

**Procurement of medicines for adult patients with oncological and oncohematological diseases for the National Public Health Programme to the Ministry of Health (MoH) in Ukraine**

**Questions and answers on the results of pre-bid conference, conducted on August 30, 2017 at UNDP office in Kyiv**

**Dear participants, please pay your attention once again to the following issues while bids submission:**

**1. Bid Submission deadline:**

**1. 46-2017-UNDP-UKR – 18th of September, 2017, 10:00 Kyiv time, inclusively.**

**2. Bid submission – electronic, to e-mail: [tenders.ua@undp.org](mailto:tenders.ua@undp.org)**

**3. Together with the documents set, the participant must submit electronic scan copy of the Bid security in the amount of 10 000 USD for the Bid on one or several Lots if the Total amount of the Bid is between USD 200,000.00 and USD 399 999,99 or in the amount of 20 000 USD for the Bid on one or several Lots if the Total amount of the Bid is between USD 400,000.00 and USD 599 999,99 or in the amount of 30 000 USD if the Total amount of the Bid is more than USD 600,000.00.**

| #  | Question   | Answer   |
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| 1. | How will total volume discount in Annex 5 be applicable for each lot? Will the Bidder win more lots if he submits the proposal with the volume discount? | UNDP will evaluate each lot, based on the price indicated only for the mentioned item. No additional awards will be offered in consequence of volume discount.   |
| 2. | What does UNDP mean by EXW price if the company has some warehouses or logistics hubs?   | Under EXW-price UNDP means the price, which doesn't include logistics and insurance (as per Incoterms 2010). The EXW-price is asked for the evaluation purposes.<br><br>Please note, that under the current tender the medications will be procured on DAP-Kyiv terms, Incoterms-2010. |
| 3. | The rules for validity regulation of CoPP differs from country to country. How we should indicate it in Annex 4.   | Please put actual validity/statement from CoPP of quoted product in relevant column of Annex 4. If there are no expiration date and it is not limited in time, please indicate "unlimited" in the field.   |
| 4. | Shall we provide notarized copy of CoPP?   | Please provide just a scanned copy. No apostilling for CoPP is required.   |

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| 5.  | <p>Bidders informed of the essential volume increase for some items comparing to the 2016 Budgets' tender.</p> <p>The delivery timeframes are required as "within 4 months at the latest after signing the contract". We expect the production lead time for some medications in requested volumes about 5-9 months. Will you disqualify proposals with quoted timeframes?</p>              | <p>UNDP encourages <b>shortest delivery periods</b>.</p> <p>For medications with long production lead time, UNDP provides the following timeframes under the tender 46-2017-UNDP-UKR:</p> <p><b>50% of required volume – within 5 months after PO dispatching;</b></p> <p><b>50% remaining goods – within 7 months after PO dispatching.</b></p> <p><b>Production lead time must be fixed in the Annex 4.</b></p>  |
| 6.  | Does UNDP verify patents during the bids evaluation?  | Yes.   |
| 7.  | <p>We inform you that per Ukrainian and international legislation, the owning of the patent does not mean that other companies who provides the same medicine is infringing the patent if there is no court statement regarding this specific patent infringement.</p> <p>Will the Bid be disqualified if there is no court statement of patent infringement for the proposed medicine?</p> | <p>Please refer to para #8 of the General Terms and Conditions for Goods of the ITB. Namely, <i>"The Supplier warrants that the use or supply by UNDP of the goods sold under this Purchase Order does not infringe any patent, design, trade-name or trade-mark."</i></p> <p>Bidders are requested to review the existing patents and if the product to be proposed is patent protected, companies are requested to submit a copy of Voluntary license or an agreement.</p> |
| 8.  | How long is usually the delivery process within Ukraine and customs clearance?  | It does not take a lot of time. Usually it takes 7 days.   |
| 9.  | What does it mean by the supply of the product in the similar volume in OPTION [B+C]? In Russian version it is specified as "аналогичный".  | <p>Similar volume is intended as the relevant one.</p> <p>The volume of goods in the Bid proposal must correspond to the previous experience of Bidder.</p>  |
| 10. | If the medicine has never been supplied to Ukraine, how Bidder can get the references from health institutions?   | This wording was introduced in ITB to mitigate the risks and assure the quality of the medicines.  |
| 11. | The wording of the Item B) of the OPTION 2 [B+C] narrows the competition. It was not included to tender document for 2016 budget. Please consider amending it.  | This wording was added to ITB to assure the quality of the medicines.  |
| 12. | Could you provide the references if Bidder successfully supplied medications to UNDP earlier?   | <p>If you have previous experience of supplying the goods to UNDP please specify the PO reference in the respective section of your bid, ITB (SECTION 7, Subsection 3.1: EXPERTISE OF FIRM/ ORGANISATION, Para #1.3.)</p> <p>Please note, UNDP can provide performance evaluation for Supplier, but not for the medical products.</p>  |

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| 13. | Shall we provide the references from health institutions for the usage of the product if it is SRA approved and authorized in Ukraine?   | In this case you may choose OPTION 1[A+C].  |
| 14. | We have experience that the fee for terminal services was charged from the supplier on the customs terminal. Could you please reflect this in any document for our auditors?   | Companies are expected to cover terminal services at their own expense.<br>This Questions and answers Minutes are an integral part of the tender document 46-2017-UNDP-UKR. |
| 15. | In Section 4, Criteria for award, UNDP requires to provide reference letters to prove experience in similar nature of contracts. Should it be contracts for <i>the same</i> products as in the current bid proposal? | <b>In order to be compliant with qualifications requirements</b> the Bidder have to provide references/contracts for medications.   |
| 16. | How should we provide information about our experience of previous supplies if the contracts are confidential?   | You may fill in the table in SECTION 7, Subsection 3.1. and list your relevant projects. You should not provide copies of confidential contracts.                           |
| 17. | What financial statements shall be submitted?  | Please provide copies of your official financial statement for 2015 and 2016 years, Form #2 of the balance sheet is required for submission.                                |
| 18. | If international company doesn't have financial reports like Form #2?  | Please provide for international company's annual reports reflecting turnover and revenue. That also could be reports of independent audit companies.                       |
| 19. | As for Product Standards, item A – can we use CoPP as SRA approval evidence?   | Yes, if it is issued by a regulatory authority of the SRA - countries and associated countries listed in Item A of the OPTION 1 [A+C].                                      |
| 20. | Can we submit the list of shareholders and owners of the company via web-link to the Extract from the state register of legal entities?  | Yes, you can put the link to the form in SECTION 4 uploaded on the internet. Please make sure that the link will be valid during the period of tender evaluation.           |
| 21. | Is it obligatory to use UNDP's template for Certificate of Authorization (in case Bidder is not a Manufacturer) from Annex 3? We have already obtained such authorization on the template of the Manufacturer.       | No, you may use any available form, the template provided as a draft.   |
| 22. | Can we provide an authorization from Market Authorization Holder in Ukraine?   | You may submit an authorization from Market Authorization Holder in Ukraine and confirm the relation between manufacturer, Market Authorization Holder and the Bidder.      |
| 23. | Is it obligatory to submit Environmental Compliance Certificates?  | It is not obligatory. If you have such Certificates or awards, please submit them, as UNDP promotes sustainable procurement.  |
| 24. | How much detailed CVs for personnel should be submitted?   | Please use the template in SECTION 7, Subsection 3.3. for the <u>Key Personnel</u> for this tender. You also can submit CVs as additional documents to your Bid proposal.   |
| 25. | Will UNDP put the "live" signature on Purchase Order?  | The POs are electronically approved and valid without additional signing. If Bidder requests signed PO, UNDP can put "live" signature and stamp it.                         |

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| 26. | Can Bidder use electronic signature from its side?   | Yes. But if the goods are imported, we recommend to put your "live" signature and stamp to avoid the issues on customs.   |
| 27. | How does Bank Guarantee work?  | <p>As per Data Sheet items #9-11, the Bidder shall provide Bid Security if the cumulative amount of all lots exceed the threshold of USD 200,000. Bid Security guarantees the compensation to UNDP of financial and reputational losses by Bidder's Bank, if Bidder:</p> <ul style="list-style-type: none"> <li>a) Fails to sign the Contract after UNDP has awarded it;</li> <li>b) Withdraws its Bid after the date of the opening of the Bid;</li> <li>c) Fails to comply with UNDP's variation of requirement, as per ITB Section 3; or</li> <li>d) Fails to furnish Performance Security, insurances, or other documents that UNDP may require as a condition to rendering the contract effective.</li> </ul> <p>If Bid Security is required as per item #9 of the Data Sheet and the copy is not submitted within your Bid proposal, it will be a subject for Bid disqualification.</p> <p>Please refer to Data Sheet items #9-11, SECTION #2 para #15.4. and SECTION #9 for details.</p> |
| 28. | Are there any preferable Banks for furnishing of Bid Security?   | Bidder can choose any appropriate bank by itself. It could be international or Ukrainian bank.<br>Please use template as per SECTION #9.  |
| 29. | When will UNDP return Bid Security?  | <p>UNDP sends you back the original of Bid Security when the evaluation of the tender is finished and contracts are signed: to companies that have not been awarded a contract for any lot or to company/-ies who have been awarded for the total amount not exceeding USD 300,000.</p> <p>UNDP will return the original of Bid Security to companies who have been awarded for the total amount exceeding USD 300,000 after the company provides UNDP the original of Performance Security.</p>  |
| 30. | If Bid Security is issued in UAH, what exchange rate shall Bidder use for its proper calculation?  | Please convert the amount of Bid Security indicated in item #9 of the Data Sheet using UN currency rate, effective on the date of tender announcement ( <i>please refer to treasury.un.org</i> ).   |
| 31. | How should we act if at the moment of Bid submission we know that the prescription information or labeling on package will be revised (e.g., changing of manufacturer), but the Registration Certificate number will not be changed? | You must indicate this in your Bid, providing corresponding documents about planning revisions to existing registration. Such cases will be considered UNDP separately and on exceptional basis.  |

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| 32. | If lot contains 2 or 3 medications with different dosages, can we submit Bid proposal for only 1 or 2 positions of the lot? | UNDP will evaluate the proposals on the lot basis. Partial proposals for separate positions of the lots will not be accepted.                   |
| 33. | Shall we authorize every page of the Bid proposal with signature or stamp?  | No, please sign and stamp only required documents: documents in SECTIONS 4-8 (including Annex 4 and 5). Bid Security is authorized by the Bank. |