

Questions and Answers for RFP-ECS-2024-001

#	Question	Answer
1	<p>Would the winner receive a possibility to reserve its people from mobilization and whether the Project will be considered as critical one for Ukraine in terms of mobilization rules?</p>	<p>The winner of the contract will not automatically receive the possibility to reserve its personnel from mobilization. However, the project, as part of the Ukraine Energy Support Fund, is focused on enhancing the resilience of critical social infrastructure such as hospitals, which could be considered under the criteria for critical projects in Ukraine.</p> <p>We are currently in dialogue with the Ministry of Energy of Ukraine to explore and facilitate considerations for reserving key personnel from mobilization, subject to Ukrainian laws and regulations and approval from the relevant authorities.</p>
2	<p>Is it possible that the Team that will be shown will be a part of the team of the Offeror under the Agreement of “sharing the team” from the other Company (it is possible under the Ukrainian legislation)?</p>	<p>Yes, it is possible for the team proposed by the Offeror to include members who are part of a "shared team" arrangement from another company, provided they comply with legal and contractual requirements.</p> <p>Under this arrangement, the Offeror can enter into a formal agreement with another company to share personnel for the purpose of fulfilling the project requirements. This shared team can then be included as part of the Offeror's proposal, ensuring that all team members meet the qualifications and responsibilities outlined in the RFP.</p> <p>However, it is important to note that sharing personnel with any other Offerors is strictly prohibited and will be grounds for disqualification. All personnel included in the proposal must confirm their exclusivity to the Offeror's team for this project. Additionally, key personnel must confirm their availability for the duration of the assignment as specified in the RFP.</p> <p>Offeror to note that in any case the Offeror will be fully responsible for the performance and availability of the proposed personnel regardless of his formal employer.</p>
3	<p>In case of the non-profit Offeror participation, is it possible that the portfolio will be shown of such an Offeror, however for the sake of the conclusion of the agreement and not</p>	<p>In the case of a non-profit Offeror, it is indeed possible to participate in the project. The portfolio of the non-profit organization can be used to demonstrate experience and qualifications. If a separate legal entity is</p>

	<p>losing the status of non-profit a newly established legal entity within the NGO will be a Signatory of the Agreement with Energy Community or it is obligatory that the same entity apply and sign the Agreement?</p>	<p>designated as the signatory of the agreement with the Energy Community then this approach should adhere to the criteria outlined for consortiums as specified in answer to Question 4.</p>
4	<p>Is it possible to apply as a group of companies making a Consortium of PMs?</p>	<p>Yes, it is possible to apply as a group of companies forming a Consortium. The RFP allows for the participation of multiple entities working together. However, the consortium must ensure compliance with the following requirements:</p> <ol style="list-style-type: none"> 1. Joint Submission: The consortium must submit a joint proposal where all members are clearly identified, along with their specific roles and contributions. 2. Lead Entity: One entity must be designated as the lead or primary contractor responsible for the overall management and coordination of the project. This lead entity will be the main point of contact and will handle and be solely responsible to meet all operational and contractual obligations, regardless of which consortium member or personnel employer effectively performs the works. 3. Qualifications: The consortium must collectively fulfill the qualifications and experience requirements specified in the RFP. This includes demonstrating past relevant experience and the ability to perform the tasks as outlined in Attachment A – Technical Specification. 4. Legal Framework: The consortium must provide a legally binding document detailing the collaboration framework, roles, responsibilities, and obligations of each member. This document must be included in the proposal submission. 5. Certification and Compliance: All consortium members must comply with the certification requirements outlined in Attachment C – Representations and Certifications and provide the necessary documentation to demonstrate their eligibility.

		<p>6. Single Proposal: The consortium must submit a single technical and financial proposal on behalf of all members, ensuring that no cost information is included in the technical proposal.</p> <p>7. Conflict of Interest: The consortium must ensure there is no conflict of interest as specified in the RFP, and must submit a completed Contractor Certification form as outlined in Attachment D.</p> <p>Please ensure that the consortium meets all specified requirements and submits a comprehensive proposal that addresses the RFP criteria effectively.</p>
5	If there is a Consortium, whether the Agreement will be signed with all the Parties or with one in this case? And how the payment will be made if the Consortium of companies is presented (to one company or to each separately)?	In the case of a consortium, the agreement will be signed exclusively with the lead entity. This entity will act as the primary contractor responsible for all project management and coordination. All payments will also be made to the lead entity, which will then distribute the funds to the other consortium members as per their internal arrangements. Separate agreements and payment schemes will not be possible.
6	What kind of agreement will be signed between the PM and the Energy Community (if there is 1 PM)?	The agreement for the provision of project management and supervisory services will be a tripartite contract signed between the Energy Community Secretariat (ECS), the successful offeror, and the beneficiaries (hospitals). This agreement will cover the full scope of work as outlined in the RFP, including project planning, supervision, and reporting. Bidders are invited to propose their version of such an agreement, which should align with the requirements and expectations detailed in the RFP.
7	Shall all the documents of the Offeror be applied in English only/ or the scan of originals of the documents + the English translation (shall it be the official translation with a signature of the authorized translator?)	All documents must be submitted in English. If the originals are in another language, provide scans of the originals along with English translations. Certified translations are not required.

8	Are there any requirements on how the key staff (page 5 of the RFP) shall be employed by the Offeror?	Key staff must be either directly employed by the Offeror or engaged through another formal agreement ensuring their full availability for the project duration. They must confirm their commitment and availability in the proposal. Offeror remains fully and solely responsible for the availability and performance of the staff and works, regardless of formal employer.
9	Is it possible to receive the information about the solar power plant capacity required for each 17 sites?	Some information about the required solar power plant capacity for certain sites may be available and will be provided to the successful Offeror. However, for other sites, this information is not currently available. The Project Manager will need to conduct their own analyses to determine the appropriate capacity and may use previous data where it is available to guide these assessments.
10	The descriptive part page 6 Detailed Budget states that the price proposal is Appendix B, Table 1. Will there be a single format for all applicants, or does each submit their own vision?	The budget format, which was added to the tender webpage on the ECS website, must be used by all bidders. Bidders should use this format and may add budget lines that they consider necessary for their proposal.
11	From the requirements to the budget, it is not clear what the budget of the Offeror shall include precisely. Should the budget of the Offeror include only the services that the Offeror will provide or also the estimated cost of the EPC services and the estimated cost of the equipment and materials? (if the equipment shall be included then the exact capacities for each site should be available to the Offeror. Is that possible?)	The budget of the Offeror should include only the costs for the services that the Offeror will provide, such as project management, supervision, travel, and administrative expenses. The estimated cost of EPC services and the equipment and materials are not required to be included in the Offeror's budget. The EPC services and equipment costs will be handled separately, determined by a procurement procedure, and do not need to be estimated by the Offeror in their proposal.
12	Shall the budget of the Offeror clearly divide the services provided by: internal team of the PV/ the services that PM is provided through the outsource (as the expertise of technical surveillance)? / the services that will be procured from EPC Contractor?	Yes, the budget of the Offeror should clearly divide costs into two categories: services provided by the internal team of the Offeror, including project management and administrative tasks; and services provided through outsourcing, such as technical surveillance and specialized expertise from third parties. Services procured from the EPC Contractor, covering design, procurement, installation, and commissioning of the solar power plants, do not need to be included. The Offeror's team is required to deliver all tasks

		outlined as PM responsibilities in the RFP, whether by internal staff or outsourced services, and these will be considered part of the PM budget for comparison. However, if the PM proposes a different approach to certain sub-contractor EPC tasks, such as providing in-house design, these will not be included as part of the PM budget for comparison.
13	If such services as the official technical assessment of the roof and building load – bearing capacity will be provided by the Offeror but procured as the outsource – shall such service be reflected in the budget of the Offeror as its services ?	Yes, if services such as the official technical assessment of the roof and building load-bearing capacity are provided by the Offeror but procured through outsourcing, they should be reflected in the Offeror's budget as part of its services. This ensures that all costs associated with fulfilling the PM responsibilities, whether conducted internally or outsourced, are included in the overall budget.
14	Page 6 Detailed Budget states “a price must be provided for each project component to be considered compliant with this request”. Could you specify where such project components are specified in the RFP exactly?	<p>The project components, for which a price must be provided, are specified in Attachment A – Technical Specification of the RFP, especially under the "Scope of Work" section. These components include tasks like preliminary review and feasibility assessment, on-site review, procurement of sub-contractors, continuous project management, verification of completion and commissioning, and regular reporting.</p> <p>Breaking down the budget by these components will be considered an advantage as it provides greater transparency. However, the financial proposal evaluation will ultimately be based on the total budget for the initial portfolio of 17 sites.</p>
15	The project includes 17 objects and is designed for 2 years - does this mean that the proposal should be based on these indicators (from the perspective of additional expenses, which are often period costs)?	Yes, the proposal should take into account that the project includes 17 objects and is designed for a 2-year period. This means that any additional expenses, including period costs such as administrative overhead, travel, and ongoing project management, should be based on these indicators. It is also important to note that any extension of the scope to include new sites will require a review and adjustment of these parameters to ensure accurate budgeting and resource allocation.

16	<p>What is the main financial metric for comparison of the proposals of the Offerors? In the RFP there are references to several calculation indicators:</p> <ul style="list-style-type: none"> - Personnel salary (calculated by the number of days per object) per 1 kW - what is meant by this, as without information about the capacity of each/all stations, it is impossible - capacity is needed. - Transport costs (considering possible accommodation) per 1 km - without information about the objects, this is a very approximate figure – location of the objects are needed. Could such information be provided to the Offeror? - Additional costs (including administrative) per project - what can be included here (engaged experts, services, staff training)? - Total proposed cost (all-inclusive) per 1 kW - are these preliminary calculated costs per 1 kW? Should these include costs for installers and other experts, or only ours as PM? 	<p>The main financial metric for comparison is the Total PM Budget for the initial 17 sites. Offerors should base their proposals on their professional judgment and experience with similar projects, as detailed data on capacity is currently unavailable. The cost of PM services per kWp installed will be used to estimate budgets for potential extensions beyond the original scope of 17 sites.</p>
17	<p>At the first stage, we have to conduct preliminary review of the Objects object review - perform a roof examination, select equipment, calculate the initial budget, and approve this report with the Energy Community. If the decision is taken to not to proceed further with the facility - will be the costs of this stage reimbursed to the PM, as the involvement of external experts could be already provided? How will the the costs of the Offeror's own specialists be reimbursed (based on time spent and direct expenses)?</p>	<p>If a decision is made not to proceed further with a facility, the costs for the initial stage, including those for external experts, will be reimbursed to the PM. The costs for the Offeror's own specialists will also be reimbursed, based on the terms of the contract to be concluded. The PM should at all times act in a manner that protects the financial interests of the ECS and the donors of the Ukraine Energy Support Fund and avoid unnecessary third party sub-contractor costs.</p>
18	<p>Payment stages - is the percentage ratio indicative, or do we need to plan the procurement of services from contractors using these ratios?</p>	<p>The percentage ratios for payment stages provided in the RFP relate specifically to the compensation of the PM. The PM is responsible for designing the payment terms</p>

		for sub-contractors independently, ensuring they align with the project's needs and contractual obligations.
19	The second payment stage fixes the beginning of the budget development and project documentation - does this mean that immediately after signing the relevant contracts with contractors, we can claim the funds?	Yes, the second payment stage, which marks the beginning of budget development and project documentation, allows you to claim funds as per the PM payment schedule as compensation for the services for a specific site, after signing the relevant contracts with sub-contractors. The detailed PM payment terms will be fixed in the agreement.
20	Page 8. Burden of labor cost. Would the Offeror be required to burden the labor rates or not?	The Offeror is required to provide labor rates as part of the proposal. It is the Offeror's responsibility to make sure that the labor rates include all associated costs, such as salaries, benefits, overheads, taxes according to the applicable tax regime, and any other relevant expenses.
21	Page 12 Preliminary review of the object states that the preliminary feasibility study shall be done by the Offeror. Is there any form of the Preliminary Feasibility Study that the FRP requires, or it should be done in the Offeror's own discretion?	The RFP does not specify a particular form for the Preliminary Feasibility Study. The Offeror should prepare the study at their own discretion, ensuring it includes all relevant aspects such as site evaluation, technical assessment, equipment selection, and initial budget estimation. The study should be comprehensive enough to allow for informed decision-making by the ECS.
22	Act of technical assessment. The preliminary Feasibility Study also requires the commission of the official technical assessment of the roof and building load – bearing capacity. Such a technical assessment is provided by a person that have a license. Usually, it is an outsources service. Does the RFP foresee that the service of such expertise will not be provided by the Offeror but shall be included into the budget of the Offeror as (outsources services)?	Yes, the RFP anticipates that the official technical assessment of the roof and building load-bearing capacity, which requires a licensed professional, is typically an outsourced service. The cost for this outsourced expertise should be included in the budget of the Offeror. See also Answer to Question 12.
23	The RFP does not include "communication and PR services" into the scope of work of the Offeror. Do we understand correctly that no media communication and PR services in any	Yes, you understand correctly. The RFP does not include "communication and PR services" in the scope of work for the Offeror. Therefore, the Offeror is not responsible for any media communication or PR services related to the installation of the 17 sites. Any additional

	sense will be held on the Offeror with regard to the installation of the 17 sites?	scope of work not currently mentioned in the RFP, including potential communication and PR services, may be negotiated after the award.
24	Page 13 6) Commissioning of the RES Projects. What does exactly mean the “commissioning” here? The technical commissioning or regulatory (which could mean the receiving the declaration of the readiness of the Object to be exploited)?	Commissioning of the RES Projects primarily refers to regulatory commissioning, which involves ensuring technical compliance and obtaining all necessary approvals and certifications, including the declaration of the readiness of the project for exploitation. It ensures compliance with local regulations, the acquisition of permits, and the completion of required documentation to confirm the project is ready for operational use.
25	Which Party will be responsible for the final decision on the “regulatory path” for the Site (as few scenarios could be possible)?	The final decision on the “regulatory path” for each site will be discussed and determined jointly by the ECS, the PM, and the beneficiary hospital.
26	Are there any specific requirements to the permitting documents or the rule of law shall be applied? (for instance, that the Declaration on the readiness of exploitation of the Sites is obligatory for all sites however it is not required by the Law)?	There are no specific additional requirements for permitting documents beyond those mandated by the applicable laws and regulations of Ukraine. All permitting procedures and documentation must comply with Ukrainian regulations, with the final aim of concluding Net Billing Agreements with the Distribution System Operators (DSO) .
27	In case of the victory in the Tender, the PM would need to start the works for all Sites simultaneously or a graphic (cascade principle) is possible?	In case of winning the tender, the PM is expected to conclude the initial analysis and subsequent work on all sites as quickly as possible. While simultaneous commencement is preferred, different approaches, such as a phased or cascade plan, may be proposed by the PM to ensure efficient and timely project execution.
28	Tender of the EPC- services shall be procured as 1 EPC contractor per all 17 sites/ or divided by groups (for instance 6/6/5 (3 groups – 3 different EPC contractor)? Are there any requirements how and why the sites could be grouped, or it will be for the PM to decide?	The tender for EPC services can be managed either as a single EPC contractor for all 17 sites or divided into groups. There are no specific requirements for grouping the sites; it is up to the PM to decide the most efficient and practical approach based on factors such as geographical location, logistical considerations, and the scope of work. The decision should aim to optimize project completion time and overall cost.

29	Page 14. 30 days final validation requirement. If after the 30 days period, the validation was not successful will the 30 days period be renewed?	Yes, if the 30-day final validation period is not successful, the 30-day period will be renewed. The PM must address any issues and ensure the system meets all operational requirements before a new validation period can commence.
30	Page 18. PM financial terms. Is that correct that PM and the EPC contractors shall start providing the service for free and the first payment will be done after the completion of the first milestone?	The PM services payment structure suggested in the RFP will be finalized in the agreement with the successful Offeror. The terms for EPC subcontractors will be developed and fixed in their respective contracts, which will be managed by the PM. Payments to subcontractors will be processed separately from the PM services payments and will be passed through the PM.
31	The criteria for Team Leader - Project Management Specialist requires minimum of 7 years of practical experience in managing implementation of projects in the <u>energy</u> sector in Ukraine. Given that the subject assignment assumes a typical IFI project for full cycle project implementation, which may include building rehabilitation programmes with installation of various technical equipment, including renewable energy technologies, or rehabilitation of other municipal infrastructure, we kindly request that the requirement for energy sector experience is broadened to “energy, municipal infrastructure, public buildings or similar” .	The criteria for the team composition, including the Team Leader - Project Management Specialist, should not be treated as a strict pass or fail. We will consider all relevant experience of the team members, including in sectors such as energy, municipal infrastructure, public buildings, or similar, to ensure a comprehensive evaluation of the qualifications and capabilities of the proposed team.
32	ToR in Section 3 under the scope of works states that the PM may also undertake the detailed design of other functions. If the PM would like to offer technical supervision services according to UA legislation, shall this be part of the provided budget as optional service? If so, the optional services will not be part of the financial proposal evaluation, please confirm?	Yes, if the PM would like to offer technical supervision services according to UA legislation, this can be included as an optional service in the provided budget. These optional services will not be part of the financial proposal evaluation, ensuring that the evaluation focuses only on the core services required by the RFP. Also see Answer to Question 12.
33	The PM is required to develop a PM Budget for the initial 17 sites <u>in total</u>	The PM is required to develop a PM Budget for the initial 17 sites in total and individually for

	<p>and <u>individually</u> for each of the 17 sites. Further, the benchmark will be done to estimate total and all inclusive <u>Proposed Cost per kWp installed</u>.</p> <p>Please, confirm that the benchmarking will be done by the tender agent? If tenderer is making his own estimation on the capacity on each of the 17 sites and based on it provides labour, transport and administrative costs the offers can not be comparable. Could you please provide an indicative kWp per site to allow for competitive bidding.</p>	<p>each site. The benchmarking of the total and all-inclusive proposed cost per kWp installed will be conducted at a later stage for the purpose of expanding the scope of the project to additional sites. The Offeror should use professional judgment and experience with similar projects to estimate capacities and associated costs.</p>
34	<p>Local Electrical Engineer, licensed from Low Voltage to Medium Voltage is required for non-key personnel. Kindly, clarify whether the license for electrical safety approval group to allow access on site during supervision is required or any other license is meant i.e. design license?</p>	<p>The requirement for the Local Electrical Engineer pertains to having an electrical safety approval group license. This license allows access to the site for supervision and ensures compliance with safety regulations during project implementation. A design license is not required for this role.</p>
35	<p>I have read through the original RFP document, but am unable to locate the remaining documents to be able to do the designs and quotations on. Is this something you are able to send through, or point me in the right direction on?</p>	<p>All necessary information and documents for the preparation of the proposal for the PM scope of work are located in the RFP and on the tender webpage. Please refer to these sources for the complete details.</p>
36	<p>We are writing with reference to Paragraph 4. Submission of Proposals of the RFP-ECS-2024-001 for "Provision of Project Management and Supervisory Services for Distributed RES Projects under the Ukraine Energy Support Fund", which states the following:</p> <p><i>All proposals must fully respond to the Technical Specifications enclosed in Attachment A and must include quotes in the format provided in Attachment B – Table 1 – Detailed Budget.</i></p> <p>However, the RFP does not include the mentioned Table 1 - Detailed Budget in the Attachment B section. In view of this, we kindly ask to share Table 1 of Attachment B.</p>	<p>See Answer to Question 10.</p>

37	Is it permissible under this tender to submit a proposal as a consortium?	See Answer to Question 4.
38	Could you please clarify the mechanics of payments to the PM? Since contractors usually require an advance payment before starting work and purchasing equipment, will this maturity payment obligation be on the PM?	See Answer to Question 30.
39	Do we understand correctly that the total number of kWp will be determined after the PM completes the first stage of analysis?	Yes, you understand correctly. The total number of kWp will be initially determined at the stage of preliminary design, adjusted as necessary during the detailed design phase, and then confirmed upon commissioning of each site.
40	<p>According to Scope of Work of the RFP document, Subcontractor(s) will be tasked with including</p> <ul style="list-style-type: none"> • Development of the detailed design and budget documentation for the RES project. • Obtaining official expert review of the detailed design • Installation, including any necessary construction works, of the RES projects. • Commissioning of the RES projects. • Conclusion of the Net Billing Agreements with the DSOs <p>Connected with this Scope of Work, according to PM Financial Terms of the RFP document, 90% of the total budget for the PM depends on the success of the Subcontractor(s):</p> <ul style="list-style-type: none"> • Approval of the Preliminary Feasibility Assessment. – 10% • Detailed Design and Budget Development Started. – 20% • Expert Review of the Detailed Design and Budget (Permitting) Obtained. – 20% • Installation and Commissioning Completed. – 30% • Net Billing Contract Finalization with the DSO – 20%, <p>That is, only 10% of the PM budget depends on direct performance of the PM (i.e., Approval of the Preliminary Feasibility Assessment).</p>	<p>The suggested PM payment terms are designed with clear and achievable milestones in mind, ensuring that all payments are linked to concrete results. This structure aims to align payments with the successful completion of specific project phases, thereby reducing financial risks and ensuring accountability throughout the project.</p>

	<p>The PM will also take significant roles after Preliminary Feasibility Assessment. However, payment terms to PM is connected with the performance of Subcontractor(s) and 50% payment is estimated to be made after finalization of the works of the Subcontractor(s) (i.e., Installation and Commissioning & Net Billing Contract Finalization). The PM is expected to take all financial risks in the project with its own resources. Can you propose a way to minimize the risk of other subcontractors, whose performance is out of EPC contractor's (i.e., PM) control? We appreciate clarification on this subject.</p>	
41	<p>Will the EPC contractor be responsible to prepare and receive related authority approval? If this is applicable, can you provide a sample (of a related project)?</p>	<p>All projects must be concluded in accordance with the applicable laws and regulations of Ukraine. We are not in a position to provide further examples or guidance. It is the expected duty of the PM to be fully knowledgeable of the relevant regulations.</p>
42	<p>Is the "Minimum of 5 years of practical experience" in the staff requirements strict? We recommend relaxing this criterion as it might be difficult to find 5+ years project experienced expert at the region due to recent situation in Ukraine.</p>	<p>See Answer to Question 31.</p>
43	<p>Net Billing Agreement: has this procedurally established in Ukraine? What is the role of the EPC contractor and can ECS provide a sample procedure?</p>	<p>The Net Billing Agreement is a procedurally established concept in Ukraine. The EPC contractor's role typically involves preparing the technical documentation and facilitating the connection process to ensure compliance with the net billing requirements. However, ECS is not in a position to provide a sample procedure. It is expected that the PM and EPC contractor will have the necessary expertise and understanding of the local regulations to navigate this process.</p>