C L A R I F I C A T I O N S No. 1

Procurement of:

Furniture for Schools in Montenegro

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

**Issued on 30th April 2023**

**1/ Question:**

Namely, Type of procedure is called ‘’OPEN’’ while prescribed qualification criteria and other conditions are actually very not strict but simply high that we are not sure that any of companies which operate in region can pass and fulfil required mandatory requirements.

Particularly:

* **Section III – Evaluation and Qualification Criteria**

(ii) Financial Capability

Average annual turnover (calculated as total revenue for the last three years, divided by three) minimum of: EUR 4,950,000.00 / In case of JV- Leader of Joint Venture must meet minimum 50%, and members must meet minimum 25%. Meaning, leader must have 2,5 M and each member minimum 1,3M.

(iii) Technical Capacity

Over the **past five (5)** years prior to the submission deadline of this tender procedure, the Bidder has successfully completed (obtained goods acceptance certificate) maximum three **(3) contracts** in related fields involving unloading, delivery and on-site assembly of furniture of similar characteristics and of a comparable scale with a cumulative budget of at least EUR **4,950,000.00 (excluding VAT)**.

* **Section VIII – General Conditions of Contract**

**GCC 13** Totalduration for the implementation of above mentioned tasks is **20 weeks (5 Months)** upon Contract signing, for over than 300 kindergartens, elementary and secondary schools in Montenegro in 12 municipalities and villages. ?

* **GCC 16.1** **Payment**

**20% Advance and after Delivery 70% and Acceptance 10%.** From our prospective and experience, acceptance is done on the same day when delivery and installing is finished. Increasing of Advance payment on 30% will be necessary and assure entire work to be implemented without delays.

We are kindly asking for your Clarification, possible revision of document, related to above mentioned qualification requirements (and also on other terms and conditions). If the tender document remains as current version, without revision and decreasing, we are pretty sure that none of the companies or JVs cannot fulfil required conditions.

**1/ Answer:**

In accordance with the EIB Public Procurement Guide, Open procedures allow all interested parties (contractors or suppliers as the case may be) to submit tenders. They involve strict requirements for international notification (including publication in the Official Journal of the European Union); clear and comprehensive tender documents; and fair and transparent tendering, evaluation and award practices.

For more details, please refer to chapter: 3.3.2. International Procurement Procedures of the Guide to Procurement for projects financed by the EIB.

( <https://www.eib.org/attachments/strategies/guide_to_procurement_en.pdf>).

* **Section III – Evaluation and Qualification Criteria**

(ii) Financial Capability

As specified in EU REGULATION (EU, Euratom) 2018/1046:

“19. Economic and financial capacity

19.1. To ensure that economic operators possess the necessary economic and financial capacity to perform the contract, the contracting authority may require in particular that:

(a) economic operators have a certain minimum yearly turnover, including a certain minimum turnover in the area covered by the contract; ….For the purposes of point (a) of the first subparagraph, the minimum yearly turnover **shall not exceed two times the estimated annual contract value,** except in duly justified cases linked to the nature of the purchase, which the contracting authority shall explain in the procurement documents.

#### (iii) Technical capacity

To be eligible to take part in this tender procedure, tenderers must prove to the satisfaction of the contracting authority that they comply with the necessary legal, technical and financial requirements and have the means to carry out the contract effectively.

Requirement that value, nature, and complexity of these contracts should be comparable to the contract to be let is respected.

* **Section VIII – General Conditions of Contract**

As specified in the Tender dossier we confirm that the maximum delivery and installation period is 20 weeks from the contract signature date by both parties.

* **GCC 16.1** **Payment**

We confirm that the method and conditions of payment to be made to the Supplier under this Contract shall be as specified in the Tender dossier under the Section IX - Special Conditions of Contract.