

QUESTIONS AND ANSWERS | ROUND 2

Nr. Crt.	Question	Answer
1	Can the design of Praktika for the part of Somes at Dragalina street, and hotel Astoria be available to competitors?	We appreciate the relevance of the request and the project authors and the contracting authority agreed to publish some drawings with the design of the areas in the vicinity of Cetățuia Hill, but they mention that the project may undergo slight changes in later phases. We attach the drawings to the competition documentation in Annex 9 - Additional QA2 documentation . Note that the first question was submitted on April 23, 2019, so it was unable to enter Round 1 of “Questions and Answers”, which had the deadline of 22.04.2019. After this date, the questions are included in the 2nd round, with the response deadline of 10.06.2019, according to the Regulation.
2	Hello, I would first like to return to the question I made on the occasion of the visit on the site and I then submitted it in written form via the form on the site. That is, I asked to make available part of the project for the design of Somes' banks, corresponding to the streets of Dragalina, Mamaia, and the Astoria area. We consider this project to be important for the way we design the pedestrian accesses in these areas. In the competition regulation, the provision of point 3.4.3. Questions made during the visit to the site will be recorded and will become part of the “Questions and Answers” document. Round I allows practically the questions asked during the visit to be answered in the first round. I asked for the visit, but the organizer's response was to send it in written form. As the rules allow, I ask you to make this project available as soon as possible. Also, please confirm that you received my question by email. I mention that through the competition rules, competitors can ensure that the questions have been received. An incoming mail is enough. Thank you	
3	Hello, I was wondering if only architects, member of a European Chamber can join, or the competition is open also to engineers or other professionals, member of their own Chamber. Thank you in advance for the answer.	According to article 2.1.2 of the Competition Rules, other professionals may participate, but only in association with, or having as an employee, a certified architect, member of the Romanian Order of Architects (OAR) or of a similar organization in his or her country of origin, legally practicing and having the required qualification as architect, in compliance with the national legislation of his or her country of origin. In case of winning the competition, the candidates, whether individually or as joint ventures, must have the legal capacity of concluding a design services contract in Romania, which will have to be proven to the Promoter. We mention that this competition is international, so it is open to professionals from any country, not just the European Union.

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4	<p>What is the explanation for the fact that the “Cetățuia Hill” solution competition is only partly awarded with prizes (two and three) considering that the awarding of the design contract in the amount of 1 476 149 lei without VAT is the purpose of the chained procedures of a solution competition followed by negotiation without a publication notice, and not a prize. The organizer respected his / her own Best Practice Guide for organizing architectural / urbanism competitions published on 27.06.2018 which states in section 2.7: “The Architects Order in Romania only supports the contests with the award of at least three prizes ... “?</p>	<p>Indeed, OAR supports prize competitions and would not organize nor promote a competition where there are no 2nd and 3rd prize. The way the contest is run and the prizes awarded fully comply with the European public procurement legislation.</p>
5	<p>In what way will the contracting authority resolve the situation, possible and foreseen in Art. 4.2.6 of the Rules, that in the course of the negotiated procedure without a publication notice, it will not conclude the design contract with the competition's winner for reasons beyond its control, and will invite the winner of the second prize, already awarded with the amount of 70000 lei? How does the contracting authority prevent a litigation?</p>	<p>Prizes are paid after signing the contract with the winner. If the negotiation procedure does not end with signing the design contract with the winner of the 1st prize, the negotiation procedure starts with the winner of the 2nd prize (which will basically receive the contract as a prize) and the value of the prize 2 will be assigned to the third place competitor.</p>
6	<p>The location of the contest being a historical site included in the LMI at position CJ-II-aA-07240, isn't it mandatory (and not only recommended, according to Article 2.1.3 of the Regulation) to include the expert certified in historical monuments, along with the certified architect? What happens if, when forwarding the winning project to CNMI, to the DALI approval, the solution on the historical site, unapproved previously by an expert, is rejected or turned to change?</p>	<p>The solution presented in the competition drawings is not the complete project that will be submitted for approval, this is why at this stage it is recommended to consult with an expert certified in the monument intervention. After signing the contract for design services, the winner starts drafting the approval documentation for the intervention works and has the obligation to involve the necessary experts and to ensure that the winning solution is respected.</p>
7	<p>If the expert attested on historical monuments should be part of the team, how does a team from outside Romania invite such an expert? Taking into account that the experts certified by the Ministry of Culture are in a limited number, can such a certified expert be part of more than one team?</p>	<p>The answer concerning the obligation is given above.</p>

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8	<p>An architect employed or affiliated with a member of the jury (or with some of the persons referred to in Article 2.1.4 of the Rules under points 1 to 8) may take part in the competition either through his individual office, colleague's office or co-opted by another design firm?</p>	<p>This situation is included in art. 2.1.4 The following persons are forbidden to participate in the Competition, point 9:</p> <p><i>Any other persons who are reasonably or factually presumed of having an interest, directly or indirectly, whether personal, financial, economic or otherwise, or who are in a situation likely to affect its independence or impartiality during the assessment process and those established as being in conflict of interests according to provisions under Law 98/2016.</i></p>
9	<p>Since the participation conditions provided for in art. 2.1.4 of the Rules are not fully congruent with Art. 59 and art. 60 of Law 98/2016, is it necessary to include in the classified envelope the Declaration on avoidance of conflicts of interest governed by the abovementioned norms of law?</p>	<p>The competitor is required to declare in the European Single Procurement Document if he / she is aware of any conflict of interest arising from his / her participation in the procurement procedure (Part C: Grounds relating to insolvency, conflicts of interests or professional misconduct).</p>
10	<p>What publication of the acquisition documentation prevails: SEAP or website of the competition, if there are differences in provisions? Which document prevails: the published purchase data sheet, pursuant to Law 98/2016, in the SEAP or the Rules, if there are differences in provisions? How does the contracting authority prevent a litigation?</p>	<p>If differences are noted and reported by competitors, they can be corrected through the Question and Answer rounds.</p>
11	<p>What information will the competitor consider between "The languages in which the projects or applications for participation: Romanian, English" in Art. IV.2.4 of the Purchase Data Sheet and "All contest items (drawings, financial proposal) shall be drafted in English" in Art. 1.4.2 of the Competition Rules? How does the contracting authority prevent a litigation?</p>	<p>In the Competition Rules, after article 1.4.2 you can find article 1.4.3:</p> <p><i>All documents requested and inserted into the sealed envelope shall be in English for foreign candidates, and in Romanian for Romanian candidates.</i></p> <p>Therefore, the Purchase Data Sheet takes the information from both articles (1.4.2 și 1.4.3), but it doesn't stand by itself, is detailed in the Competition Rules. The two documents do not contain any contrary provisions.</p>

12	What is the deadline for answering questions: the one in the Purchase Data Sheet, art. II.2.4 "the last clarifications will be published 10 days prior to the deadline for submission of projects, and the clarifications may be requested no later than 20 days prior to the deadline for submitting projects" or art. 3.17 of the Rules "Deadline for receiving Questions Round 2 - 03.06.2019" as of the date of handover 24.06.2019, respectively "Deadline for answering questions Round 2 - 10.06.2019 versus handover date 24.06.2019?"	Thank you for this request for clarification. The deadline for receiving the questions is the one mentioned in the Rules, 03.06.2019 , or " <i>20 days before the deadline for submitting projects</i> ", but the deadline for submitting the answers has indeed a notable difference between documents - of 4 days. The deadline for answering questions remains as stated in the Rules, 10.06.2019.
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