

CLARIFICATION No.6

Issued on 07.08.2015.

ICB No. IOP/2-2015/C/6

Project: Public Sector Research and Development

Subproject: Centralized stock and purchasing system

Procurement: Procurement of laboratory supplies for scientific and research organizations

No.	Reference in PN/ Tender dossier	Questions	Answers
		Questions dated: 31/07/2015	
1		<p>To the posed question of proving the business capability:</p> <p>Evidence: Copies of signed contracts (with lists of delivered items, amounts and prices included), List of References and Confirmation Letter from the client. You provided the answer that it is possible to submit maximum of 10 contracts which together should exceed the value of the offered Lot. Since you consider a signed invoice as a contract and since contracts are realized partially, mostly at the annual level, it is unrealistic to demand a proof of capability with 10 invoices. Since a contract of, for example, 800,000.00 dinars can be realized in the form of delivery of 50 or 100 tranches which is usually the case. This also happens during deliveries according to your tenders. For one contract you have sometimes up to 30 or 40 records of goods delivery and every record is followed by an invoice.</p> <p>It is my opinion that this problem of evidence can be solved by demanding the copies of the contract and signed confirmation from buyers on the delivered goods, which is usually done this way. The list of delivered items here is irrelevant because you cannot know what was demanded in a public procurement.</p>	<p>Bidder is obliged to provide the evidence related to the business capability, clause 2. Qualification, submit the copies of signed contracts or invoices, and the amount on one invoice has to be equal to the amount of one contract.</p> <p>Bidder is not obliged to submit list of delivered items, which is defined in Corrigendum no. 3.</p>
2	p. 15 Tender dossier	Page 15 of the tender documentation demands evidence of conformity for every item which can be a printed page from the catalogue or a certificate. Most of the lots have several hundreds or even thousands of items.	See Clarification no. 5 dated from 03.08.2015. (answer to question. 11)

		<p>Specifically LOT 067- GLAS LABWARE is comprised of 1,639 items and for every item catalogue number and the manufacturer is cited.</p> <p>According to my opinion it is unrealistic to demand printed page from a catalogue for all 1,639 items, especially because those data are available on the Internet and can be seen if someone wants to control what is offered, and besides that I think it is a pile of papers printed in vain, and as such they are impossible to go through and check. And that is why all these evidence lose their point.</p>	
3		Is your answer in clarification 3 to the question 4 affirmative, more accurately; is it acceptable to deliver the Register of bidders with the date 11.10.2013?	In clarification 3, answer 4. It is stated that as evidence on fulfilling the mandatory conditions, one can submit the Decision on Registration of bidders without the obligation that the mentioned evidence has to be issued within 60 days from the day of publishing the Public Call.
4		Is it necessary to fill in part L in the Letter of Bid, there is a notice - not applicable?	The option which is not applicable is not to be filled in i.e. it can be crossed over.
5		Since in Corrigendum 1 it is stated that “Residents of the Republic of Serbia shall be paid in RSD according to the middle exchange rate of the National Bank of Serbia on the day of the bids opening”, and since there is a great time difference from the day of opening bids to the delivery (40 days until decision, 28 days until bank guarantee, 40 days until delivery) we kindly ask you if it is acceptable to realize the mentioned payment according to the middle exchange rate on the day of invoicing?	Payments will be done in accordance with the change defined in Corrigendum no. 1 done on 17.07.2015.
6	Form Experience (EXP)	<p>Is it acceptable for a physical size of the contract within the form of Experience to state, for example, the number of items delivered to the buyer, for which one encloses confirmation?</p> <p>Is it acceptable to fill in the field complexity with the subject of the contract?</p> <p>Is it acceptable to fill in the field called technology with technology of researchers or the demands of experiments?</p>	See Corrigendum no. 5. (change of the EXP form was done Experience –extension)
7	Section III, clause 2. Qualification (ITB 36) clause c) Business capability	<p>In tender documentation IOP/2-2015/C/6, section III, clause 2. Qualification (ITB 36) clause c) Business capability demands maximum of 10(ten) contracts of the same nature in the fields (areas) relating to certain lots of this tender. As evidence the copies of the signed contracts (or invoices, where the amount on one invoice is the same as the amount on one contract), List of References and Confirmation Letter from the client.</p> <p>Should the List of References contain the list of Contracts/invoices enclosed as evidence of business capability?</p>	<p>1. List of References should contain the list of Contracts/invoices enclosed as evidence of business capability</p> <p>2. If you enclose the Contract with JUP istraživanje i razvoj doo, bidder is not obliged to</p>

		Is it necessary, if we enclose the Contract with JUP istraživanje i razvoj doo Belgrade, to enclose the Confirmation Letter from the Client (JUP in this case)?	enclose the Confirmation Letter. Purchaser will inspect his own documentation with the goal of checking whether the contract was successfully realized.
		Questions dated: 03/08/2015	
8		Would you please confirm that the deadline for payments is 45 (forty-five) days from the day of invoice and the following documents confirmation, as stated in SCC and GCC 16.1.	Yes, the deadline for payments is 45 (forty-five) days from the day of invoice and the following documents confirmation.
9	p. 48/94, Form FIN	Page 48/94 Form FIN: Can we submit BON-JN 2011, 2012, 2013, and for 2014 balance and income sheet with the referent page as the evidence - financial report? Can BON-JN form date from 08.2014. since the data are unchanged and obtaining new document would be an additional cost?	As the document which proves the financial capacity, the bidder can submit BON-JN for 2011, 2012, 2013, and for 2014 balance and income sheet. Date of issuing the document which proves the fulfilment of evidence relating to financial capacity (BON-JN) is irrelevant, considering that it contains the data from the previous years and as such they are inapplicable.
10	Section BDS, clause ITB 15.1	Lot 029 and Lot 069 in the column (description of the goods) have certain items expressed in RSD and EUR currencies. In the section BDS under the clause ITB 15.1 it is stated that the bid is submitted in EUR currency. Why are in the mentioned lots both currencies RSD and EUR given?	All the bids for all the lots are submitted in EUR currency. When forming the lots, the system automatically draws the currency in which every item is ordered, which is irrelevant for the supplier and is meant for the product description.
11		Demand under the clause 16.3 which you changed in "Corrigendum 3" now states: "The documentary evidence can be catalogue of the manufacturer, where it is necessary to clearly mark an item required, and also an item's ID number from appropriate lot". We kindly ask you to approve, like it was the case up until now, to submit only the bid of the bidder, which will contain the catalogue number of the item and/or	According to the answers provided in Clarification no. 5 the bidder has the possibility, that in the goal of confirming that the offered code numbers match the demanded technical specifications, submit the Manufacturer's Statement or Manufacturer's catalogue or to provide the link where one can find the technical

		ID number, instead of the catalogue, (or the statement of the bidder that he has offered the goods under the catalogue number demanded) and considering that we are talking about the material where many items are for example spare parts and they do not have the picture in the catalogue nor a catalogue number and therefore they are impossible to submit.	specifications of the offered catalogue numbers with the defined items.
12		We kindly ask you to explain in which way we can fulfil the table on page 50, form EXP Experience (extension), and what does “Description of the similarity in accordance with Sub-Factor 2.4.2(a) of Section III” especially refer to, considering while going through documents we have not succeeded to find the clause you mentioned. We also wonder what should be in the field “Physical size”, “Complexity” and “Technology” as well as whether the mentioned form is filled by the bidder or beneficiary? We kindly ask you to clarify with the example (some of contracts for the consumables which have approximately 100 diverse items).	See Corrigendum no. 5. (change of the EXP form was done Experience –extension)
13		<p>Connected to the Corrigendum no. 1 considering payments which now states: „Residents of the Republic of Serbia shall be paid in RSD according to the middle exchange rate of the National Bank of Serbia on the day of the bid opening“.</p> <p>We ask you to change into: „ Residents of the Republic of Serbia shall be paid in RSD according to the middle exchange rate of the National Bank of Serbia on the day of invoicing“ as it was the case up until now</p> <p>Until now all tenders connected to the consumables as well as capital equipment were calculated according to the middle exchange rate on the day of invoicing. We ask you to correct the way of payment to be like it was the case up until now on the day of invoicing and especially having in mind that sometimes we waited even for months to get the Contract after the bid submission. Sometimes it was the case that the tender starts in one year and finishes in another. The bidders increase the prices of the consumables every year, and nobody can guarantee that the dinar exchange rate will be stable.</p>	Residents of the Republic of Serbia shall be paid in RSD according to the middle exchange rate of the National Bank of Serbia on the day of the bid opening.
		Questions dated: 04/08/2015	
14		Please confirm that it is not necessary to sign every page (confirmation, certificate, contract copies...) but only – All pages of the bid where the changes and entries were made have to be signed by a person who signs the bid (all forms that should be	According to the clause 20.1, Section 1 ITB, defines that all pages of the bid where the changes and entries were made, have to be

		filled), this is stated under clause 20 of Instructions to Bidders.	signed by a person who signs the bid. Therefore the answer is that it is not necessary to sign every page of the bid but only pages of the bid where the changes and entries were made
15.		We kindly ask you to change in tender dossier ICB IOP/2-2015/C/6 in section IX Special Conditions of Contract SCC 13.1 delivery deadline so that it states: Time for completion of the delivery of the goods is 60 (sixty) days from the date on which the Contract shall enter into force.	Time for completion of the delivery of the goods is 40 (forty) days <u>from the date on which the Contract shall enter into force.</u>
16.		Is it possible to state and submit as a reference Contracts, in the demanded period, made with JUP Istraživanje i razvoj doo Belgrade?	Yes, it is possible.
17.		We kindly ask you to clarify how List of References, which should be submitted as evidence of business capability, should look like; whether it should be submitted on the additional paper, in free form and in that case which data should it contain? Are those data same as the ones filled in the form EXP Experience?	List of contracts/invoices can be submitted in free form, on the memorandum of the company, with data which are inserted in the Form EXP Experience.
18.		Can Client Confirmation Letter be submitted as a copy?	Client Confirmation Letter, signed and sealed can be delivered as a copy.
19.		Please explain what is the difference, i.e. which data should be inserted in Letter of Bid under: Number ICB (what does abbreviation ICB stand for?) – <u>(enter the number of the tender procedure)</u> and Call for submitting bids no. (insert the mark). Is it in both cases the matter of ICB no IOP/2-2015/C/6 or if it is not, could you please clarify what does one imply and what does other imply?	The number of tender procedure is: IOP/2-2015/C/6 Call for submitting bids is: 2015/S 130-238693 (which represents the number of published Call in the European Union Official Gazette, and it is not considered to be a mistake if the bidder does not fill it in)
20.		Could you please paraphrase or explain what you meant by the sentence: „ Except the calculation of the contract amounts for the completed deliveries of the bidders, the Euro equivalent of the contract amounts at the date of contract signature will be considered.“ (It is after the clause which explains the conditions for proving the business capability, second paragraph p. 40 of the tender dossier)	For the copies of the contracts enclosed as evidence on fulfilment of business capability, and whose value is expressed in RSD, the Purchaser will count the value of mentioned contracts in EUR according to the middle exchange rate of the NBS on the day of signing

			the enclosed contracts.
21.		In the answer to the question 6, in Clarification no. 5, you state that the Letter of Intent of the bank refers to the Bank guarantee for good performance in the amount of 10% of the contract price VAT excluded. Does this mean that the bidders are obliged to enclose, along with the bid and bid guarantee, the Letter of Intent of the bank for issuing the guarantee for good performance? Documentation does not provide any models of Letter of Intent i.e. which text it should contain.	As the means of financial guarantee the bidder is obliged to submit the following: 1. Bank guarantee for the bid in the amount of 2.5 % from the value of the bid submitted per lot, expressed in EUR 2. Letter of intent from the bank for issuing the Bank guarantee for good performance. Tender documentation does not define the model of the text of the Letter of Intent.
22.		In the answer to the question no. 10 in Clarification no. 5, you state that it is acceptable to deliver the statement from the manufacturer which confirms that the offered code numbers match the demanded technical specifications and in the answer to the question no. 11 in Clarification no. 5 you state that with the same purpose (confirmation that the offered code numbers match the demanded technical specifications) bidders can submit the catalogue of the manufacturer or provide a link where the technical characteristics can be found, by which you left out the possibility you stated in the answer to the question 10 i.e. the possibility of submitting Bidder Statement with the same purpose. We kindly ask you that as a complete answer to the issue of proving technical specifications you state that there is the possibility of submitting catalogue of the manufacturer or providing the link or submitting the Bidder Statement.	According to the answers provided in Clarification no. 5 the bidder has the possibility, that in the goal of confirming that the offered code numbers match the demanded technical specifications, submit the Manufacturer's Statement or Manufacturer's catalogue or to provide the link where one can find the technical specifications of the offered catalogue numbers with the defined items.
23.		I kindly ask you to clarify the part related to financial capacity – liquidity; “Bidder cannot have any registered account blockage in the previous years from the day of this Procurement Invitation Notice.” Evidence: Confirmation of the competent authority (the body that keeps a register of companies, the central bank) issued after the announcement of Procurement Invitation Notice. Is it sufficient to have evidence from the National Bank of Serbia – confirmation on the number of days of insolvency and whether the wanted period is from 09.07.2013 to 10.07.2015?	As evidence which confirms that the bidder does not have account blockages registered in the past two years from the day of announcement of Procurement Invitation Notice, it is possible to deliver the NBS confirmation on the number of days of insolvency (for the period of 09.07.2013 to 10.07.2015.)

24.		As tender guarantee, along with the bid, one should submit bank guarantee in the amount of 2.5% and while signing the contract bank guarantee in the amount of 10%. Page 31/94 ITB 11.1 (j) states that Letter of Intent from the bank should be submitted, does that mean that along with the Bank Guarantee for the bid one should also deliver Letter of Intent of the bank (which is issued in the form of bank guarantee)?	See the answer to the question no. 21
25.		<p><i>Page 72 (16.Terms of payment) you state Payments shall be made promptly by the Purchaser, but in no case later than sixty (60) days after submission of an invoice and page 86 GCC 16.1 45 (forty-five) days from the confirmation of an invoice with the following documents.</i></p> <p><i>What is the deadline for payment 45 or 60 days ?</i></p>	<p>General Conditions of Contract are changed and adapted in the Special Conditions of Contract.</p> <p>Clause 16. Of the GCC - Terms of payment, was changed in the SCC where it is stated that the deadline for payments is 45 (forty – five) days from the confirmation of an invoice with the following documents.</p>
26.		Who fills in the Letter of Acceptance on the page 90 and is it also submitted with the bid?	Form Letter of Acceptance is filled by the Purchaser and it is not necessary to submit it with the bid.
27.		<p><i>Page 42 Letter of Bid</i></p> <p>Number ICB: <u>[fill in with the number of tender procedure]</u></p> <p>Public invitation no.: [fill in with the mark]</p> <p>Number of tender procedure is IOP/2-2015/C/6 and the invitation have the same number?</p> <p>Pages 46, 47, 48, 49 Bid number is IOP/2-2015/C/6 or our filing number?</p>	<p>See the answer to the question no. 19.</p> <p>At the mentioned pages, bid number is the number of tender procedure – IOP/2-2015/C/6</p>
28.		<p><i>In the original text, the part II ITB 15.1 states</i></p> <p><i>Residents of the Republic of Serbia shall be paid in RSD according to the middle exchange rate of the National Bank of Serbia on the day of payment.</i></p> <p>The corrigendum changes it to <i>Residents of the Republic of Serbia shall be paid in RSD according to the middle exchange rate of the National Bank of Serbia on the day of the bids opening.</i></p>	Payments will be made according to the Corrigendum no. 1. made on 17.07.2015.

		Considering that from the day of opening bids to delivery sometimes even more than 6 months can pass (from the previous experience), we consider that this type of payment is unacceptable, but it would be acceptable to make payment according to the middle exchange rate of the National Bank of Serbia on the day of invoicing.	
29.		Is it necessary to submit the Bank Guarantee for those lots whose offered value is smaller than the value of the issuing of Bank Guarantee?	Bank guarantee for the bid is submitted for every lot in the amount of 2.5 % of the bid value.
30.		Since there are certain chemicals for which the delivery deadline is over 6, months because of the speed of obtaining all permits from the governing ministries, can that deadline be extended so that fines do not have to be paid because of external factors?	In case of administrative inability to obtain import permits in the arranged deadlines, the Purchaser will consider the issue and act accordingly with the objective options.
31.		Page 50, form EXP Experience Is the form authenticated by the Bidder or the Purchaser? On the same form what does the following mean Page _____ of _____ page?	Form EXP Experience, is authenticated by the Bidder. In the mentioned form, the part which refers to the pages does not have to be filled in.
32.		Page 88 in SCC form, clause GCC 27.1 states : The liquidated damage shall be: zero point two percent (0.2%) of the total value of goods that are delivered after delivery deadline. What is the accounting period? Will it be calculated on a weekly level?	The liquidated damage is (0.2%) of the total value of goods that are delivered after delivery deadline and it will be calculated on a weekly level.
33.		In your clarification. 5 published on 03.08.2015. ICB No. IOP/2-2015/C/6, to the answer 11 your answer says: “The bidder can submit manufacturer's catalogue with marked positions which are offered or to indicate a link where you can check technical specifications of the offered catalogue numbers with defined items.” However, from the provided answer it is not clear whether you agree with the suggestion of the colleagues, I quote: “We are kindly asking you to accept statement made under penalty of perjury	Regarding the question related to the way of proving business capability – See the answer to the question no. 22. Yes, It is possible to submit the additional list with the link where products’ characteristics can be seen.

		<p>which will contain link where you can check technical specifications of the offered catalogue numbers for lots that are defined as standards.”</p> <p>Our question is the same: is it possible to submit the additional list with the link where one can check the product characteristics, especially because there is link in the column “Description of the offered Goods” which would not be visible in the printed version of the bid because it is not wrapped before it was locked during your documentation preparation.</p>	
34.		<p>In Section III Evaluation and Qualification Criteria, under clause 2. Qualification (ITB 36) you state:</p> <p>c) Business Capability is proven by copies of Contracts, List of references and Confirmation Letters from Client, which should be successfully and substantially completed in the past 3 (three) years, (2012, 2013 and 2014) from the date of this Public Invitation Notice.</p> <p>We kindly ask you to clarify whether the referent period refers to the previous three calendar years (2012, 2013 and 2014) or the period of three years before the date of the Public Invitation Notice (including the Contracts realized in 2015 up to the day of Public Invitation Notice i.e. until 08.07.2015. – 08.07.2012. (date of the Public Invitation Notice on the Public Procurement Portal 09.07.2015.)?</p>	<p>Period which proves Business Capability includes the previous three years, i.e. calendar years 2012, 2013 and 2014. from the date of this Public Invitation Notice. However the Bidder can submit the contracts realized in 2015 as well.</p>
35.		<p>In Section III Evaluation and Qualification Criteria, under clause 2. Qualification (ITB 36) you state:</p> <p>c) Business Capability is proven by copies of Contracts, List of references and Confirmation Letters from Client, which should be successfully and substantially completed in the past 3 (three) years, (2012, 2013 and 2014) from the date of this Public Invitation Notice.</p> <p>Since your company was also the purchaser of public procurement subject (in this case referent purchaser), we kindly ask you to confirm that you will accept also the Contract award notices, which you sent us in the period of 2012 and 2013. In those notices you state that „dates of the notice reception represent dates of the conclusion of the contract“ so this is why we consider that the importance of this Notice is equal to the one of the Contract.</p>	<p>Bidder is obliged to submit the copy of a contract/invoice.</p> <p>Contract award notice does not necessarily mean that the contract was signed.</p> <p>If you submit the contract with JUP Istraživanje i razvoj d.o.o. Belgrade, the bidder is not obliged to deliver the Confirmation Letter.</p> <p>With the purpose of checking whether the contract was realized successfully, the Purchaser will inspect his own documentation.</p>