

# **Procurement of Medical Devices for University Children Hospital "Tiršova"**

**IOP/11-2017/RD**

**Clarification no. 1**

**Issued on November 17, 2017**

## **Question 1:**

By the tender documentation on page 38 you have defined that the Bidder is obliged to submit evidence (license) proving that the bidder is registered for the sale of medicines and medical devices in the territory of the Republic of Serbia, issued by the Ministry of Health of the Republic of Serbia. If the bidder participates as a group of bidders, is it sufficient that only one bidder from the group of bidders meets the required condition?

## **Answer 1:**

It is sufficient that only one bidder from the group of bidders meets the requirement concerning the evidence (license) proving that the bidder is registered for the sale of medicines and medical devices in the territory of the Republic of Serbia, issued by the Ministry of Health of the Republic of Serbia.

## **Question 2:**

On page 36 point 2, you stated that the bidder should submit a certificate by the Commercial Court and the Misdemeanour Court that he was not imposed a ban on performing a business management. As the stated condition is not an integral part of The Law on Public Procurement 2012, we suppose that bidders are not obliged to prove the mentioned item 2.

## **Answer 2:**

In order to prove fulfilment of the post-qualification requirements concerning legal capability, among other documentary evidences stipulated in the Tender Documents, bidders are obliged to submit the statement under penalty and material responsibility that at the time of the submission of bid they have no ban in force on performing economic activities instead of Certificates by the Commercial Court and the Misdemeanour Court or a Certificate of the Business Register Agency confirming that no final court or administrative measure prohibiting business activity has been issued against the bidder.

This statement can be included in and represent the integral part of the statement under penalty and material responsibility that the tenderer states that he respected the rules under applicable legislation concerning safety at work, employment and working conditions, protection of environment, and that it guarantees that it holds the rights to intellectual property, which already is the document that bidders are obliged to submit in their bids and which proves the fulfilment of the certain mandatory eligibility requirements by the bidder.

In that sense, the Purchaser will make the amendment of the Tender documents.

## **Question 3:**

Please specify if the "Certificate of the Tax Administration of the Ministry of Finance of the Republic of Serbia" applies only to Serbian companies.

**Answer 3:**

"Certificate of the Tax Administration of the Ministry of Finance of the Republic of Serbia" applies only to Serbian companies as a documentary evidence which, altogether with a Certificate of the Local Self-Government Unit – Public Revenue Office, proves that they have paid due taxes and other public charges in accordance with laws of the Republic of Serbia.

Bidders who are not from the Purchaser's Country must provide evidence, by common law countries in which they are established, that they do not fall into the categories stipulated in point a) Legal Capability Section III - Evaluation and Qualification criteria, Point 2. Postqualification Requirements (ITB 37.2), in this case, a document that proves that the bidder has paid due taxes and other public charges in accordance with laws of the foreign country if its registered address is in its territory.

Public Procurement Committee  
