



EUROPEAN UNION

Delegation of the European Union to Bosnia and Herzegovina

Clarification No.1 to the Tender Dossier

Supply of equipment for the development of hydrological flood forecasting system for Sava River Basin in Bosnia and Herzegovina (Phase 1, Bosna River)

Publication reference: EuropeAid/138452/SUP/BA; Tender no: EC/BIH/16/018

Please note that due to technical issues clarifications by the Contracting Authority to the questions from tenderers will be published later than originally stipulated in the Tender Dossier.

The clarifications will be published as soon as possible as well as Corrigendum No. 1 **extending the deadline for submission of offers.**

All other terms and conditions of the Tender Dossier remain unchanged.

QUESTION 1:

Tender Guarantee – will you return money back (2000/7000€) in a case that we get or don't get a tender (if we do not get a contract)?

ANSWER 1:

As detailed in the Tender Dossier, under point 22 of the Instructions to tenderers:

“Tender guarantees provided by tenderers who have not been selected will be returned together with the information letter that the tenderer has been unsuccessful. The tender guarantee of the successful tenderer will be released on signing of the contract, once the performance guarantee has been submitted.”

QUESTION 2:

How and where can we get a tender documentation?

ANSWER 2:

Please refer to point 18 of the Contract Notice which details "How to obtain the tender dossier":

“The tender dossier is available from the following Internet address: <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> and http://europa.ba/?page_id=320”

QUESTION 3:

REFERENCE: Document A. INSTRUCTIONS TO TENDERERS; sub clause 4.1., second paragraph

All supplies under this contract must originate in one or more of these countries (Member State of the European Union). However, they may originate from any country when the amount of the supplies to be purchased (as a whole or, if divided into lots, per lot) is below EUR 100 000.

Are we compliant with this requirement, if all the goods in one lot are valued over 100.000 EUR, but the portion of the goods that are not from EU have value under 100,000 EUR?

ANSWER 3:

No, in the case you described your offer would not be compliant.

Please refer to point 8 of the Contract Notice which details that "All supplies under this contract must originate in one or more of these [eligible] countries. However, they may originate from any country when the amount of the supplies to be purchased is below 100,000 euros per lot".

As further detailed under point 7.1 of the Instructions to tenderers, the possibility is left for tenderers to "submit tender for one lot, several or all of the lots".

As far as the rule of origin is concerned, the amount taken into account is the amount of supplies per complete lot. Supplies may originate from any country only in case where the amount of the supplies to be purchased per complete lot is below EUR 100 000.

QUESTION 4:

REFERENCE: INSTRUCTION on procedure for exercising the right to customs and tax exemptions in accordance with the Framework Agreement between Bosnia and Herzegovina and the European Commission on arrangements for implementation of the Union's financial assistance to Bosnia and Herzegovina within the Instrument of Pre-Accession Assistance (IPA II); Article 3, paragraph (1):

Upon the signing of the agreement under the IPA II with the DEU, the contractor who received the funds from the IPA Fund II submits to the DEU completed Certificate IPA II DEU...

Can you explain in short procedure for exercising the right to customs and tax exemption from the perspective of the Importer of the goods (when contractor himself is not importer of goods)? Is the same Certificate IPA II DEU sufficient for tax and customs exemption for Importer and Contractor?

ANSWER 4:

All available information on procedure for exercising the right to customs and tax exemptions in accordance with the Framework Agreement between Bosnia and Herzegovina and the European Commission on arrangements for implementation of the Union's financial assistance to Bosnia and Herzegovina within the Instrument of Pre-Accession Assistance (IPA II) are presented in the Instruction published within the Tender Dossier. The same certificate bears mention of both the Importer and the Contractor.

QUESTION 5: We noticed that the Publication reference number in: the technical specification differs from the Publication reference number in other documents. Please clarify.

ANSWER 5:

Please note that the correct publication reference is EuropeAid/138452/SUP/BA. This publication reference will be corrected in the Corrigendum which will be published.

QUESTION 6:

Could you please confirm that you are requesting IT products from internationally recognized brands, as we can deduct from the technical specifications? For example, PC Manufacturer should be in Top 5 Vendors by Worldwide PC Shipments confirmed by last public report of IDC, Gartner or Forrester.

ANSWER 6:

Unless specified otherwise, specifications required represent minimum requirements. The tenderers shall offer the minimum required or better specifications.

QUESTION 7:

Do we have to consider also customs clearance times within the period of implementation? If so, what timing can we indicate in our planning? If clearance times are included, should we ask for a suspension certificate or is this automatically accorded by the Contracting Authority?

Please confirm that there is full exemption from any taxes and duties.

ANSWER 7:

The period of tasks implementation shall run from the day following that on which the second of the two Parties signs (as per Article 18.1 of the Special Conditions) to the date of provisional acceptance issuance. Consequently, all activities needed for proper implementation of the contract, including time needed for customs clearance, is to be taken into account.

In terms of exemption provisions, please refer to Tender Dossier:

Instruction to tenderers, point 12"Taxes and other charges":

"The European Commission and Bosnia and Herzegovina have agreed in the Framework Agreement on the arrangements for implementation of union financial assistance to Bosnia and Herzegovina under the instrument for pre-accession assistance (IPA II) to allow exemptions from the following taxes: import duties and VAT on imported goods and VAT on goods and services procured in BiH as well as documentary stamp and registration duties or other fiscal charges and duties as having equivalent effect. Detailed instructions on procedures to be followed are part of this tender dossier."

Special Conditions, Article 16 "Tax and customs arrangements":

"16.1 For supplies manufactured locally, all internal fiscal charges applicable to their manufacture, including VAT, shall be excluded. For supplies to be imported into the country of the Contracting Authority, all duties and taxes applicable to their importation, including VAT shall be excluded. Whatever the origin of the supplies, the contract shall be exempt from stamp and registration duties."

QUESTION 8:

Could you please clarify whether we have to submit only one electronic version attached to the original copy of the financial offer or should each copy of the financial offer be accompanied by one electronic version?

ANSWER 8:

One electronic version of the financial offer shall be attached to the original copy of the financial offer, as detailed under point 11, part 2, of the Instructions to Tenderers.