

Attachment 11—Clarifications (rev. 8 of 28 June 2018)

Renovation of the Historical Buildings (Buildings A, B, C, D and S) at the Palais des Nations in Geneva, Switzerland.

Questions related to RFPQS Ref: EOIUNOG15012 - Questions received by 18.06.2018			
No.	Question from bidder	Document Reference	Response from UNOG/SHP
1	<p>Reference Attachment 2—Levels of Intervention, Table 4: Design Development and Overall Responsibilities Repartition</p> <p>Could you specify:</p> <ol style="list-style-type: none"> what do you mean by UN Design Contractor? what do you mean by Contractor? what do you mean by Technical Design (RIBA)? Is the Royal Institute of British Architects the successful bidder of the Technical Design Works? what do you mean by Design Portions? <p>Regarding the previous questions, is the term 'contractor' used to allude to the Companies to which this EOI is intended for?</p>	Clarification 1	<p>Please find below the following clarifications:</p> <ol style="list-style-type: none"> UN Design Contractor means the Architectural Firm already contracted by UNOG to complete the design of the Renovation Project. Contractor means the construction contractor who will be appointed for the renovation construction contract (contract 2) which is the purpose of this RFPQS. Technical Design (RIBA) means the design work will be complete to the end of the Technical Design Stage as defined by the Royal Institute of British Architects (RIBA). Design Portions means the design elements of the works that will be for the construction contractor (and their specialist sub-contractors) to complete after their appointment. <p>The term contractor is used to refer to the General Contractor (construction company) who will be appointed for the renovation construction contract (Contract 2) for whom this EOI is intended for.</p>
2	Which month is the Autumn?	Clarification 2	Autumn is the third season of the year, in this context, it is September, October and November.
3	We would like to know what is the entire Budget for this Project? Any rough idea?	Clarification 3	As described in Section 1, sub-section 2: <i>"The complete Renovation of the Palais des Nations facility will be split into two contracts of which this RFPQS concerns what is referred to as Contract 2..... The value of Contract 2 is estimated to be in the range CHF 240 million to CHF260 million."</i>
4	<p>Vous serait-il possible de nous adresser la version française de ce dossier de préqualification.</p> <p>Would it be possible for you to send us the French version of this pre-qualification file?</p>	Clarification 4	<p>The language for this RFPQS and the subsequent RFP yet to be issued is English.</p> <p>A French Translation will not be provided.</p>
5	<p>We are a company that produces office furniture, chairs, lighting and office partitions. We would like to know if this project of renovation of conference rooms and office spaces of the Palais des Nations includes also the purchasing of office furniture.</p> <p>If the project foresees the supply of office furniture we would like to participate to the non-mandatory information session on 10 May 2018 and we would like to know the visiting time.</p>	Clarification 5	<p>Whilst a final decision has yet to be made, this contract may include the purchase of office furniture.</p> <p>With regards to the information session which was due to take place on the 10 May 2018, as this is Ascension Day and a bank holiday in several European Countries, this non-mandatory bidders day has been changed to the 17 May 2018. We anticipate that the event will start at 10:00 am. Please allow at least 30 mins to enter from the main gate in advance of the session.</p>

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6	<p>Tout d'abord, nous vous remercions pour votre demande. Etant donné que nous ne sommes pas coutumiers de vos procédures et que nous ne pratiquons pas la langue Anglaise quotidiennement nous vous prions de nous communiquer brièvement les domaines qui se rapportent à la menuiserie dans votre demande EOIUNOG15012.</p> <p>Est-ce pour une partie de :</p> <ul style="list-style-type: none"> - Menuiserie extérieure (fenêtres – portes fenêtres etc.) ? - Agencement (meubles, bibliothèque etc.) ? -Portes de communication - portes de sécurité etc. ? <p>De plus, s'il s'agit d'assainissement pour les fenêtres et / ou de restauration / rénovation pour les autres points, sachez que nous sommes parfaitement en mesure de répondre à vos questions en termes d'études et de conseils dans un premier temps. Votre réponse nous permettra de définir si, oui ou non, nous pouvons entamer les démarches qui sont explicitées dans votre courriel pour le projet cité en titre.</p> <p>As we are not accustomed to your procedures and do not practice the English language on a daily basis, please give us a brief description of the areas relating to carpentry in your EOIUNOG15012 application.</p> <p>Does it include:</p> <ul style="list-style-type: none"> -Exterior Carpentry (Windows – Windows Doors etc...)? -Arrangement (Furniture-Library etc.)? -Communication doors-security doors etc.? <p>In addition, if it is a matter of sanitation for Windows and/or restoration/renovation for the other points, know that we are perfectly able to answer your questions in terms of studies and advice at first.</p> <p>Your response will allow us to determine whether or not we can start the prequalification steps that are explained in your email for the renovation project.</p>	Clarification 6	<p>This RFPQS is aimed at the prequalification of General Contractors (<i>Entreprise Générale</i>) construction firms who wish to participate in the RFP solicitation.</p> <p>The information requested will form part of the RFP Tender Documentation to be issued at the RFP stage to the prequalified General Contractors.</p>
7	Kindly send us the documents and architectural design of kitchen, restaurant and complete design in DWR Auto Card and Archi Card	Clarification 7	<p>This RFPQS is aimed at the prequalification of General Contractors (<i>Entreprise Générale</i>) construction firms who wish to participate in the RFP solicitation.</p> <p>The detailed information will form part of the RFP Tender Documentation which will be issued to prequalified General Contractor firms and JVs.</p>

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8	<p>Merci de nous confirmer l'horaire et le procès afin de s'inscrire. Pour rappel, notre activité concerne l'hygiène des sanitaires. Vos locaux sanitaires sont-ils impactés par les travaux annoncés ?</p> <p>Thank you to confirm the schedule and the process to register for the information sessions.</p> <p>Our activity concerns sanitary and hygiene facilities. Are your health facilities impacted by the work announced?</p>	Clarification 8	<p>The schedule and the process to register for the information sessions is that stated in Section II, Item 7 of the RFPQS (Revision 1) Document dated 24 April 2018:</p> <p><i>"Firms who are interested to participate in one or both Non-Mandatory Information Sessions shall submit the Confirmation Letter by 30 April 2018 (for the session on 3 May 2018) and by 13 May 2018 (for the session on 17 May 2018) to unog-shp-tenders@un.org. See Attachment 5, Confirmation Letter for Participation in the Non Mandatory Information Session."</i></p> <p>Firms will find the relevant details of the Information Sessions in Attachment 5, which should be completed and returned by interested firms.</p> <p>The planned renovation works will include some renovation of sanitary and hygiene facilities.</p> <p>The detailed information will form part of the RFP Tender Documentation which will be issued to prequalified General Contractor firms and JVs.</p>
9	<p>Is there any intention to look at the removal and replacement of the Window film as part of your renovation plans?</p>	Clarification 9	<p>The planned renovation works will include some replacements, adaptations and works to existing windows.</p> <p>The detailed information will form part of the RFP Tender Documentation which will be issued to prequalified General Contractor firms and JVs.</p>
10	<p>We are not big enough to be your main contractor (you are asking for an average annual turnover of at least CHF 500 Million) so we were wondering if we could be some kind of subcontractor?</p> <p>We would like to know if you are going to be regulating this or if it is possible to contact through you whoever gets the contract, in case it is going to be 100% coordinated by them.</p>	Clarification 10	<p>The prequalification criteria allow for companies to form joint ventures subject to the requirements stipulated in the documents. It is also envisaged to publish the list of the prequalified firms and JV's on the UNOG website.</p> <p>UNOG will not intervene in the formation of joint ventures nor pass on contacts of firms to other firms. The General Contractor for the renovation works shall be responsible for appointment of its supply chain companies.</p> <p>General and related Information on the most recent SHP Business Seminar held on 20 March 2018 can be found by clicking on the following link to the UNOG SHP Procurement Website.</p>

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			<p>http://unogwebsite.unog.un.org/80256EDD006AC19C/(httpPages)/A84A316AD70C988DC125826A00433284?OpenDocument</p> <p>Please see the blue coloured box on the right-hand side of the screen titled "Related Information – DOCUMENTATION" which contains the presentation and list of participants.</p>
11	<p>Are you planning any earthquake protective devices in this renovation project?</p> <p>If so, can you send us details of what has been designed to date?</p>	Clarification 11	We do not envisage any earthquake protective devices in the requirements for this project.
12	<p>We would like to know the approximate percentage of jobs expected in the field of heritage conservation. We understand that specific details cannot be provided at this time, but it would be very clarifying to have an idea of the percentage or volume of this kind of works as it has been provided in chart 1: "Approximate Overall Works Breakdown by Principle Element / Function". Specifically, the approximate percentage over the total of restoration of art works, rooms with historical, architectural or artistic value, murals or fixed elements, historic carpentry, moldings, historic plafonds, divisions or wooden furniture, historic floors, restoration of exterior sculptures, or even displacement, cataloging and conservation of art objects.</p>	Clarification 12	<p>The Strategic Heritage plan is not a heritage renovation project but rather a renovation project that has to be conducted with some sensitivity to the heritage of the building. The heritage element is therefore a constraint rather than an outright objective of the project and it is not possible to provide a specific breakdown as all of the works have, to a greater or lesser extent, some interface with the heritage elements of the building. For example, several sets of heritage doors will need to be upgraded to give a fire rating which will involve preserving the heritage door finishes whilst upgrading them with a fire-resistant core.</p> <p>There is no restoration of artworks or other heritage elements specifically planned at present in the requirements. During the execution of the renovation works temporary protection will be required to avoid damaging the heritage elements.</p>
13	<p>Our company trades mainly in water management. We have a contract with a manufacturing company that has the opportunity to bring into this tender the latest technology, which is very ecological and economical. We know that you are looking for such kind of equipment and we would be happy to be involved in such a reconstruction.</p> <p>As trade intermediaries we are not sure how we should fill out the materials we received if we can only cover one area of the reconstruction. Alternatively, if it is possible for our company to be recommended to the winner of the tender for the water management area. What are our options?</p>	Clarification 13	<p>This RFPQS is aims to prequalify General Contractors firms or JV's who would like to participate in the RFP solicitation.</p> <p>The General Contractor for the renovation works shall be responsible for appointment of its supply chain companies.</p> <p>It is also envisaged to publish the list of the prequalified firms and JV's on the UNOG website.</p>

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14	It is written that one UPS will be needed. I Would like to have an idea of the power of this UPS, do you have an estimation of the power and autonomy of this UPS?	Clarification 14	The planned renovation works are likely to include some requirements for UPS. At present, the exact requirements have not been fully determined and we are therefore unable to provide a response to this question at this time.
15	<p>1. is the "Vendor response form" to be submitted by each member of the Joint Venture?</p> <p>2. does each member have to be registered on the United Nations Global Marketplace (UN Secretariat)?</p> <p>3. do we have to submit a declaration of our intention to participate as a Joint Venture during this phase?</p>	Clarification 15	<p>1. Yes, each member of the Joint Venture should fill out a Vendor Response form, please indicate the name of the Joint venture, and the Lead Firm in Attachment 4.</p> <p>2. Yes, each member of the Joint Venture should be registered in UNGM. It is recommended that each individual firm begins the process to register at Level 2 immediately, if they have not yet. We can provide guidance and assistance on this matter.</p> <p>3. Yes, the prequalification submission should indicate an intention to pre-qualify and participate as a Joint Venture.</p>
16	Is it possible for prequalified firms to form a Joint Venture during the RFP solicitation stage?	Non-Mandatory Bidders Day 1 – Q&A	<p>During the RFP solicitation, the bidder (or in case of a JV, all of its members), shall confirm that it continues to meet all criteria as defined in the REOI15012 and none of the grounds of exclusion are applicable. If this is not the case, the bidder shall submit with its proposal any supporting documents related to such change which shall enable the UN to determine whether the pre-qualification criteria are met.</p> <p>Therefore, during the RFP solicitation stage, prequalified firms may form a Joint Venture, provided that:</p> <ul style="list-style-type: none"> • The Lead Firm has been prequalified as a single firm; <p>Or:</p> <ul style="list-style-type: none"> • In the case of a Joint Venture (JV) wishing to add a further firm to their JV, that the Lead Firm of the JV which has been prequalified continues to be the Lead firm in the JV proposed during the RFP stage; <p>And:</p> <p>the firm(s) / Joint Venture(s) involved resubmit the prequalification submission identifying the changes, such as the minimum turnover related to the proportional stake in the JV, for evaluation against the original criteria laid out in this current RFPQS, which would enable the UN to determine whether these criteria are still met.</p>

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			For the avoidance of doubt, any contract awarded to a JV by the United Nations following the RFP process shall stipulate that the members of the JV shall be jointly and severally liable under the terms of the contract. Further, the contract shall stipulate that such joint liability shall extend to the provision of performance guarantees.
17	Can a Joint Venture be prequalified if only one of the constituting companies comply fully with the PASS/FAIL criteria?	Non-Mandatory Bidders Day 1 – Q&A	Yes, this is possible, provided that the minimum qualifications and criteria identified in the RFPQS are all met (particularly the minimal turnover, calculated by applying the participation percentage of each firm of the proposed Joint Venture).
18	Is the number of firms prequalified to participate in the RFP tender process going to be limited?	Non-Mandatory Bidders Day 1 – Q&A	We expect the firms participating in the RFP process to be limited in line with construction industry tendering best practice. Considering the high value and complexity of the works, the minimum pre-qualification criteria threshold has been set to a level to ensure only the most suitably experienced and fully capable General Contractors firms or JVs are identified.
19	How is the supervision of the works organized? Is there any external independent company doing such supervision?	Non-Mandatory Bidders Day 1 – Q&A	<p>The UN has not appointed an independent company to supervise the works. The entire project is managed by specialized UN staff (SHP team) who are supported by a number Contractors (Programme Management, Risk Management, On-Call Technical Professional Services, etc.).</p> <p>The UN Design Contractor will ensure the supervision of the works onsite and the compliance with the project requirements. The final handover will be done by the UN (SHP team).</p>
20	What is the relative weight of technical and economical part of the tender?	Non-Mandatory Bidders Day 1 – Q&A	It is still currently being discussed and defined specifically for this procurement. The UN's typical practice is that the technical evaluation is credited with around 60% of the final scoring and the price component with around 40%. We are still considering the possibility of further increasing the % weighting allocated to the Technical Scoring.
21	During the RFP tender period, will the bidders receive notification of their scoring and ranking for the technical part prior to the opening of the commercial section of the offer is opened?	Non-Mandatory Bidders Day 1 – Q&A	No. Bidders will only be informed at the end of the entire RFP tender process. They will then have the opportunity to request for a debriefing which will be focused on the quality and scoring of the firm's proposal and which will not provide a comparison against the other bidders.

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22	Do subcontractors need to be named at this stage?	Non-Mandatory Bidders Day 1 – Site Visit	<p>No, this is not a requirement at this stage and can be decided at the RFP stage.</p> <p>However, a Firm or JV may name a supply chain partner(s) at this stage to demonstrate the required level of experience within their overall team. In this case, should they choose to utilize another firm than the one they relied upon at the RFPQS stage, then they must demonstrate that the alternative firm(s) is / are of at least the equivalent standing / level and shall seek the UN's approval to such a change in their subcontractors.</p>
23	How are the different trades and suppliers to be appointed when the project progress? Will there be further procurement processes such as this one organized for each of the different trades and suppliers?	Non-Mandatory Bidders Day 1 – Site Visit	<p>No. The intention of the UN is to appoint a General Contractor for this entire contract.</p> <p>The selection and appointment of trades and suppliers will be the responsibility of the General Contractor to include the selection and administration of such subcontractors.</p>
24	We kindly would like to ask you a clarification related to Section III, Part A, chapter 9, point i, regarding the prequalification criteria on major renovation projects. Could you please confirm that a total sum of maximum 8 projects should cover a total floor area of 150.000 sqm?	Clarification 16	<p>Yes, this is correct.</p> <p>General Contractor firms or JVs need to demonstrate a maximum of eight reference projects that the firm or JV has carried out a total of at least 150,000m² of renovation works within the last 10 years.</p>
25	<p>1. Bank Guarantee for Performance Section III.A.4 of the RFPQS requires the provision of the evidence of participants' ability to provide a Bank Guarantee for Performance amounting up to CHF 25 Million. We hereby ask you to clarify that, in case the participant in the PQ Phase is a Consortium, the ability to provide the foregoing Bank Guarantee can be demonstrated by one member of the Consortium or more (i.e. more than one bank guarantee) provided that the accumulated amount of applicable bank guarantees shall be CHF 25 Million.</p> <p>2. Relevant Experience – Renovation or Construction of Conference Centers Section III.A.9.iv of the RFPQS requires demonstration of relevant experience with respect to the renovation or construction of conference centers with high end audio visual systems and simultaneous interpretation system. Experience in such area, especially with respect to conference centers with</p>	Clarification 17	<p>1. We confirm that as long as the JV as a whole can prove its ability to provide on demand bank guarantee(s) for performance in the total amount of CHF 25m, this would be considered acceptable.</p> <p>2. See response to Question 22 above. When presenting the reference projects it should be clearly stated which of the firm(s) in the Joint Venture / Consortium or Supply Chain Member the reference project belongs to.</p>

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	<p>simultaneous interpretation systems, is very specific and very few places in the world are equipped with such systems. Furthermore, entities specialized in renovation or construction of conference centers with high end audio visual systems and simultaneous interpretation systems may not have the financial capacity nor the willingness to take part, as a participant, in the project. We understand the importance of high end audio visual systems and simultaneous interpretation systems of conference centers for an organization such as the United Nations and we are willing to bring in an experienced entity as an experienced provider in order to take part in the Tender. Therefore we hereby ask that you amend the Section III.A.9.iv of the RFPQS, in order to give the participant to the Tender the option either to demonstrate compliance with the threshold requirements stipulated in Section III.A.9.iv of the RFPQS by reference projects it performed, or to allow the participant to demonstrate compliance with those threshold requirements by presenting an experience provider which performed the required projects. Such experience provider shall not be a member of the Consortium, but shall be required to perform the applicable scope of work (high end audio visual systems and simultaneous interpretation system), if Tender shall be awarded to the participant. Similarly, kindly amend the requirement set forth in Section III.B.3, third paragraph, of the RFPQS in order to give the participant the option to demonstrate completion of reference projects where a multiple language interpretation system or a broadcasting system was implemented, either by the participant itself, or by the above mentioned experience provider.</p>		
26	<p>We are an AV/IT/Lighting Integration firm, we seek to enter the bidding for this project in Switzerland and would like to know if this tender covers those areas or is all inclusive?</p> <p>Please explain how we can tender for just our speciality?</p>	Clarification 18	<p>The planned renovation works is likely to include some of these requirements. At present the exact requirements are still being finalized. This information will form part of the RFP Tender Documentation to be issued at the RFP stage to the prequalified General Contractors.</p> <p>Please see responses to Question 10 and 23 above.</p>

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27	Can the UNOG provide a letter of Assistance to obtain an Entry visa to Switzerland to participate in the Non-Mandatory Information Session and/or the Optional Site Visit to the premises?	Clarification 19	Yes, a letter of Assistance can be provided. Firms should provide the names and titles of the persons as well as a copy of the national passport.
28	Can you let us know when the RFP project documentation may be expected to be released?	Clarification 20	It is anticipated that the RFP Tender Documentation will be issued sometime in Autumn (September/October/November) of 2018.
29	How does the UN compare Swiss currency (CHF) to the American Dollar (USD)?	Clarification 21	The United Nations (UN) Treasury publishes Operational Rates of Exchange that are updated on a bi-monthly basis. The UN rates are published at the following address. https://treasury.un.org/operationalrates/OperationalRates.php
30	Can we submit our financial proposal in USD?	Clarification 21	No. The SHP project budget is predominantly in CHF, therefore price submissions for the larger construction contracts will be required in CHF.
31	Bank Guarantee Attachment 7: we do not understand why you want 25 million CHF from guarantor banks. Are you going to release 25 million CHF for the contract?	Clarification 21	The United Nations Secretariat may require a successful contractor to furnish performance bonds in the UN standard format or similar forms of financial guarantee. The amount of performance bonds / guarantees will vary depending on the nature of the requirements. Due to the overall value of the project, and the significant risks involved if a Contractor fails to perform, the UN will require the General Construction firm or joint venture that is awarded the contract to provide a bank guarantee of up to CHF 25 million due to the contract value which is estimated to be between CHF 240 to 260 million
32	How many firms will be considered to do Contract 2?	Clarification 21	General Contractors may submit a proposal as either an individual firm or as a Joint Venture. Joint Ventures shall be limited to a maximum five firms.
33	If younger firms demonstrate that they possess the technical ability and management resources to do the job, but have no previous work experience to show, how will you evaluate such younger firms? We know that technology is dynamic and younger firms can assemble wonderful talents and innovative technology to deliver new products that may exceed what older firms must have done and presented.	Clarification 21	The selection of suitably experienced prequalified General Contractor firms or JV's will be made on the basis of the criteria stipulated in the Request for Prequalification Submission documentation. The criteria require that the General Contractor firms or JV's demonstrate suitable previous experience in renovation contracts due to the key challenges that they will face during the works in the historical buildings of a fully operational Palais des Nations campus.

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			The General Contractor will be responsible for the selection, appointment and administration of trades and suppliers and other subcontractors.
34	How did the general assembly arrive at budget limit of 240-260 million CHF? We expect the renovation of the Historical building to procure the best components in the world market and install /assemble them in such a manner that will produce a sustainable edifice for 5-8 generations.	Clarification 21	The SHP budget has been constructed on the basis of technical analysis and allocated toward the objectives of the project in accordance with the approval of the General Assembly.
35	Your PQC is silent on a very important social character of the firm that will do the work: multiracial personnel cutting across all continents. Should that not be an important factor to be consider?	Clarification 21	Suppliers to the UN must conform to the UN Supplier Code of Conduct which include a number of 'Environmental, Social and Governance (ESG) criteria.'
36	With reference to Section III, Part A, Mandatory Criteria, no. 4 "Bank guarantee for performance" and with reference to the Attachment 7, please clarify if, in case of a consortium, the Leader shall provide the Attachment 7, duly filled, or if it's possible that each member of the Consortium provides the relevant attachment 7 for an amount corresponding to the percentage of participation into the Consortium, so that the total amount of the Guarantee provided by the Consortium is CHF 25 million.	Clarification 22	Yes, see response to Question 25 above.
37	With reference to Section III, Part A, Mandatory Criteria, no. 4 "Bank guarantee for performance" we kindly ask you to confirm that in order to provide evidence that the firm or any of the members of the Consortium is able to provide a Bank guarantee of performance amounting up to CHF 25 million and with the wording of the attachment 7 it's sufficient to confirm this issue flagging YES in the point 2.4 of the Statement of Qualification Questionnaire (Attachment 4).	Clarification 23	Yes, this is correct. At this stage we simply require your confirmation.
38	In order for our firm to make a determination as to whether we would like to prequalify and bid for this project, we have read the United Nations General Conditions of Contract, and have the following questions upon them: Waiver of Immunities.	Clarification 24	As provided in the UN General Conditions of Contract, any arbitration award rendered by an arbitral panel shall be the final adjudication of the dispute at issue. If an arbitral panel determines that the UN is to pay a monetary sum to the Contractor in connection with an arbitration between the UN and the Contractor, then the UN is bound by international law to abide by that

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	What are the remedies of a Contractor against the United Nations (UN) if there is an Arbitration, and the Arbitration ruling finds that the UN must pay? Will the UN pay? If not, is there any authority that can make the UN pay?		<p>determination for the reasons described below. This is standard in UN contracting, including with respect to all UN construction contracts.</p> <p>The United Nations has been accorded certain privileges and immunities which are necessary for the fulfilment of the purposes of the Organization. Pursuant to Article 105, paragraph 1, of the Charter of the United Nations (“the UN Charter”), “the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.” Article 105, paragraph 3, of the UN Charter stipulates that “[t]he General Assembly may make recommendations with a view to determining the details of the application of paragraph [] 1 ... of this Article or may propose conventions to the Members of the United Nations for this purpose.” In order to give effect to Article 105 of the UN Charter, the General Assembly of the United Nations adopted the Convention on the Privileges and Immunities of the United Nations (“the General Convention”) on 13 February 1946. Switzerland acceded to the General Convention on 22 September 2012.</p> <p>Article VIII, Section 29 of the General Convention requires the United Nations to make provision for “appropriate modes of settlement of disputes arising out of contracts or other disputes of a private law character to which the United Nations is a party.” As reflected in the long-standing practice confirmed by the Secretary-General, the General Assembly has determined that arbitration under the Rules of the United Nations Commission on International Trade Law (“UNICTRAL”) is the preferred mode of settlement for disputes arising out of contracts to which the United Nations is a party.</p> <p>The UN is bound by the General Convention to abide by the determinations of an arbitral panel. In this regard, Article VIII, Section 30 of the General Convention provides that any Member State that is a party to the General Convention is authorized to bring a case before the International Court of Justice to enforce obligations arising out of the application of the General Convention. In the 73-year history of the UN, however, there has been no instance of any Member State bringing a case regarding a failure by the UN to abide by the terms of an arbitral award.</p>
39	Limitations of Liabilities	Clarification 24	No, the UN does not envisage capping the liabilities of the Contractor under the contract. Given that

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	The UN do not cap the liabilities of the Contractor. Does the UN envisage capping the liabilities for the renovation construction contract?		the funding for the construction project is largely from taxpayer monies contributed by UN Member States, it is important that the UN makes strong efforts to be made whole for damages that are caused by the acts or omissions of the Contractor. However, given that Swiss substantive law will apply to the contract and given that such law generally provides conventional standards and limitations regarding the amount that a party may recover for breach of contract claims (<i>i.e.</i> , regardless of there being no cap expressly provided in the written contract), the Contractor should be able to establish for itself some assurance that its potential liability under the contract would not be unlimited. Nevertheless, please see the response to Question 43 below.
40	<p>Contract Termination</p> <p>It is stated that the UN may terminate the contract for cause, does this mean that any breach of contract no matter how small would allow termination of the contract by the UN?</p> <p>Can the Contractor terminate or suspend the Contract should the UN be in breach of their obligations under the Contract?</p>	Clarification 24	<p>The contract will provide the UN with the right to terminate the contract for any breach of contract by the Contractor, whether major or minor. Furthermore, the contract will provide the UN with the right to terminate the contract for convenience. Notwithstanding the breadth of these termination rights, any termination of the contract would be done with considerable contemplation by the UN given the extreme complexities that would be involved in hiring a replacement contractor for this major, multifaceted construction project.</p> <p>The Contractor will not have the right to suspend work or terminate the contract in the event it believes that there is breach of contract by the UN. However, the Contractor shall have the ability to submit claims for time and monetary compensation, as appropriate. In addition, the Contractor will have the rights to terminate the contract in certain circumstances in which there has been a prolonged suspension of the construction work.</p>
41	<p>Force Majeure / Changes in Conditions or Legislation.</p> <p>Should there be any changes in legislation applicable to the contractor under the Contract, would the UN pay any additional monies should such changes cause an increase to the costs to the Contractor? Or should this be considered in the commercial risks?</p>	Clarification 24	Should there be changes in legislation applicable to the Contractor under the contract, any such potential additional costs should be considered in the commercial risk and included in the pricing of the commercial proposal.
42	Indemnification	Clarification 24	If there are third party claims against the UN that the Contractor has been asked by the UN to

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	Is the Contractor liable to pay for expenses to defend the UN and its officials, agents and employees even if it is an act or omission of the UN which has caused the damages or injuries to third parties?		defend on the UN's behalf and for which the Contractor is not otherwise required to indemnify the UN, then the Contractor shall be entitled to reasonable compensation for its work.
43	Could you indicate how the UN foresees to complete the evaluation of legal and contractual aspects at RFP stage? Will the UN include a form of Contract in the RFP solicitation documents for the firms to review? Can the firms submit a mark-up of the contract or would it be mandatory to accept?	Clarification 24	A form of contract will be included as part of the RFP solicitation documents. It is currently foreseen that Bidders can submit comments with respect to the draft contract. Certain provisions of the contract, however, will not be subject to change (e.g., the provisions that indicate that the UN's privileges and immunities cannot be waived). As part of the evaluation process, bidder comments will be scored on whether they, among other things, increase the risk profile of the UN, the difficulty in contract administration, and the difficulty in timely completing contract execution without protracted negotiations. As such, it is recommended that bidders be highly judicious with respect to their commenting on the form of contract. The exact process will be confirmed in the RFP.
44	Payments by the UN. Is there a mechanism for the Contractor to suspend their provision of services in the case that the UN does not pay their invoices?	Clarification 24	Given the overarching need to keep the project on schedule, the Contractor will <u>not</u> have the right to suspend work if the UN does not timely pay its invoices. However, in the event that the UN does not pay invoices, the Contractor will have certain rights under the contract to make claims for additional compensation, as appropriate.
45	For the reference projects requested, would the UN consider a metro station to be a public building?	Clarification 24	Yes, for the purpose of the prequalification, the UN considers that a metro station is a public building.
46	Can a reference project be ongoing or does it need to have been completed?	Clarification 24	Yes, reference projects can be either ongoing or completed and in line with the timescales stipulated in the criteria.
47	Can the reference project of the Parent Company or their turnover be used for a wholly owned subsidiary, or does the Parent company need to be incorporated into the proposed Joint Venture?	Clarification 24	In the case that it is necessary to use the reference projects or turnover of the Parent Company to comply with the prequalification criteria, then the Parent Company should be part of the General Contractor Joint Venture entity.
48	Does the United Nations have a black list, comparable to the one published by the World Bank for construction and related firms?	Clarification 24	The UN considers individuals, groups, undertakings and entities designated on Sanctions List under respective Security Council resolutions to be ineligible to receive a UN contract award.

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			<p>The UN also consider the vendors on the World Bank Listing of Ineligible firms to be ineligible to receive a UN contract award. See following links:</p> <p>http://web.worldbank.org/external/default/main?theSitePK=84266&contentMDK=64069844&menuPK=116730&pagePK=64148989&piPK=64148984</p> <p>http://www.worldbank.org/en/about/corporate-procurement/business-opportunities/non-responsible-vendors</p> <p>In addition, firms considered as ineligible by the UN Secretariat, due to poor contractual performance or for having committed an act of fraud or another corrupt practice, are also ineligible to receive a UN contract award.</p>
49	<p>Concerning the submission of attachment 4 and the relevant supporting documents for the RFPQS mentioned in the subject, in case of Consortium could you please confirm that:</p> <ol style="list-style-type: none"> 1. Within a sole submission the Consortium has to provide one attachment 4 for each member and each one has to be signed only by the Company to which the attachment 4 refers 2. Within a sole submission the Consortium has to provide supporting documents to attachment 4 for each member and each one have to be signed only by the Company to which the documents refer. 	Clarification 25	Yes, this is correct, each member of the Consortium shall fill out Attachment 4 and requested supporting documents.
50	Concerning the common documents to be submitted by a Consortium (attachment 9, attachment 10 and the technical report related to the score criteria) could you confirm that these documents shall be signed and stamped only the Lead Firm?	Clarification 25	Yes, it is acceptable if only the Lead Firm signs and stamps Attachments 9 and 10, and respective attachments.
51	With reference to Section 4, point 5 of the RFPQS rev 5, please confirm that it is sufficient that firm's documents with are not originally in English, are provided accompanied by a translation into English made by a certified translator with its professional stamp.	Clarification 25	Yes, this is sufficient.

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52	Concerning the filling of the table related to the turn-over of the Firm(s) included in point 2.6 of Attachment 4, in case of official figures in Euros, is it possible to fill the table in Euros? If not, how can we convert figures in CHF?	Clarification 25	<p>Yes, in the case that your Financial Statements are in a currency other than CHF, please indicate the currency.</p> <p>The UNOG will convert to the UN exchange rate of the month and year that the Financial Statements were issued.</p> <p>The UN rates are published at the following address. https://treasury.un.org/operationalrates/OperationalRates.php</p>
53	With reference to the deadline of 18th June 2018, due to the complexity and high value of the works and of the requirements, we kindly ask you to postpone the deadline of at least 2 weeks in order to allow us to set-up a qualified groups of firms and properly prepare the prequalification submission.	Clarification 25	<p>The submission deadline has been extended to 2 July 2018.</p> <p>Please refer to revision 2 of RFPQS/EOIUNOG15012.</p>
54	We refer to the above mentioned RFPQS to kindly request a 15-day extension on the delivery date.	Clarification 26	Please see response to question 53.
55	<p>The UNOG informed the candidates in its response to question 22 (Attachment 11 of the RFPQS) that a Firm or a Joint Venture (a "Candidate") may name a supply chain partner at the PQ Stage to demonstrate the required level of experience within its overall team as required under Sections III.A.9 and III.B of the RFPQS.</p> <p>We hereby request UNOG's confirmation that a subcontractor teaming up in a specific Candidate's team during the PQ Phase and the Tender process will still be entitled to act as a supplier for the execution of the Project in the event another Candidate would be eventually awarded the Tender.</p>	Clarification 27	<p>Subcontractors or supply chain companies which team up with a specific General Contractor firm or JV during the prequalification phase (as well as during the tender phase) would <u>not</u> be excluded by UNOG from later teaming up with a different General Contractor firm or JV on these grounds.</p> <p>UNOG confirms that the successful General Contractor or JV, which is awarded the contract, <u>may</u> appoint a Subcontractor or supply chain company that had been associated with an unsuccessful bidder at either the Prequalification or the tender stage during the solicitation process.</p> <p>Ultimately it is entirely the responsibility of the successful General Contractor or JV to select and appoint its Subcontractors and supply chain companies, irrespective of the prior affiliations of these subsidiary companies during the UNOG solicitation process.</p>
56	We are a member of a JV that will participate at the qualification for the above mentioned works, asked for the following clarification:	Clarification 28	<p>We confirm that only certified and audited Financial Statements should be submitted with the Prequalification Submission.</p> <p>In the case that the 2017 Financial Statements are not yet certified and audited, please indicate this</p>

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	<p>Our 2017 Financial Statement, in compliance with the law, has not yet been approved and will be approved within the next June 30.</p> <p>At the moment the 2017 Financial Statement is neither audited, nor certified.</p> <p>We ask you to confirm that we can take into account, for the present qualification, the financial statements of the years 2014-2015-2016 (audited and certified).</p>		<p>under Section 3 of Attachment 4. We will then accept the certified audited financial statements for the previous periods.</p>
57	<p>Concerning the quality certificates ISO9001 can the certifications be provided as attachment to the report concerning the score Criteria or they have to be included in the max four pages related to the topic Quality Assurance? Each certificate is one page so in case of consortium it's a loss of pages in case they have to be included in the max pages dedicated to Quality Assurance.</p>	Clarification 29	<p>Please note that the page limitation concerns the narrative and that requested attachments such as certificates are not counted in the page limitation.</p>
58	<p>Relevant experience – implementation of Building Information Management (BIM).</p> <p>Sections III.A.9.v and III.B.8 of the RFPQS requires demonstration of relevant experience with respect to implementation of Building Information Management (BIM) of building construction or renovation projects. We hereby ask UNOG to demonstrate compliance with the BIM threshold requirement by presenting a reputable design or engineering firm (or designer/engineer) which was engaged as a coordinator or design manager in construction or renovation projects where BIM system was implemented. Such design coordinator or design manager shall be engaged by the undersigned in the project and therefore, the experience it has gained shall be implemented in the project. The foregoing manner to demonstrate compliance with the BIM experience requirement is similar to the method of demonstrating experience requirements by chain supplier/chain sub-contractor, which was already approved by UNOG and therefore does not in any way impair the experience that the candidate is required to demonstrate.</p>	Clarification 30	<p>Please note that the Building Information Model is a vital component in the management of this project.</p> <p>We confirm that this can be dealt with in line with the response to Question 22 above. (text repeated below for clarity):</p> <p><i>“However, a Firm or JV may name a supply chain partner(s) at this stage to demonstrate the required level of experience within their overall team. In this case, should they choose to utilize another firm than the one they relied upon at the RFPQS stage, then they must demonstrate that the alternative firm(s) is / are of at least the equivalent standing / level and shall seek the UN’s approval to such a change in their subcontractors.”</i></p> <p>Part of the response to question 25 above is also relevant (text also repeated below for clarity):</p> <p><i>“When presenting the reference projects it should be clearly stated which of the firm(s) in the Joint Venture / Consortium or Supply Chain Member the reference project belongs to.”</i></p>
59	<p>Relevant experience – General.</p>	Clarification 30	<p>We confirm that such relevant experience can be demonstrated from projects completed by a</p>

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	Sections III.A.9. III.B of the RFPQS require demonstration of relevant experience in different projects and disciplines. In this regard, we ask UNOG to allow candidates to demonstrate compliance with such experience requirements by presenting projects which were executed by fully-owned subsidiaries or by subsidiaries under the Firm's control (the "Subsidiaries"), with no additional conditions. It is indeed common practice in large construction groups that different ongoing projects are allocated to various Subsidiaries of the Firm and the client allows participants to refer to the experience of their Subsidiaries to demonstrate their eligibility to comply with threshold requirements.		subsidiary company provided that the firm submitting the Prequalification documents is indeed the parent company that controls the subsidiary in question.
60	With reference to Section III Part B – Scored Written Criteria, no. 1 Document Format. Since we are in JV and the supporting documents for Attachment 4 will be voluminous, considering that each company have to submit the 3 years' annual reports, company registration documents and other related documents, we kindly ask you to confirm- - If we can submit a total of 4 files. 1 file each of the 3 JV member for Attachment 4 as well as its supporting documents and a 4th file containing Attachment 9, 10 and the documents required in Section III, Part B Nos. 2 to 11.	Clarification 31	We confirm that there is no limitation to the number of electronic files that can be submitted. The proposed approach described appears to be organized in a way that will enable us to easily review the prequalification submission.
61	Can supporting documents can be submitted as it is, without the required simple design header and footer.	Clarification 32	Yes, but please identify a title page or, at least, indicate a title on the first page of each supporting document so that we can easily identify it in the reference framework of the prequalification criteria so as to ensure it is clear which question it is answering.
62	With reference to the deadline of 2nd July 2018, due to the complexity and high value of the works and of the requirements, we kindly ask you to postpone the deadline of at least 2 weeks (i.e. 16th July 2018) in order to allow us to set-up a qualified groups of firms and properly prepare the prequalification submission.	Clarification 33	The submission deadline has been extended to 9 July 2018. Please refer to revision 3 of RFPQS/EOIUNOG15012.
63	We re-confirm our interest to participate in this RFPQS. However, we would be grateful if you could grant us a week extension of the	Clarification 34	Please see response to question 62.

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	deadline for the RFPQS to allow us to present a thorough submission.		
64	We re-confirm our interest to participate in this RFPQS. We would be grateful if you could grant us a week extension of the deadline for the RFPQS.	Clarification 35	Please see response to question 62.
65	We will not be able to meet the 2 July 2018 deadline and would like an extension to 6 July 2018.	Clarification 36	Please see response to question 62.
66	We re-confirm our interest to participate in this RFPQS. However, we would be grateful if you could grant us a week extension of the deadline for the RFPQS to allow us to present a thorough submission.	Clarification 37	Please see response to question 62.
67	We would like to request you that we need 3 weeks/ 21 days' time extension for prepare and submission for RFPQS Revision 1 with reference EOIUNOG15012 for the Renovation of the Historical Buildings (Buildings A, B, C, D and S) at the Palais des Nations in Geneva, Switzerland and kindly provide us the time extension up to 24 July 2018 for this RFPQS.	Clarification 38	Please see response to question 62.
68	Our work is still in progress and it would be interesting for our team to beneficiate from 1 additional week. Could you please confirm the new deadline for 9th of July?	Clarification 39	Please see response to question 62.
69	Nous vous demandons une extension de délai d'une semaine soit au 9 juillet 2018 pour le rendu des pièces justificatives du projet susmentionné.	Clarification 40	Please see response to question 62.