

CLARIFICATIONS No.7

Issued on 14.08.2015.

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

Qtns. No.	Reference in PN/ Tender dossier	Questions	Answers
		Questions dated: 06/08/2015	
1	ITB 11.1 (j) Page 31/94	Page 31/94, ITB 11.1 (j) indicates: Letter of Intent of commercial bank on submission of Performance Guarantee (Security) in the amount of percentage in accordance with Sub-clause 18.1 of the Special Conditions of Contract, as well as in accordance with provision of Performance Guarantee (Security), Section X, Contract Forms. Question: Will you give an appropriate Form of Letter or the bank composes it?	Tender documentation does not define the model of the text of the Letter of Intent from the bank for issuing the Performance Guarantee (Security). Please, check Clarification no. 6 (answer on question 21.)
2	N/A	The Bank Guarantee form for the Performance Security needs to be submitted 28 days after the contract award notice or 28 days after signing the Contract, i.e. Contract Agreement?	The most favourable Bidder is obligated to submit, within 28 days of signing the contract , Bank Guarantee form for the Performance Security to Purchaser.
3	ITB 17.2 (b) page 33/94	Page 33/94, ITB 17.2 (b) indicates: 'If production of some items includes warranty period the bidders will specify it in its offer.'	The Bidder is not obligated to define warranty period.

		<p>Question: In which way do we state warranty period for the delivered items, do we need to give a Statement or to write on a form Letter of Offer after the description of Goods and Ancillary Services:</p> <p>(d) We offer to supply in conformity with the Bidding Documents and in accordance with the Delivery Schedules specified in the Schedule of Requirements the following Goods (insert a brief description of the Goods and Related Services).</p>	
4	Section IV, Bidding Forms, page 41/94	Section IV, Bidding Forms, page 41/94, Sheet Form, on what relays part 9 Bidder's Aftersales statement?	The above statement is not required to submit. It is a technical error.
5	Section III, clause 2. Qualifications, ITB 36, point c) Business capability	<p>Corrigendum number 3. Dated 29.07.2015 you have performed modifications of the amount of contracts that can be submitted as a proof of fulfillment of the business capacity but in part where it explains PROOF: 'Copies of signed contracts (or invoices) where is the amount of one invoice related to one contract.'</p> <p>Explanation: For consumables, in most cases, contracts are concluded, for a period of one year, which includes successive delivery so as a result there are more invoices issued by the same contract.</p> <p>Question1: Is it acceptable to submit all copies of invoices covering the complete range of goods under this contract?</p> <p>Question2: How we should submit the Bid in electronic form on CD, with original or in a separate envelope?</p>	<p>1. The Bidder is obliged to provide copies of the signed contracts or invoices (point 2 qualifications) as evidence of the business capability, where the amount of the invoice corresponds to one contract.</p> <p>Therefore, if the Bidder has a contract for the delivery of goods, it is not necessary to submit an invoice for the delivery under that contract.</p> <p>2. In addition to the original Bid the number of copies is 1 and one 1 CD with an electronic copy.</p> <p>(It is acceptable to deliver CD with original Bid)</p>
6	N/A	<p>In Bidding documentation, the Bank Guarantee is required where we need data related to purchaser:</p> <p>Tax number, Registry code and the Bank Account number you have not specified anywhere in the documentation, so could you please provide these information.</p>	<p>Tax number: 106729004</p> <p>Registry code: 20668890</p> <p>Bank Account: 205-160097-44</p> <p>Komercijalna banka ad Beograd</p>
7		<p>Bidding documentation part:</p> <p>11.1 The Bid shall comprise the following:</p> <p>a) Bid Security or Bid-Security Declaration, in accordance with ITB 19.1</p>	The enclosed forms are given as model of Bank Guarantees with the essential elements that Bank Guarantee must

		<p>ITB 19.1: The Bidder shall furnish as part of its bid, either a Bid-Securing Declaration or bid security, as specified in the BDS, in original form and, in the case of a bid security, in the amount and currency specified in the BDS.</p> <p>Also, Bid Security (Bank Guarantee) and Bank Guarantee are mentioned.</p> <p>Question: Does the Bank need to verify these documents (your Forms), considering that the bank is issuing them?</p>	contain.
		Questions dated: 07/08/2015	
8	N/A	<p>Form FIN, Average Annual Business revenue, you have defined that historic financial statements must be audited by a certified accountant. Did you mean on certified auditor? In the evidences required for business income (Bidding documentation page 39) it is stated that registered financial statements for the previous three accounting years prepared by the Bidder are required – Could you please explain what is meant by registering in this case? If the Bidder is smaller legal entity which is not subjected to audit, should he submit Declaration about it.</p>	The bidder is required to submit a financial report for the previous three years, with confirmation of receipt by the entity in charge of keeping records of business entities (for residents - APR), except business entities that are subject to audit requirements, they are required to submit financial reports with the opinion of certified auditor.
		Questions dated: 10/08/2015	
9	N/A	<p>In the tender documents it is stated that the business capacity proves with 10 contracts (Clarification no. 3), however, does not say whether 10 contracts relates to 10 contracts by the parties to the JV/consortium, or a total of 10 for the JV/Consortium.</p>	<p>Bidder proofs business capacity by submitting maximum 10 contracts of the same nature in the fields related to specific lots of this tender, which cumulatively exceed or at least equal the amount of the total bid price.</p> <p><u>This provision applies to all parties, and in the case of a JV/consortium all parties together meet the criteria</u>, given that the main (leading) partner must meet at least fifty (50%) percent of the request.</p>
10		<p>In the tender documents, Legal Capability states: “It or its legal representative has been convicted for any criminal act as</p>	It is necessary to submit the evidence for the legal entity and the legal representative

	N/A	<p>members of an organized criminal group; that it has been convicted for commercial criminal offence, criminal offence against environment, criminal offence of receiving or offering bribe, criminal offence of fraud”.</p> <p>Evidence for these request: “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.”</p> <p>It does not say anywhere specifically that it is necessary to submit evidence for the legal entity and the legal representative, the question is which documents are required for this proof (certificate of the competent court or certificates of judicial organs and the Ministry of Interior).</p>	as well.
11	N/A	<p>On the page 40 of tender documents it is stated:</p> <p>“Wherever a Bidder is required to state a monetary amount, Bidders should indicate the Euro equivalent using exchange rate prevailing on the last day of the respective calendar year in which the amounts for that year is to be converted.”</p> <p>However, in Clarification No.6, answer 20 says: “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”.</p> <p>Please clarify:</p> <ol style="list-style-type: none"> What exchange rate for conversion into EUR bidder should use when completing the form EXP - experience? How should bidders fill Total Contract amount in the form EXP-Experience: whether to enter only the amount in EUR (converted from the amount in RSD at the appropriate exchange rate, without specifying the amount in RSD) or in the first field of Total Contract amount column enters the amount in RSD and in the second field (which is written EUR) enters the equivalent in EUR, 	<ol style="list-style-type: none"> When completing the form EXP-experience, the exchange rate used for conversion is a middle rate of NBS on the day of signing the contract. In form EXP – experience, in the field Total Contract amount it is necessary to enter only the contract amount in EUR. When completing the Form FIN - Average annual business revenue, exchange rate at which it is performed conversion into EUR is middle exchange rate of NBS on the last calendar day of the year (31.12), for each of the last three accounting (fiscal) years (2012, 2013 and 2014).

		<p>calculated from the amount in RSD at the appropriate exchange rate?</p> <p>c) Which exchange rate for conversion into EUR bidder should use when completing the form FIN – Average Annual Business revenue?</p>	
12	N/A	Do you accept the confirmation of NBS (National Bank of Serbia) on the number of days of illiquidity of 09/07/2013 to 09/07/2015?	Yes, we accept.
13	N/A	<p>Clarification No. 5, Question 9:</p> <p>“Should we prepare all the forms on the company's memo or just Letter of bid?”</p> <p>is given the following answer:</p> <p>“The Bidder is not obligated to enclose any forms from the bidding documentation on the company’s memo.”</p> <p>Clarification No. 6, Question 17:</p> <p>“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?”</p> <p>Please clarify do we have to submit list of invoices on the memorandum or not?</p>	<p>The Bidder is not obliged to submit forms from the tender documentation on company memo, but it is obligated, in the case that certain data/information is submitted in a free form, to submit these documents on company memorandum.</p> <p>The List of References is possible to submit as additional document in free form. The information that is necessary to contain are identical with information from the Form EXP - Experience.</p>
14	Section II BDS, ITB 15.1	<p>Original text in Section II, Bid Data Sheet ITB 15.1</p> <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 payment”.</p> <p>is replaced by the following:</p> <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 bid opening”.</p>	<p>According to Clarification No.1, it is stated:</p> <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 bid opening”.</p> <p>Purchaser believes that has not violated the principle of equality of the bidders.</p>

		<p>Question: As we know that the EUR exchange rate is subject to big changes especially in such a long time period (from the opening of bids through tender evaluation and contract signing to delivery period can take up to a year) and the tender is international and foreign bidders are paying in EUR, the question is: Does this mean that you favor foreign bidders?</p>	
15	N/A	<p>Clarification No.6, Question 20:</p> <p>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).</p> <p>Your answer:</p> <p>„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.“</p> <p>Question: As originally is required that the reference list is in EUR, many suppliers already filled customers references in EUR. How it is time of holidays and customers are not available to request new references, will you accept such reference list? Enclosed contract in RSD and reference signed by the customer recalculated in EUR?</p>	<p>Reference List as such, Purchaser will take into the consideration, i.e. it will not be regarded as a deficiency if based on the same contract, the value of the Reference List is expressed in one currency, and the contract is concluded in another currency.</p> <p>The value of contracts denominated in RSD, Purchaser shall converted into EUR at the exchange rate on the date of signature of the attached contract.</p>
16	Page 15, point 16.1	<p>Page 15 of tender documents, point 16.1 it states:</p> <p>“To establish the eligibility of the Goods and Related Services in accordance with ITB 5, Bidders <u>shall complete the country of origin declarations</u> in the Technical Specification, included in Section IV, Bidding Forms”.</p> <p>Please specify on which exact page of tender documentation i.e. in which document in Section IV is the mentioned statement, because we were unable to find it?</p>	<p>The above statement is not required to submit. It is a technical error.</p>