C L A R I F I C A T I O N S No. 2

Procurement of:

Furniture for Schools in Montenegro

**RFB No:** **EIB-GtP** **09/1-03-426/24-2076**

Issued on 28th May 2023

**1/ Question:**

On page 169 of the document - Request for bids procurement furniture, you listed the List of Standards. In our country, the Faculty of Forestry has an accredited laboratory for testing the quality of furniture, we are attaching the scope of the certification. By looking at the document, you will see that numerous standards that are on your list have been withdrawn, such as

* EN 1022:2018 Furniture - Seating - Determination of stability
* EN 1729-1:2015 Furniture - Chairs and tables for educational institutions - Part 1: Functional dimensions
* EN 1335-2:2018 Office furniture - Office work chair - Part 2: Safety requirements
* ISO 7174-1:1988 Furniture — Chairs — Determination of stability — Part 1: Upright chairs and stools
* EN 12721:2009+A1:2013 Furniture - Assessment of surface resistance to wet heat
* EN 13722:2004 Furniture - Assessment of the surface gloss

**They are valid now:**

-EN 1022:2019 Furniture - Seating - Determination of stability

-EN 1729-1:2016 Furniture - Chairs and tables for educational institutions - Part 1: Functional dimensions

-EN 1335-2:2019 Office furniture - Office work chair - Part 2: Safety requirements

-ISO 7174-1:1998 Furniture — Chairs — Determination of stability — Part 1: Upright chairs and stools

-EN 12721:2009+A1:2014 Furniture - Assessment of surface resistance to wet heat

-EN 13722:2009 Furniture - Assessment of the surface gloss

As you can see, in our country the tests are done according to newer standards, will the client accept the Product Quality Certificates according to newer standards?

We believe that you will agree that the list of standards is too long, will the customer accept the delivery of Product Quality Certificates issued by the Accredited Furniture Testing Laboratory - Faculty of Forestry?

A large number of the standards listed are made abroad and this would significantly contribute to the creation of additional costs, and would affect the prices of the products. We ask the client to consider our request.

**1/ Answer:**

The Purchaser will accept all required certificates issued by the institution accredited for this type of services.

**2/ Question:**

We kindly request you to clarify our questions.

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| 1.Question No | 2.Document Name | 3.Related section and title | 5.Question/Clarification Request |
| 1 | request-forbidsprocurementof-furniture | Section VII Schedule of Requirements | In the submitted tender dossier, clear information about the product requested in the tender could not be found in Section VII. Could you please send a more detailed technical specification? |

**2/ Answer:**

Please be informed that the complete tender dossier is available at the following address <https://www.gov.me/mps>. You can access the tender dossier in two ways: under the section “Highlighted/Izdvajamo” or the section “Tenders”. Both sections/Titles can be found on the Ministry's main web page. Entire tender dossier consists of the following documents:

1/ Tender dossier (Section VII : Schedule of Requirements starts on the page 90).

2/ Section IV Price schedules

3/ Technical specifications: Tec Spec kindergartens and Tec Spec Primary and Secondary schools

**3/Question:**

The following is stated in the tender documentation:

- ITB 2.1

The Promoter is: Ministry of Education, Science and Innovation, Montenegro

The project is financed from the EIB loan amount related to Financing Agreement of:18.000.000,00 Euros.

In addition to the loan, the project is financed from the state budget of Montenegro in proportion: 51% loan and 49% national budget.

The name of the Project is: Montenegro Education Programme

As for the combined rate of financing, from the EIB loan and the national budget, we are interested in how it is defined by your law because we plan to act as a foreign bidder. Is it known which positions or schools/kindergartens will be financed from the loan funds that are exempt from paying value added tax, and which part from the national budget on which VAT is paid?

**3/ Answer:**

As stated in the tender dossier: Section II - Bid Data Sheet (BDS), ITB 2.1: In addition to the loan, the project is financed from the state budget of Montenegro in proportion: 51% loan and 49% national budget. At this moment, it has not been determined which items and in what quantities will be financed from the loan and which from the state budget. The percentages refer to the entire amount.

**4/Question:**

- Section IV – Price Schedule

Is it necessary to enter the furniture by position for each secondary school, primary school and kindergarten individually from the schedule or can we use the division by region because the price of the cost will be the same, in essence the costs of transportation will differ, so there will be differences in the purchase price by district.

**4/ Answer:**

As specified in the Tender dossier: Section IV - Bidding Forms, in order to fill in the Price Schedule Forms, please refer to the separate excel file. While filing in the Price Schedule it is not necessary to do it per school/region. Regardless of the method of forming and presenting the price, it is necessary to give the total for each type of item (e.g. chairs, tables etc).

**5/Question:**

- 3.1 Qualification Criteria (ITB 37.1)

After determining the substantially responsive Bid which offers the lowest-evaluated cost in accordance with ITB 34, and, if applicable, the assessment of any Abnormally Low Bid (in accordance with ITB 36) the Purchaser shall carry out the post-qualification of the Bidder in accordance with ITB 37, using only the requirements specified. Requirements not included in the text below shall not be used in the evaluation of the Bidder’s qualifications.

- Legal Capability

To participate in this procurement process, Bidder should meet following requirements:

- The Bidder is registered with the competent body responsible for registration of legal entities in accordance with the laws of the country in which company is established;

- The Bidder has duly performed all obligations on the basis of taxes and contributions in accordance with the law, i.e. the regulations of the country in which it has been registered;

- No consistent history of court/arbitral award decisions against the Bidder within the last five (5) years prior to the deadline for submission of bids

- The Bidder or its legal representative has not been convicted for any criminal act as 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;

To prove above requirements, Bidder must provide following documentary evidence:

* Proof of registration from the competent body responsible for registration of legal entities, that Bidder is registered, or entered in the appropriate register;
* Proof issued by the body responsible for tax administration (state and local administration) that all obligations based on taxes and contributions have been duly reported, calculated and performed up to 60 days before the day of public opening of bids, in accordance with Montenegrin law, or country regulations in which the Bidder has been registered;
* Certificate of the competent court, not older than 60 days before the day of public opening of bids, that Bidder and 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.

In our country, all of these listed conditions that you require are covered by the Register of Bidders - can we submit an Extract/Decision from the Register of Bidders as proof of all the stated conditions.

**5/ Answer:**

Documentary evidence should be issued in line with the requirements stipulated under the point: 3.1 Qualification Criteria (ITB 37.1). Evidence must be issued by a legally responsible bodies in the bidder's country of origin. It must be clear from the submitted evidence that the bidder meets the requirements.

**6/Question:**

- (ii) Financial Capability

The Bidder shall demonstrate that it has liquid assets in the amount of: (Statement from the Bidder’s Commercial Bank about liquidity of the account) EUR 260,000.00.

(In case that Bidder is Joint Venture all members combined should fulfil requirement related to liquid assets.)

Should each member of the JV have liquid assets in the amount of 260,000.00 euros or can they fulfil this requirement together, ie. by dividing this amount?

**6/ Answer:**

Regarding requirement given under point (ii) Financial Capability: “The Bidder shall demonstrate that it has liquid assets in the amount of: (Statement from the Bidder’s Commercial Bank about liquidity of the account) EUR 260,000.00”, we confirm that in case that Bidder is Joint Venture all members combined should fulfil requirement related to liquid assets meaning that total amount could be reached by contributing by each JV member.

**7/Question:**

 ITB 19.1 - Bid Security

A Bid Security shall be required.

The Bid Security shall be: 75.000 EUR

A Bid-Securing Declaration shall not be required

Did we understand correctly with the offer submitted to the Bank guarantee for the seriousness of the offer in the amount of 75,000.00 euros.

Is a bank guarantee for repayment of the advance payment or a letter of the bank's intention to issue a bank guarantee submitted?

The bank guarantee for the good performance of the work shall be submitted within 28 days from the date of delivery of the Notice of Acceptance of the Offer.

**7/ Answer:**

-Bid Security: Referring to Section II - Bid Data Sheet (BDS), pint ITB 19.1 - Bid Security, the Bidder shall furnish as part of its Bid a Bid Security/Bank guarantee in original form and, in the amount of 75.000 EUR.

-Advance Payment Security: Section IX - Special Conditions of Contract, GCC 16.1, point (i): “Advance Payment: Twenty (20) percent of the Contract Price shall be paid within thirty (30) days of signing of the Contract, and upon submission of claim and a **bank guarantee** for equivalent amount valid until the Goods are delivered and in the form provided in the bidding documents or another form acceptable to the Purchaser.

As specified in the General Conditions:

1. The Supplier’s request for payment shall be made to the Purchaser in writing, accompanied by invoices describing, as appropriate, the Goods delivered and Related Services performed, and by the documents submitted pursuant to GCC Clause 13 and upon fulfilment of all other obligations stipulated in the Contract.

-Performance Security: Section IX - Special Conditions of Contract, GCC 18.1:

“A Performance Security shall be required. Performance Security shall be: 10% of the Contract price.”

The Supplier shall, within twenty-eight (28) days of the notification of contract award, provide a performance security for the performance of the Contract in the amount of 10%.

**8/Question**

Please provide additional clarification:

Can the Ministry of Education, as the contracting authority, be an importer of furniture and equipment for schools/kindergartens? We would participate in the tender as a foreign bidder, so we are interested in what is the procedure in your country?

It is an international tender, so we are interested in what is the procedure for importing goods, is there free circulation regulated by legal procedures, or some clause? We ask because it is a combined source of project financing.

Is it necessary for one participant in the JV to be from your country as an importer of furniture/equipment or can we act directly as a foreign bidder?

**8/Answer**

Please contact the relevant services such as Freight Forwarding Organizations (Spedicije) or the Customs Administration of Montenegro for all questions regarding import and export to Montenegro: <https://www.gov.me/upravacarina>.

Regarding the two sources of financing, please pay attention to Section IV Financing of the Project: Existing normative solutions that regulate the procedure for exemption from payment of VAT depending on the source of financing.