

PURCHASER'S CLARIFICATIONS No. 2
Project title: Procurement of Equipment for teachers
Procurement reference: No. EIB-GtP/404-02-100/2021-19

No.	Question	Answer
1	<p>The contracting authority “Ministry of Education, Science and Technological Development” in their documents regarding the competition “Procurement of Equipment for Teachers EIB-GTP/404-02 100/2021-19“ in the section „Legal Capability“ requires the submission of the following documents:</p> <p>Documentary evidence:</p> <p>Bidder must provide evidence, common by the applicable law in countries in which they are established, not to fall into the above categories. Date of evidence submitted must not be older than 60 days before the bid submission date.</p> <p>The examples of documentary evidence are documents as listed below:</p> <ol style="list-style-type: none"> 1) Excerpt from register of the relevant authority, which proves that Bidder is registered with the competent body, or entered in the appropriate register. 2) Certificate of the competent court that Bidder and its legal representative(s) 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. 3) Certificate of the competent authority(ies) (e.g. Tax Administration and competent local self government unit - Public Revenue Office) attesting that all mandatory taxes and contributions are paid. 4) Statement under penalty and full material responsibility that the Bidder states that he respected the rules under applicable legislation concerning safety at work, employment and working conditions, protection of environment, and that the Bidder, at the time of the submission of Bid, has no ban in force on performing economic activities. This statement is given in the form Environmental and Social Covenant and should be completed by the bidder on the Bidder's memorandum and signed by him (in case of JV, signed by each JV member). <p>In the case that the competitor is registered in Serbia, they are able to substitute the documents in question with a confirmation from the Serbian Business Register Agency.</p>	<p>Regarding qualification criteria, more precisely legal capability referred to in Section III Evaluation and Qualification criteria, subsection 2. Postqualification Requirements (ITB 37.2) item a) Legal capabilities, it is clearly stated that:</p> <p>“The Bidder will be excluded from participation in this bidding procedure if:</p> <ol style="list-style-type: none"> 1) The Bidder is not registered with the competent body, or it is not entered in the appropriate register; 2) The Bidder or its legal representative(s) have been convicted for any criminal act as members of an organized criminal group; have been convicted for commercial criminal offence, criminal offence against environment, criminal offence of receiving or offering bribe, criminal offence of fraud; 3) The Bidder has not paid due taxes and other public charges in accordance with laws of the country of its registration; 4) The Bidder did not fulfil obligations under applicable legislation concerning safety at work, employment and working conditions, protection of environment, and that it at time of the submission of the bid has a ban/bans in force on performing economic activities and that it does not guarantee that it holds the rights to intellectual property. <p>Bidder must provide evidence, common by the applicable law in countries in which they are established. Date of evidence submitted must not be older than 60 days before the bid submission date. “</p> <p>This means that the Bidder is allowed to provide a certificate or similar evidence (approval, decision, recent excerpt from a register etc.) issued by the competent authority including the public body in charge of a Bidders Register established by the laws of the</p>

* Note: The Bidders registered in the Purchaser's country which are also registered in the Register of Bidders (whose functioning is entrusted to Serbian Business Register Agency), shall be considered to fulfil the abovementioned requirements 1), 2) and 3) and no additional documentary evidence besides the certificate of active status in the registry of Bidders should be submitted.

As a company whose headquarters are situated in Slovak Republic, we are at a disadvantage, as the issuance of the required documents in Slovak Republic (e.x.: from the Court) has a longer time period from the publication of the competitor's documents to the submission of the competitor's offer.

Our company in Slovak Republic is registered for the needs of applying for state and public contracts in the institution Public Procurement Office of the Slovak Republic (UVO), where we are required to periodically present at least the documents that you are requesting. Ultimately, in Slovak Republic, UVO the same type of organization as Serbian Business Register Agency in Serbia.

Will the contracting authority „Ministry of Education, Science and Technological Development“ accept a certificate from such an office, translated by an official translator, in order to maintain the principle of non-discrimination of candidates, provided that in case of success, our party will provide upon request all original documents officially translated before signing the contract?

country where the Bidder has registered seat, as a documentary proof which confirms that the Bidder fulfils the qualification criteria stated above. The bidders submitting such documentary proof will be considered to fulfil the abovementioned requirements 1), 2) and 3) and no additional documentary evidence besides the certificate of active status in such local Registry of Bidders should be submitted.

Please note that the Bidders are still obliged to submit the documentary evidence for the fourth requirement regarding fulfillment of obligations under applicable legislation concerning safety at work, employment and working conditions, protection of environment, and that it at time of the submission of the bid has a ban/bans in force on performing economic activities and that it does not guarantee that it holds the rights to intellectual property.

Documentary proof for this is:

- Statement under penalty and full material responsibility that the Bidder states that he respected the rules under applicable legislation concerning safety at work, employment and working conditions, protection of environment, and that the Bidder, at the time of the submission of Bid, has no ban in force on performing economic activities. This statement is given in the form **Environmental and Social Covenant** and should be completed by the bidder on the Bidder's memorandum and signed by him (in case of JV, signed by each JV member).

2 The contracting authority „Ministry of Education, Science and Technological Development" in their documents regarding the competition „Procurement of Equipment for Teachers EIB-GTP/404-02 100/2021-19" in the section „Price Schedule Form" requires:

No.	SPECIFICATION OF DIGITAL EQUIPMENT AND IT EQUIPMENT TO BE DELIVERED TO THE SCHOOLS Item description	Unit of measure	An indicative amount for all schools	Currency (EUR)	Unit DDP price*	Total DDP price*
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Notebook with LMS platform (including manufacturer's warranty 2 years)	piece	18.500	EUR		
1a)	Notebook with LMS platform -Manufacturer's warranty extension to 3 years	piece	18.500	EUR		
			TOTAL Bid Price:	EUR		

There are, therefore, two items A) NTB with a two-year warranty and B) extended manufacturer's warranty to NTB for additional 3 years.

In accordance with Price Schedule Form, the Bidders are required to offer Bid price in the following disaggregated price structure:

1) notebook price, with LMS platform, and including manufacturer's warranty of 2 years;

1a) price for additional one year of manufacturer's warranty (for a third year, after the two years offered as regular warranty in point 1)). This is price for warranty extension only.

This means that the Purchaser procures a total of 18.500 notebooks with LMS platform and manufacturer's warranty lasting for three years in total.

	<p>In a different section of the documents regarding the competition „3. TECHNICAL SPECIFICATION FORM“, a row in a table titled „Specification of digital equipment and it classrooms equipment“ requires the following: „Warranty: Manufacturer's warranty min. 36 months (6 months for battery)“</p> <p>Which of the mentioned data is correct? Could the contracting authority clarify?</p>	
3	<p>On December 2, 2021, our company sent to the official e-mail international.public.procurement@mpn.gov.rs a question about the project “Procurement of Equipment for Teachers, procurement no. EIB-GtP / 404-02-100 / 2021-19”.</p> <p>Until this day we don't have answers. We would like to ask you to send answers to our questions ASAP. For this reason, we call for the deadline for submission of tenders to be postponed.</p>	<p>Please note that per ITB 7:</p> <p>“The Purchaser will respond in writing to any request for clarification, provided that such request is received no later than 15 (fifteen) days before the deadline for submission of Bids as specified in ITB 24.1. The Purchaser will provide answers to such requests within 1 (one) week.”</p> <p>In this case the request for clarification was received on December 02, 2021 after the deadline for such a request per ITB 7. Nevertheless, the Purchaser decided to answer to the request bearing in mind core principles of public procurements. Moreover, the answer is provided within one week.</p> <p>As we have fully clarified the position regarding the qualification criteria, answered you within the deadline, and bearing in mind that this is belated question, there is no justifiable reason to postpone the Bid submission date.</p>