CORRIGENDUM No: 1

Publication Ref **5/eMS RORS 38**

SUBJECT: Clarifications answers for Equipment for emergency situation

Location - Moldova Noua City Hall, Moldova Noua, Nicolae Balcescu street, no. 26

Subject: Technical criterion for legal and natural persons to Lot 1 “the tenderer has delivered supplies under at least one contract with a budget of at least that of its financial offer for this tender in fields related to similar equipment which was implemented during the following period: 3 years from the submission deadline.”

Question 1: What is the budget for this Lot?

**Answer 1**: **According to PRAG regulation the budget is not public.**

Question 2: Does the sum for similar experience add up in case of an association?

**Answer 2**: **Yes, the total value for similar experience will be taken in consideration as a total amount of similar experience contracts presented by tender / joint venture or consortium.**

Subject: Technical criterion for legal and natural persons to Lot 2 “the tenderer has delivered supplies under at least one contract with a budget of at least that of its financial offer for this tender in fields related to passenger transport vehicles which was implemented during the following period: 3 years from the submission deadline.”

Question 3: What is the budget for this Lot?

**Answer 3**: **According to PRAG regulation the budget is not public.**

Question 4: Does only similar experience based on personnel transports count for this Lot?

**Answer 4: The similar experience should be based on similar vehicles with the ones requested in ANNEX II + III: TECHNICAL SPECIFICATIONS + TECHNICAL OFFER OF Lot 2.**

Question 5: Does the sum for similar experience add up in case of an association?

**Answer 5**: **Yes, the total value for similar experience will be taken in consideration as a total amount of similar experience contracts presented by tender / joint venture or consortium.**

Subject: C4b\_itt\_en, Chapter 2 - Timetable, Signature of the contract “Date at most 150 days after deadline for tenders”

Question 6: Can it take 150 days to sign the contract?

**Answer 6**: **According to PRAG regulation the maximum term to sign the contract is 150 days** after deadline for tenders. We would like to mention that this is the maximum allowed term, the contract can be signed in a shorter period.

Subject: Chapter 3 - Participation

Question 7: Regarding chapter 3.1, which are the countries from where the equipment can be supplied?

Answer 7**:** Member State of the European Union or in a eligible country or territory as defined under the Regulation (EU) N° 236/2014. The European Council has granted the status of candidate country to Iceland, Montenegro, the Former Yugoslav Republic of Macedonia, Turkey and Serbia. It has confirmed the European perspective of the Western Balkans. Without prejudice to positions on status or to any future decisions to be taken by the European Council or by the Council, those benefiting from such a European perspective which have not been granted candidate country status may be considered as potential candidates for the sole purpose of this Regulation. Financial assistance under this Regulation should be granted to all beneficiaries listed in Annex I. - ANNEX I — Albania — Bosnia and Herzegovina — Iceland — Kosovo (\*) — Montenegro — Serbia — Turkey — The former Yugoslav Republic of Macedonia.

Subject: Chapter 4 - Origin

Question 8: Regarding chapter 4.1, which are the countries from where the equipment can be supplied?

Answer 8: Member State of the European Union or in a eligible country or territory as defined under the Regulation (EU) N° 236/2014. The European Council has granted the status of candidate country to Iceland, Montenegro, the Former Yugoslav Republic of Macedonia, Turkey and Serbia. It has confirmed the European perspective of the Western Balkans. Without prejudice to positions on status or to any future decisions to be taken by the European Council or by the Council, those benefiting from such a European perspective which have not been granted candidate country status may be considered as potential candidates for the sole purpose of this Regulation. Financial assistance under this Regulation should be granted to all beneficiaries listed in Annex I. - ANNEX I — Albania — Bosnia and Herzegovina — Iceland — Kosovo (\*) — Montenegro — Serbia — Turkey — The former Yugoslav Republic of Macedonia.

Question 9: Do we use origin statements in order to determine what the origin of the equipment is?

Answer 9: The tender will present a signed statement on his own responsibility regarding the compliance with the requirements regarding the origin of the equipment and products from his technical offer.

Question 10: If yes, which of the following origin statements will be taken into consideration: The statement made by the supplier or the one made by the manufacturer?

Answer 10: Take in consideration the Answer 9.

Subject: C4c\_contract\_en Chapter 4 – Price

Question 11: Does the price contain VAT?

**Answer 11: The total price of the contract is the price with VAT included.**

Question 12: Does the mentioned budget include VAT?

Answer 12: The price mentioned in C4c\_contract\_en Chapter 4 is not the budget of this procedure.

**The price of the contract will be the price with VAT included.**

Question 13: DDP is mentioned. Does this mean that all the mentioned sums contain VAT for every participant from Romania?

**Answer 13:** The price of the contract will be the price with VAT included.

Subject: C4d\_specialconditions\_en “Article 13 Programme of implementation of tasks. 13.2 The period of implementation of tasks is 120 days from the signature date of the contract.”

Question 14: What is the correct implementation term? 120 days or 150 days?

**Answer 14: The correct implementation term is 150 days from signature of the contract by both parties.**

Subject: Article 31 Provisional acceptance “The Certificate of Provisional Acceptance must be issued using the template in Annex C11

Question 15: We could not find the annex. Could you please send it to us?

**Answer 15: Please find attached the annex c11 Provisional and Final Acceptance.**

Subject: Article 32 Warranty obligations. “32.7 The warranty must remain valid for 2 years after provisional acceptance and may recommence in accordance with Article 32.3.”

Question 16: Almost 3 years is too long for guarantee return. Can have successive detains?

**Answer 16:** Article 32 Warranty obligations. “32.7 The warranty must remain valid for 2 years after provisional acceptance and may recommence in accordance with Article 32.3.” is related to equipment’s and products warranty.

If your question is related to performance guarantee please check the article 21.7 from **c4b\_itt\_en.doc** “The performance guarantee referred to in the General Conditions is set at 10% of the amount of the contract and must be presented in the form specified in the annex to the tender dossier. **It will be released within 45 days of the issue of the final acceptance certificate by the Contracting Authority, except for the proportion assigned to after-sales service**.”

Subject: C4e\_annexigc\_cn “10.3. The Contractor shall present an official certificate of origin on provisional acceptance. Failure to comply with this obligation shall lead, after formal notice, to termination of the contract.”

Question 17: Can a statement of origin made by the manufacturer be presented?

**Answer 17:** The Contractor shall present an official certificate of origin on provisional acceptance. Take in consideration the provisions of **Regulation, where the term ‘origin’ is defined in Article 23 and 24 of Council Regulation (EEC) No 2913/92 ( 1 ) and other legislative acts of the Union governing non-preferential origin.** “Article 24 - Goods whose production involved more than one country shall be deemed to originate in the country where they underwent their last, substantial, economically justified processing or working in an undertaking equipped for that purpose and resulting in the manufacture of a new product or representing an important stage of manufacture.”

Subject: C4e\_annexigc\_en „26.5. The payments shall be made as follows:

1. 40% of the total contract price after the signing of the contract, against provision of the performance guarantee and of a pre-financing guarantee for the full amount of the pre-financing payment, unless otherwise provided for in the Special Conditions. The performance guarantee shall be provided to the Contracting Authority following the procedure foreseen for the performance guarantee in accordance with Article 11. and in accordance with the format annexed to the contract. The pre-financing guarantee must remain valid until it is released 30 days at the latest after the provisional acceptance of the goods. Where the contractor is a public body, the obligation for a pre-financing guarantee may be waived depending on a risk assessment made;
2. 60% of the total contract price, as payment of the balance, after receipt by the Contracting Authority of an invoice and of the application for the certificate of provisional acceptance;”

Question 18: Does this mean a payment in advance for 40%?

**Answer 18: F**or this contract there is no advance payment.

Please check the **Article 26 General principles for payments** from **c4d\_specialconditions\_en.doc**, which state **“For the 100% balance, the invoice(s) in triplicate following provisional acceptance of the supplies. Payments shall be made in full after supply and delivery of all goods”**