



EUROPEAN UNION RULE OF LAW MISSION IN KOSOVO EULEX KOSOVO

Ndertesa Farmed
 “Muharrem Fejza” p.n.
 Lagja e Spitalit
 10 000 Pristina, Kosovo
 Tel: + (386) 43 78 2000
<http://www.eulex-kosovo.eu>

CLARIFICATIONS (1)

PUBLICATION REFERENCE: EuropeAid/128789/D/SUP/KOS/ Framework Contract for Security Upgrade

1. Questions regarding Part A: Instructions to Tenderers and Part B: Draft Framework Contract and Special Conditions, Including Annexes at the Contracting Authority’s own initiative

No	Reference	Clarifications
1	The general conditions and special conditions of the contract are not negotiable.	<p>Any request at the time of tendering (with the offer), i.e. after the deadline for submission of offers, to negotiate or amend the general and special conditions would lead to the rejection of the entire offer in accordance with article 20.1 of the instructions to tenderers.</p> <p>Any request to negotiate the general and special conditions after the award approval i.e. any refusal to sign the contract without amendments, would lead to the application of the provisions of article 21.6 of the instruction to tenders. i.e.</p> <p><i>If the successful tenderer fails to sign and return the contract and any financial guarantee required within 30 days after receipt of notification, the Contracting Authority may consider the acceptance of the tender to be cancelled without prejudice to the Contracting Authority’s right to seize the guarantee, claim compensation or pursue any other remedy in respect of such failure, and the successful tenderer will have no claim whatsoever on the Contracting Authority.</i></p>
2	<p>Financial offers must be calculated on a basis of DDU.</p> <p>DDU (delivered duty unpaid)> - Incoterms 2000 International Chamber of Commerce - http://www.iccwbo.org/incoterms/id3040/index.html</p>	The use of other Incoterms than DDU, would lead to the entire offer being rejected as administratively non compliant, in accordance with article 20.1 of the instructions to tenderers.

2. Questions of potential tenderers regarding Part A: Instructions to Tenderers and Part B: Draft Framework Contract and Special Conditions, Including Annexes

No	Reference	Clarifications
1	<p>For ALL lots, each tenderer is required to submit at no charge to the Contracting Authority <u>a complete description of the characteristics of the products as required in the technical specifications</u> (Annex II+III) e.g. under the form of manufacturer's data sheets, drawings, catalogues etc. in English. These documents must be submitted in sealed envelopes <u>indicating the lot and the item number</u>.</p> <p>Question: Are these documents put into a separate envelope or can they be included in the envelope that the proposal is put in?</p>	<p>The documents such as: manufacturer's data sheets, drawings, catalogues etc. may be included within the same envelope with the offer.</p>
2	<p>For ALL lots, the <u>manufacturer's authorization form</u> for the offered items.</p> <p>Question: What exactly the manufacturer's authorization form should state?</p>	<p>The manufacturer's authorization should be supplied on free format confirming that the tenderer is authorized by the manufacturer to supply the items described in its technical offer.</p>
3	<p>Article 3 - Order of precedence of contract documents General Conditions</p> <p>3.1. Save where otherwise provided in the special conditions, the contract is made up of the following documents, in order of precedence:</p> <p>a) the contract agreement; b) the Special Conditions; c) the General Conditions (Annex I); d) the Technical Specifications (Annex II) including clarifications before the deadline for submission of tenders and minutes from the information meeting/site visit; e) the Technical Offer (Annex III), including clarifications from the Contractor provided during tender evaluation; f) the budget breakdown (Annex IV); g) specified forms and other relevant documents (Annex V)</p> <p>Addenda have the order of precedence of the document they are modifying.</p> <p>Question: Are the above listed items required to part of the submitted proposal?</p>	<p>The offer should be submitted in accordance with the requirements indicated in Article 11 of the Instructions to Tenderers.</p> <p>Whereas, the content of the draft contract is listed in Article 4 of the Contract Special Conditions - Order of precedence of contract documents:</p> <p>The contract is made up of the following documents, in order of precedence:</p> <ul style="list-style-type: none"> - the framework contract agreement; - the Special Conditions - the General Conditions (Annex I); - the Technical Specifications (Annex II [including clarifications before the deadline for submission of tenders and minutes from the information meeting]; - the Technical Offer (Annex III [including clarifications from the tenderer provided during tender evaluation]; - the budget breakdown (Annex IV); - (specified forms and other relevant documents (Annex V); - the respective purchase order.

4	Is it possible to organize a site visit so that we can quantify real cost of installation?	See Corrigendum No. 1
5	Are there opportunities to visit workplace, and who is the contact person for a possible visit to explain all the necessary items?	See Corrigendum No. 1
6	Regarding the site visit proposed for January 19, 2011: is this visit going to cover all the (over 20) sites and facilities involved in the project throughout Kosovo?	There will be a visit of some of the sites and facilities on 19 January 2011 at 10:00hrs.
7	Do you require any preliminary notification if we wish to submit a tender or do we need to send the complete tender by the deadline without any preliminary communication of intent?	Tenderers should submit their offer by the deadline indicated in Corrigendum no. 1 i.e. 24 th February 2011 at 15:00hrs without any preliminary notification to the Contracting Authority.
8	Tender submission date has been postponed to February 24th, 2011. Has the deadline for questions also been postponed and until when?	The Deadline for request for any clarifications from the Contracting Authority is indicated in Corrigendum no. 1 to the Tender Dossier i.e. 3rd February 2011 at 18:00hrs.
9	It would be very helpful if you could confirm, before the visit, that the visit will include some of the 30 locations that have been nominated to receive the 4-man Bullet Proof sentry boxes specified in LOT 5	There will be a visit of some of the sites where Ballistic Sentry boxes will be located.
10	with reference to the site visit for tender EuropeAid/128789/D/SUP/KOS - FRAMEWORK CONTRACT FOR SECURITY UPGRADE scheduled for 19/01/2011 I would like to ask you how long you suppose it will take (one day ore more than one) and how many facilities will be visited.	The site visit will take place in one day i.e. on 19 th January 2011 at 10:00hrs and only few of the locations will be visited