provided in this law.</i>”</p>