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INFRASTRUKTURA ŽELEZNICE SRBIJE A.D

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Slobodanka Katanić, menadžer za razvoj i investicije

Ministarstvo građevinarstva, saobraćaja i infrastrukture

Nemanjina 22-26, 11000 Beograd
Republika Srbija
Anita Dimovski, pomoćnica ministra za železnice i intermodalni transport

Br: NAD-NSSB-JV-CRIC-CCCC-0457

Datum: 24.10.2022.

Projekat: Pružanje usluga stručnog nadzora nad izvođenjem radova na rekonstrukciji i modernizaciji železničke pruge Novi Sad-Subotica-državna granica

Project: Supervision Services of Reconstruction and Modernization of the railway line Novi Sad – Subotica – State border

**Engineer's Final Decision on Acceptance of the Contractor's Application for Subsequent Works sent
by letter No. HDJV-NSSB-CON-IZS-2021-0005
(For the first 16 items)**

1. According to the *Minutes of Meeting on negotiations regarding the conclusion of the Commercial Contract* signed by the Contracting parties on April 16th, 2018, the Contracting parties agree that the Accepted Contract Value is determined based on the data from the Draft Preliminary Design.

On July 26th, 2021, by the letter No. HDJV-NSSB-CON-IZS-2021-0005, the Contractor submitted to Financer and Investor the variation request for the works beyond the scope of works defined in Draft Preliminary Design.

By the letter No. 340-01-00520/2019-04-23 dated July 30th, 2021, the Financier confirmed that the scope of works increased after signing the Contract, and that the assessment of the Contractor's request for Subsequent Works would commence when the Investor and Financier engage an external Engineer on the Project.

2. By the letter No. HDJV-NSSB-CON-IZS-2022-0006 dated February 24th, 2022, the Contractor submitted to the Engineer the request for the commencement of Subsequent Works evaluation.

During the evaluation of the Contractor's variation request by the Engineer and Supervision, the Engineer, Supervision and Contractor exchanged the opinions in the meeting discussions, via e-mails and letters. Based on comments by Engineer and Supervision, the Contractor made certain adjustments to the offer and provided additional clarifications.

After the Engineer presented its opinion regarding the Subsequent Works to Contracting Parties, the Contracting Parties held a meeting on September 14th, 2022 to reach the final agreement on this matter. During this negotiation meeting, the Contracting parties successfully reached the agreement on 16 out of 22 Items of Contractor's request for Subsequent Works. The Contracting parties also agreed to discuss the remaining 6 Items later. The Contractor was required to submit the updated offer in the amount agreed on the meeting, further clarifications presented in the meeting, and a written confirmation that relevant funds would be received in 2024.

3. After the meeting held on September 14th, 2022, the Contractor submitted relevant documents according to the meeting conclusion. By the letter No. HDJV-NSSB-CON-IZS-2022-0097, the Contractor officially decreased the amount of the offer referring to the 16 items concerned to the amount agreed by both Contracting parties, and officially confirmed that it agreed for the financier to release the funds for these 16 items in 2024.

Given that the Contracting parties reached the agreement on 16 Items of the Contractor's request for Subsequent Works pursuant to the Article 99 of the Commercial Contract, pursuant to the Article 9, paragraph 8 of the Commercial Contract, the Engineer hereby submits the following:

Engineer's Final Decision on the Acceptance Contractor's Application for Subsequent Works sent by the letter No. HDJV-NSSB-CON-IZS-2021-0005 (for the first 16 items)

The subject matter of this decision is the 16 items of Subsequent Works mutually agreed by the Contracting parties. The acceptance of these 16 items of Subsequent Works is as follow:

No.	Description	Contractor's initial request [USD] (1)	Approved Amount [USD] (2)	Deduction [USD] (3)=(1)-(2)
1	Reconstruction of Underpass Kisačka street, at km 76+601.02	3.717.926	3.486.283	231.643
2	Reconstruction of Existing Bridge at km 0+796.33	13.496.907	13.137.244	359.663
3	Construction of Pedestrian-cycling subway at km 89+984.34	1.079.564	1.079.564	0
4	Construction of Overpass at km 95+739.56	2.807.131	2.010.283	796.848
5	Branch lines to Sombor and Baja	3.169.508	1.544.384	1.625.124
6	Construction of Underpass in U-shaped structure on line Subotica - Sombor	35.726.145	24.726.145	11.000.000
7	Automatic block in reversed direction	7.179.394	7.796.689	-617.295
8	Reconstruction of Underpass Partizanska street, at km 77+807.99	4.071.885	3.733.384	338.501
9	Reconstruction of underpass at km 174+928.10	868.059	278.964	589.095
10	Reconstruction of underpass at km 176+274.62	8.102.181	8.021.980	80.201
11	The bridge for animals	Postponed to later Decision		

12	Increasing of area for the Overpass	29.000.546	23.000.825	5.999.721
13	Viaduct at km 131+830.64	21.206.310	15.081.254	6.125.056
14	Calculations for the required sound level and Radio systems.	2.958.671	2.675.236	283.435
15	The value of the coefficient α for classified loads due to railway traffic (model LM71)	Postponed to later Decision		
16	Structural adjustment of steel truss girder of Vrbas Bridge	Postponed to later Decision		
17	Operation method of Disconnecter of OCS Power-taking device	1.873.036	1.320.019	553.017
18	Protective measurement on bridges for train derail	1.792.063	1.719.281	72.782
19	Protection below 110kv electrical line	Postponed to later Decision		
20	Relocation and protection of existing hydraulic installations	Postponed to later Decision		
21	Increase quantity of relocation and protection of telecommunications network	Postponed to later Decision		
22	Increase switches at Subotica Station	3.683.833	2.387.507	1.296.326
TOTAL		140.733.159	111.999.042	28.734.117

The amount of Contractor's initial offer for these 16 items is **140.733.159 USD**. The total amount of approved Subsequent Works in this Decision is **111.999.042 USD**. The value of Approved Subsequent Works is decreased for **28.734.117 USD** compared to the Contractor's initial request.

For the items No.11, No.15, No.16, No.19~No.21, the Contracting parties agree that these items will be discussed later. These items will be subject to later Engineer's Decision after the Contracting parties reach an agreement thereto.

The letters exchanged between the Engineer and the Contractor regarding each item during the negotiation period are listed in the Table given as the Attachment 1. All the letters mentioned in this Decision and letters mentioned in the Attachment 1 to this Decision constitute the integral part of this Decision.

Pursuant to the Financier's and Investor's approval delivered in the letter No. 401-00-01138/2022-04-13 dated October 20th, 2022, this Engineer's Decision has become final.

Attachment 1 – Financier's and Investor's approval on Draft Engineer's Decision on Acceptance of the Contractor's Application for Subsequent Works

**Odluka Inženjera o prihvatanju zahteva Izvođača za naknadnim radovima poslatog dopisom HDJV-NSSB-CON-IZS-2021-0005
(za prvih 16 stavki)**

1. U skladu sa *Zapisnikom sa sastanka povodom pregovora o zaključenju Komercijalnog ugovora*, potpisanog od strane Ugovornih strana 16. aprila 2018. godine, Ugovorne strane su se saglasile da je Ugovorom prihvaćena cena zaključena na osnovu podataka iz Nacrta Idejnog Projekta.

Dana 26. jula 2021. godine dopisom br. No. HDJV-NSSB-CON-IZS-2021-0005 Izvođač je podneo Finansijeru i Investitoru zahtev za varijacijom za radove koji su van obima definisanog Nacrtom Idejnog Projekta.

Dopisom br. 340-01-00520/2019-04-23 od 30. jula 2021. godine, Finansijer je potvrdio da je nakon potpisivanja Ugovora došlo do uvećanja obima radova, i da će ocenjivanje Izvođačevih zahteva za naknadnim radovima početi kada Investitor i Finansijer angažuju eksterni Nadzor na Projektu.

2. Dopisom br. HDJV-NSSB-CON-IZS-2022-0006 od 24. februara 2022. godine, Izvođač je dostavio Inženjeru zahtev da započne sa evaluacijom Naknadnih radova.

Tokom evaluacije Izvođačevih zahteva za varijacijama od strane Inženjera i Nadzora, Inženjer, Nadzor i Izvođač su razmenjivali mišljenja kroz razgovore na sastancima, kroz mejlove i dopise. Na osnovu komentara Inženjera i Nadzora, Izvođač je sproveo određenja prilagođavanja svojih ponuda i dao je dodatna pojašnjenja.

Nakon što je Inženjer Ugovornim stranama prezentovao svoje mišljenje o Naknadnim radovima, Ugovorne strane su 14. septembra 2022. godine održale sastanak u cilju postizanja konačnog dogovora po ovom pitanju. Tokom ovog pregovaračkog sastanka, Ugovorne strane su uspešno postigle dogovor o 16 od 22 stavke Izvođačevih zahteva za Naknadnom radovima. Ugovorne strane su se takođe saglasile da će se o preostalih 6 stavki diskutovati naknadno. Od Izvođača se zahtevalo da dostavi ažurirane ponude na iznose koji su dogovoreni na sastanku, da dostavi dodatna obrazloženja koje je prezentovao na sastanku, kao i da dostavi potvrdu u pisanoj formi da će ova sredstva dobiti u 2024. godini.

3. Nakon sastanka održanog 14. septembra 2022. godine, Izvođač je dostavio dokumentaciju u skladu sa zaključcima sa sastanka. Dopisom br. HDJV-NSSB-CON-IZS-2022-0097, Izvođač je zvanično smanjio svoju ponudu za 16 stavki na iznos koji je dogovoren između obeju strana, i zvanično je potvrdio da je saglasan da će Finansijer osloboditi sredstva za ovih 16 stavki u 2024. godini.

Imajući u vidu da su Ugovorne strane postigle dogovor o 16 stavki Izvođačevog zahteva za Naknadnim radovima na osnovu Člana 99 Komercijalnog Ugovora. U skladu sa stavom 8 člana 9 Komercijalnog ugovora, Inženjer podnosi:

Odluka Inženjera o prihvatanju zahteva Izvođača za naknadnim radovima poslatog dopisom HDJV-NSSB-CON-IZS-2021-0005 (za prvih 16 stavki)

Predmet ove odluke su 16 stavki Naknadnih radova koje su zajednički dogovorene između Ugovornih strana. Prihvatanje ovih 16 stavki je kao što sledi:

Br.	Opis	Prvobitni zahtev Izvođača [USD] (1)	Odobreni iznos [USD] (2)	Umanjenje [USD] (3)=(1)-(2)
1	Rekonstrukcija podvožnjaka u Kisačkoj, u km. 76+601,02	3.717.926	3.486.283	231.643
2	Rekonstrukcija postojećeg mosta u km. 0+796,33	13.496.907	13.137.244	359.663
3	Izgradnja pešačko-biciklističkog pothodnika u km. 89+984,34	1.079.564	1.079.564	0
4	Izgradnja nadvožnjaka u km. 95+739,56	2.807.131	2.010.283	796.848
5	Odvojni koloseci ka Somboru i Baji	3.169.508	1.544.384	1.625.124
6	Izgradnja podvožnjaka U-konstrukcije na liniji Subotica - Sombor	35.726.145	24.726.145	11.000.000
7	Automatski blok u obrnutom smeru	7.179.394	7.796.689	-617.295
8	Rekonstrukcija podvožnjaka u Partizanskoj ulici u km. 77+807,99	4.071.885	3.733.384	338.501
9	Rekonstrukcija podvožnjaka u km. 174+928,10	868.059	278.964	589.095
10	Rekonstrukcija podvožnjaka u km. 176+274,62	8.102.181	8.021.980	80.201
11	Most za životinje	Odloženo za kasniju odluku		
12	Povećanje površine za Nadvožnjake	29.000.546	23.000.825	5.999.721
13	Vijadukt u km. 131+830,64	21.206.310	15.081.254	6.125.056
14	Proračuni za potreban nivo zvuka i radio sisteme	2.958.671	2.675.236	283.435
15	Vrednost koeficijenta α za klasifikovana opterećenja zbog železničkog saobraćaja (model LM71)	Odloženo za kasniju odluku		
16	Konstruktivsko podešavanje čeličnog nosača mosta u Vrbasu	Odloženo za kasniju odluku		
17	Način rada rastavljača rastavljača stubnih trafo-stranica KM-a	1.873.036	1.320.019	553.017
18	Mere zaštite na mostovima za ispadanje iz šina	1.792.063	1.719.281	72.782
19	Izmeštanje dalekovoda napona ispod 110 kV	Odloženo za kasniju odluku		
20	Izmeštanje i zaštita postojećih hidrauličnih instalacija	Odloženo za kasniju odluku		
21	Uvećanje količine izmeštanja i zaštite telekomunikacione mreže	Odloženo za kasniju odluku		
22	Povećanje broja skretnica u stanici Subotica	3.683.833	2.387.507	1.296.326
UKUPNO		140.733.159	111.999.042	28.734.117

Iznos iz prvobitnih ponuda Izvođača za ovih 16 stavki je **140.733.159 USD**. Ukupni odobreni iznos za Naknadne radove u ovoj Odluci je **111.999.042 USD**. Odobreni Naknadni radovi su umanjani za **28.734.117 USD** u odnosu na prvobitni zahtev Izvođača.

Za pozicije br. 11, 15, 16, 19 ~ 21, Ugovorne strane su se dogovorile da će se o njima razgovarati naknadno. Ove stavke će biti predmet kasnije Odluke Inženjera a nakon što Ugovorne strane postignu dogovor o njima.

Pisma razmenjena između Inženjera i Izvođača tokom pregovora za svaku od stavki su detaljno prikazana u Tabeli koje je Prilog 1 ovoj Odluci. Sva pisma pomenuta u ovoj Odluci i pisma pomenuta u Prilogu 1 ove Odluke predstavljaju sastavni deo ove odluke.

U skladu sa saglasnošću Finansijera i Investitora, dostavljenom dopisom br. 401-00-01138/2022-04-13 od 20.10.2022. godine, ova Odluka Inženjera je postala konačna.

Prilog 1 – Saglasnost Finansijera i Investitora na Nacrt odluke Inženjera o prihvatanju zahteva Izvođača za naknadnim radovima

S poštovanjem/Regards:

Rukovodilac stručnog nadzora/Team Leader

Dragan Gligorov





**Republic of Serbia
MINISTRY OF CONSTRUCTION,
TRANSPORT AND INFRASTRUCTURE
Department for Railways
and Intermodal Transport**

Number: 401-00-01138/2022-04-13

Date: 20th October 2022

Nemanjina St. 22 – 26, Belgrade

HEAD OFFICE OF CRIC – CCCC, JOINT VENTURE

-Mr. Zhou Xin-

Vladete Kovačevića St. 8
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**Projekt biro UTIBER Ltd.
- Mr Miodrag Jović, director**

Temerinska St. 76
21138 Novi Sad

- Project:** Hungarian - Serbian railway line in the territory of the Republic of Serbia
- Contract:** Commercial contract on modernization and reconstruction of Hungarian-Serbian railway line in the territory of the Republic of Serbia, section: Novi Sad – Subotica – state border (Kelebia)
- Subject :** Сагласност Финансијера и Инвеститора на Нацрт Одлуке Инжењера о прихватању захтева Извођача за накнадним радовима
Financier's and Investor's approval on Draft Engineer's Decision on Acceptance of the Contractor's Application for Subsequent Works

У складу са Чланом 9, став 4 Комерцијалног Уговора, Финансијер и Инвеститор овим дају сагласност на Нацрт Одлуке Инжењера о прихватању захтева Извођача за накнадним радовима, послату од стране Инжењера дописом бр.NAD-NSSB-JV-CRIC-CCCC-0382 од 10.10.2022.

Нацрт Одлуке сачињен је у складу са договором постигнутим на састанку одржаном 14. септембра 2022. године између представника Министарства Финансија, Финансијера, Инвеститора, стручног Надзора и Извођача, и сачињена је у складу са одговарајућим одредбама Комерцијалног Уговора.

Првобитни захтев Извођача за накнадним радовима поднет дописом бр. HDJV-NSSB-CON-IZS-2021-0005 од 26. јула 2021. године износио је 161.011.814 УСД и састојао се од 22 ставке. Током процеса преговарања уговорне стране су постигле договор о 16 ставки у износу од 111.999.042 УСД. Износ првобитног захтева Извођача за ових 16 ставки био је 140.733.159 УСД. Извођач је умањио свој захтев за 28.734.117 УСД у односу на првобитни.

Предмет овог Нацрта Одлуке је 16 ставки у износу од 111.999.042 УСД, док ће осталих 6 ставки у износу од 20.278.655 УСД бити предмет наредне Одлуке Инжењера након што Уговорне стране постигну договор о томе, тако да обједињен износ прихваћених ставки и ставки које су у процесу детерминације Инжењера износи 132.277.697 УСД.

Финансијер и Инвеститор овим дају одобрење Инжењеру да донесе коначну Одлуку за 16 ставки накнадних радова у кладу са овом сагласношћу.

Истовремено треба истаћи да је на састанку који је одржан 13.10.2022. у Министарству финансија са Финансијером и Инвеститором још једном дискутовано о накнадним радовима и предложено да плаћања за горе наведене износе буде у 2025. години. Након састанка Извођач је обавештен о овоме и сагласан је са тим предлогом.

Dear All,

According to Article 9, paragraph 4 of the Commercial Contract, the Financier and Investor hereby give approval on the Draft Engineer's Decision on Acceptance of the Contractor's Application for Subsequent Works, sent by Engineer's letter No. NAD-NSSB-JV- CRIC-CCCC-0382 on 10.10.2022.

The Draft Decision has been made in accordance with the agreement reached during the meeting held on September 14, 2022 between representatives of the Ministry of Finance, Financier, Investor, Supervision and Contractors, and has been made in accordance with the relevant provisions of the Commercial Contract.

The initial Contractor's request for Subsequent Woks submitted by letter HDJV-NSSB-CON-IZS-2021-0005 dated July 26th, 2021 was 161.011.814 USD and consists of 22 Items. During the negotiation process, the Contracting parties reached an agreement on 16 Items in the amount of 111.999.042 USD. The amount of Contractor's initial offer for these 16 items is 140.733.159 USD. The Contractor decreased his request for 28.734.117 USD compared to the initial request.

The subject of this Draft Decision is 16 Items with an amount of 111.999.042 USD, while another 6 Items with an amount of 20.278.655 USD shall be the subject of the next Engineer's decision after the Contracting parties reach the agreement on them, so the overall amount of accepted Items which are under the Engineer's determination process is 132.277.697 USD.

The Financier and Investor hereby give the consent to Engineer to issue a final Decision on the 16 Items of Subsequent Works according to this approval.

At the same time, it should be pointed out that the Financer and Investor held a meeting in the Ministry of Finance on October 13th, 2022 where the topic of the subsequent work was discussed once again, and it was proposed that payments for the above-mentioned amounts should be in 2025. After the meeting, the Contractor was informed about this and he agreed with the proposal.

Regards,

ACTING ASSISTANT MINISTER

Anita Dimoski MSc

