**PROCUREMENT OF EQUIPMENT FOR BIOSENSE INSTITUTE IN NOVI SAD, SERBIA**

**(PROCUREMENT NO. IOP/41-2019/RD)**

**CLARIFICATION NO. 2**

Issued on February 28, 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 Equipment for BioSense Institute in Novi Sad, Serbia no. IOP/41-2019/RD, we give you the following answers:

**Question 1:**

Please could you clarify regarding the evidence documents to fulfill legal capacity of the tender? It is requested to provide "Certificate of the competent court that Bidder or its legal representative have not been convicted for any criminal act as members of an organized criminal group; that it has not been convicted for commercial criminal offence, criminal offence against environment, criminal offence of receiving or offering bribe, criminal offence of fraud". Thereby, it is enough to provide such certificate from legal reprasentative that submits the offer. Could you please confirm that?

**Answer 1:**

"Certificate of the competent court that Bidder or its legal representative have not been convicted for any criminal act as members of an organized criminal group; that it has not been convicted for commercial criminal offence, criminal offence against environment, criminal offence of receiving or offering bribe, criminal offence of fraud" applies to for the Bidders from the Purchaser’s Country.

Non-resident Bidders, in accordance with the tender documentation on page 41 “2. Postqualification Requirements (ITB 37.2) (a) Legal capacity” are required to provide evidence from the country in which they were established not to fall into the mentioned categories.

**Question 2:**

As Financial Capability Postqualification criteria, it is requested to provide a certificate to fullfill: ""The Bidder must not have had any registered blockage of their account from the beginning of the 2018 year"".

In our country, banks don't issue such documents. Instead, our bank can provide a document that states satisfactory commercial relationship with the company since its incorporation. Would such document still fulfill the Financial Capability Postqualification criteria?

**Answer 2:**

In order to fulfill the above mentioned postqualification criteria and in case in the state of tenderers registration, banks as a competent institutions do not issue a certificate required by the Tender documents as a documentary evidence for the requirement in question, bidders are allowed to submit as a sufficient documentary evidence for the postqualification requirement in question a bank‛s document that states satisfactory commercial relationship with the bidder since the beginning of the 2018 year (its incorporation) as well as the tenderer‛s written statement that it does not have had any registered blockage of their account from the beginning of the 2018 year and that in the state of tenderer’s registration, banks do not issue such documents.

Public Procurement Committee