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RORS_498 Nr. 109 / 23.12.2019

**Clarification request and answer
Medical and laboratory equipment**

Tender guarantee

Publication ref.: RORS-498/ SCJUPBTM/ P03

The request

Regarding the tender procedure "*Medical and laboratory equipment*", *RORS-498/ SCJUPBTM/ P03*, please tell us if the attached draft for tender participation guarantee letter would be acceptable. Please note that the draft has been sent by the bank, along with all their observations.

The answer

The contracting authority cannot accept the requested changes because the object of the request is the modification of a document of the procurement procedure that represents an official annex of the procurement procedure made available by the European Commission.

Technical manager
Ing. Sever Sbârnă

Requested changes

TENDER GUARANTEE FORM

Specimen tender guarantee

To be completed on paper bearing the letterhead of the financial institution
For the attention of <Address of the Contracting Authority> referred to below as the "Contracting Authority"

<Date>

Title of contract: < Title of contract>

Identification number: <Publication reference>

We, the undersigned, <name and address of financial institution>, hereby irrevocably declare that we will guarantee as primary obligor, and not merely as a surety on behalf of <Tenderer's name and address> the payment to the Contracting Authority of <amount of the tender guarantee>, this amount representing the guarantee referred to in article 11 of the Contract notice.

Payment shall be made without objection or legal proceedings of any kind, upon receipt of your first written claim (sent by registered letter with confirmation of receipt) if the Tenderer does not fulfil all obligations stated in its tender, indicating in what respect <Tenderer's name> is in breach of its obligations. We shall not delay the payment, nor shall we oppose it for any reason whatsoever. We shall inform you in writing as soon as payment has been made.

We note that the guarantee will be released at the latest within 45 days of the expiry of the tender validity period, including any extensions, in accordance with Article 8 of the Instructions to Tenderers [and in any case at the latest on (1 year after the deadline for submission of tenders)]¹, but not later than <Expiry Date>.

Commented [HIC(B-R1): to be mentioned

For the purpose of identification, your demand for payment and your supporting statement, as well as any correspondence related to this Guarantee, have to be presented to us in original signed by the persons authorized to legally represent your institution to our following address: UniCredit Bank SA, 1 F Expozitiei Blvd, RO-012101 Bucharest – 1, Romania.

The amount payable under this Guarantee shall be reduced by any amount paid under the Guarantee.

The law applicable to this guarantee shall be that of [If the Contracting Authority is the European Union: Belgium] [If the Contracting Authority is an authority in the partner country: <the country in which the financial institution issuing the guarantee is established>]-Romania. Any dispute arising out of or in connection with this guarantee shall be referred to the courts of [If the Contracting Authority is the European Union: Belgium] [If the Contracting Authority is an authority in the partner country: <the country in which the financial institution issuing the guarantee is established>]-Romania.

The guarantee will enter into force and take effect from the submission deadline of the tender-issuance.

¹ This mention has to be inserted only where required, for example where the law applicable to the guarantee imposes a precise expiry date or where the guarantor can justify that he is unable to provide such a guarantee without expiry date.