Procurement of equipment for Mother and Child Institute Dr Vukan Čupić, Belgrade

IOP/38-2019/UHI

Clarification No.4

Issued on 3rd of February 2020

1) Your Bidding Documents fail to stipulate the principles or laws according to which the public procurement will be conducted, more precisely from the contents of the Bidding Documents it cannot be determined. Please clarify for this purpose whether the subject procurement will be conducted under the Law on Public Procurement of the Republic of Serbia or under the EU Directive of the EU Parliament or any other document. 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:

In the Procurement Notice, published on 2nd of January 2020 in the Official Journal of the European Union (OJEU) and on the Purchaser's website on 3rd of January 2020, for an international open tender procedure for the "Procurement of equipment for Mother and Child Institute „Dr Vukan Čupić" no. IOP/38-2019/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)

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:

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.

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:

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.

"4) In accordance with the principle of integrity, and in relation to all submitted questions of potential bidders, as well as in accordance with the Bidding Documents and set deadlines provided for the actions of potential bidders in the subject procedure, please provide for a new, adequate deadline for submission of bids.

Answer:

Eventual change of the deadline for submission of bids will be published on the website of the Purchaser and Public Procurement Web portal of the Public procurement, in a timely manner.

5) In accordance with the principle of economics, please clarify on the basis of which criteria or value elements the estimated values of the requested lots of the subject specifications of the requested goods sought were determined?

6) In accordance with the principle of openness of the subject public procurement, as the Contracting Authority of the present procedure, please confirm that the required technical specification as well as requirements of the subject public procurement are open and allow participation of all qualified bidders?

7) In accordance with the principle of fairness, please confirm whether your defined technical specifications for the required items (medical devices) within the Lots were defined in accordance with non-preferential treatment of certain manufacturers, i.e. whether your requirements of complete Bidding

Documents including the required technical specifications are restrictive in terms of being able to offer more than one correct and appropriate bid?

8) In accordance with the principle of competitiveness, please confirm whether your technical requirements defined by the technical specification are broadly defined in terms of the needs of the end user as well as in terms of meeting as much competition as possible in the subject procedure?"

Answers for questions no. 5,6,7. and 8.:

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.

The estimated value is based on market survey in the phase of the preparation of tender, taking into account end user needs, but not neglecting of all public procurement principles.

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

9) In the postqualification requirements, page 42 - point f) Technical capabilities the requested qualifications and documents are Manufacturers Sale and Aftersales authorization, and for service company minimum of 1 qualified person for service.

Also on page 62, point 2.2 it is requested that the equipment is manufactured in accordance with ISO 9001 for manufacturer.

Please confirm if the documentary evidence proving the eligibility for above stated points, for Lot 1, item 1.1 should be submitted only for digital biplane angiography system item 1.1 , and not for additional equipment listed in the lines 110-122.

Answer:

We confirm that Manufacturers Sales and Manufacturers After sales authorizations must be submitted for main system in specification 1.1- Biplane angiography and not for the items listed in the lines 110-122 of 1.1. Technical specification. ISO 9001 must be submitted for the Manufacturer of main device-Biplane angiography device.

Public Procurement Committee