DIAGNOSTIC AND INTERVENTION IMAGING EQUIPMENT FOR CLINICAL CENTER ZEMUN (PROCUREMENT NO. IOP/37-2019/UHI)

CLARIFICATION NO. 1

Issued on February 25, 2020

Regarding the list of questions that the Purchaser, Public Investment Management Office Belgrade, No. 11 Nemanjina street, have received from the potential bidders, concerning the procurement procedure: Procurement of Diagnostic and Intervention Imaging Equipment for Clinical Center Zemun no. IOP/37-2019/UHI, we give you the following answers:

Question 1:

For the purposes of transparency of the subject procedure, we kindly ask you to provide us with the exact name of the document, law or directive under which the subject procurement is conducted?

Answer 1:

In the Procurement Notice, published on 31. of January 2020 in the Official Journal of the European Union (OJEU) and on the Purchaser's website on 31. of January 2020, for an international open tender procedure for the " Procurement of Diagnostic and Intervention Imaging Equipment for Clinical Center Zemun " no. IOP/37-2019/UHI, it is stated that the Republic of Serbia has received a loan from the Council of Europe Development Bank toward the cost of the project: Upgrade of Healthcare Infrastructure in Serbia. Pursuant to Art.7, para.1, item 2a) of the Public Procurement Law RS 124/2012, 14/2015 and 68/2015, respectively pursuant to Framework Contract Agreement between the Republic of Serbia and the Council of Europe Development Bank LD1981(2018) purchases carried out from above-mentioned credits will be conducted in accordance with the CEB Guidelines for procurement of supplies, works and services (edition 2011), all in line with the EU Directives (2014/24/EU).

Question 2:

For the purposes of transparency of the subject procurement, and for equal and fair treatment of all potential bidders in the subject procedure, please confirm by which publicly available source or document you envisaged and planned the public procurement, budgeted funds as well as announced intention to implement of the subject procedure, taking into account its great value and scope?

Answer 2:

Having in mind that this procedure is conducted in accordance with the CEB Guidelines for procurement of supplies, works and services (edition 2011), all in line with the EU Directives (2014/24/EU), Contracting authority does not have obligation to publish Procurement plan with all envisaged procurements, as it is foreseen by Public Procurement Law RS 124/2012, 14/2015 and 68/2015.

Question 3:

By your definition under item 5.2, Section I, you provided a definition for the term ""goods"" which includes services such as insurance, installation, training, and initial maintenance. Under items 5.1, 5.2, 5.3,7.1, 7.2, 8.1, 8.2, 8.3, 8.4 within the General Technical Requirements form, VI Schedule of Requirements you specified what the obligation of the bidder is as well as in the Section VI Schedule of Requirements form, under item Related Services and Completion Schedule. Your Bidding Documents also provided for the delivery of Manufacturer's After Sales Authorization document in which the manufacturer authorizes the Agent to provide to maintenance, repair spare parts-stocking and warranty obligations prescribed in the Conditions of Contract and/or Technical Specifications on our behalf. Taking into account that if the Bidder or the Bidders is/are not also the Agent delivering part of the goods defined under item 5.2 of the Bidding Documents as well as in other listed items, is the Agent obliged to submit the signed and certified Covenant of Integrity document as well as the Manufacturer's Authorization document?

Answer 3:

Covenant of Integrity must be signed and certified by the Bidder, and in case of Joint venture Covenant of integrity must be signed and certified by all members of Joint Venture.

Manufacturer's Authorization given to **the Bidder** must be submitted for goods that are offered and signed and certified by the Manufacturer of subject goods.

Manufacturers give to the **Agent/Service company** Manufacturer's After sales Authorization and by this document Manufacturer authorize Service company to provide maintenance, repair spare parts-stocking and warranty obligations prescribed in the Conditions of Contract and/or Technical Specifications.

Question 4:

The criterion of the most economically advantageous bid carries 50 ponders and technical advantages 50 ponders, which means that if a company or manufacturer had 20 ponders of technical advantage, it would allow them to offer a minimum of 66% of the price. According to this fact, due consideration must be given to the justification of the criterion of technical advantages defined in this way, as it can lead a particular manufacturer to a significant advantage and an unjustifiably significantly better position. Technical advantages include technical

specifications that do not provide any additional clinical functionality. In view of this fact, additional ponders awarded on the basis of technical characteristics need to justify a significant price difference. In Lot 1 and Lot 2, you have opted for the technical specifications of a particular model of a particular manufacturer, not clinical functionality. Different models of diagnostic modalities from different manufacturers use different technologies to provide specific clinical functionalities. Due to all the aforementioned, we kindly ask you:

a) to explain us for each described ponder of Lot 1 and Lot 2 (additional points for technical specifications) what clinical functionalities, i.e. what benefits are brought to the end user

b) Please modify your scoring criterion in such a way that clinical features are scored rather than the technical specifications of a particular model, of a specific manufacturer.

Answer 4a) and 4b):

The Contracting Authority has determinated the elements of the criterion of the Most Economically Advantageous Bid, that is, the Contracting Authority has assigned a certain number of ponders to certain technical characteristics as elements of the criterion, primarily taking into account the real needs and requirements of the Beneficiary and the market situation regarding the products being offered. It is important for the Contracting Authority, ie the Beneficiary, to obtain the goods of a certain quality and class, in order to be able to carry out, in the most optimal and appropriate manner, all the examinations and interventions which are included in the Beneficiary's field of work. In this regard, the Contracting Authority defined minimum technical characteristics, and particular preference for certain technical characteristics was given by defining them as criteria elements that were assigned a certain number of ponders depending on their importance to the Beneficiary. Generally, specifying only functional requirements when defining the subject of procurement would lead to the risk of missing certain functionalities required in the work, since it is impossible to describe each procedure of examination, treatment and interventions performed on a single device in a sufficiently precise and exact manner. Likewise, defining the criteria elements as functional requirements, in this particular case, would not be sufficiently clear, precise and accurate to the extent which is necessary for the purpose of evaluating those requirements as criteria elements, given that the functionalities are descriptive and general in nature. Namely, calculating the number of ponders through the set formula would not be possible if the criteria elements were defined through the functionalities that are descriptive and not through the technical characteristics that represent exact and measurable parameters, especially since the technical performance of the devices is precisely correlated with the functional, that is, as such, accurately represents the required functionality.

According to the above, the Contracting Authority deems that for preparing an appropriate offer it is not important to state which specific advantages the Beneficiary has by using the individual technical requirements defined as criteria elements, but that the technical specifications, criteria elements and methodology of weighting are clearly and unambiguously defined. The characteristics of the equipment, defined as elements of the criterion as such are required by the Beneficiary and are the expression of his discretion to use in his work the available technical and

technological functionalities of the equipment that improve and facilitate the work and contribute to more accurate diagnostics, and also, to give advantage to those tenderers who offer devices with such features.

Question 5:

In accordance with the principle of openness of the subject public procurement, as the Contracting Authority of the present procedure, please clarify (according to required minimum technical specification) how many potential bidders can participate according to your subject i.e. required minimum technical specification? (e.g. 1, 2 , 3 or more bidders?) Please also explain to us how you identified how many potential bidders can participate in the subject procedure (based on what information, evidence, etc.?)

Question 6:

In accordance with the principle of competitiveness, please confirm whether your technical requirements defined by the technical specification are broadly defined in terms of clinical requirements i.e. are deviations from narrowly defined technical specifications allowed if the equipment meets and exceeds clinical functionalities?

Answers for questions no.5 and no.6:

Subject procurement, as an international open procedure, is conducted in accordance with the above-mentioned CEB Guidelines. All procurement principles are respected, and in particular the mentioned principle of openness, fairness, competitiveness.

Technical specifications are defined on that way to satisfy and animated international trade market and in the line with clinical needs of Clinical Center.

Public Procurement Committee