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**Minutes of the Pre-Bidding Conference for
Procurement of medicines, medical products and other products
10 March 2017, 15:00**

Le Roi Business Center, 2nd floor (29, Sfatul Tarii Str., Chisinau)

Agenda:

- I. Presentation and description of procedures
- II. Questions and answers

Presentation and description of procedures

The Pre-bidding conference was opened by *Corneliu Martiniuc, Head of Procurement Unit*, who welcomed the participants, introduced the members of UNDP team present at the meeting and shortly went through the agenda of the meeting.

Further, *Ira Cebotari, Head of UNDP Operations*, made an overall presentation of the project and the present tender, pointed out reason why UNDP Moldova is procuring medicines for the Ministry of Health. The drugs crisis from the Republic of Moldova at the beginning of 2015 determined the Ministry of Health to request the UNDP assistance in the area of procurement and supply chain management of essential medicines. This initiative aims to avoid the frauds which might be associated with public procurement, the risk of discontinuity in the drugs supply and to reduce the time and cost of delivery and improve quality of procured medicines. During 2017 UNDP will procure medicine and other health products for treatment and diagnosis of diseases included in the national and special health programs, in accordance with its corporate standards, using modern tools and transparent procurement procedures. It will also contribute to the modernization of storage of medicines, in line with international standards in the field. As a result of UNDP assistance, the most vulnerable people from Republic of Moldova will have ongoing access to quality medicines at reasonable price and in required quantities.

Also, *Ira Cebotari*, drew the attendees' attention to some important aspects about procurement rules in UNDP. UNDP operates in Moldova under an Agreement signed with the Government of RM. This does not mean that UNDP works in net accordance with the national legislation. UNDP Moldova was entitled to work in this country following the internal organizational rules. The rules set in UNDP Moldova differ from the rules followed by other International Organizations which operate in the Republic of Moldova, and also from the rules used by the Public Acquisitions Agency. It was also suggested to consult the tender's rules and conditions announced during each tender in order to make sure that bidders have a proper understanding and are aware about any updates. Ms. Cebotari also stressed out that UNDP Moldova is working under the principles announced by the UNDP Head General Quarter from New York. These principles followed during the procurement process are Best Value for Money, Transparency, Integrity, Effective open competition and Interest of the Organization. The *Transparency* principle means that the rules and the evaluation criteria are publicly announced and the competition takes place only based on the announced criteria. The results of the competition are also publicly announced, but not the evaluation process. She also pointed that the conditions of the competitions are generic and they are formulated in such way as more companies can be eligible. Also, they are as large as to allow the participation of those companies that can

assure the quality of works/services/goods required by UNDP. It was also mentioned that any conflict of interests, risks or any tentative to manipulate with the situation, are reason for disqualification without any explanation. Another important issue figured out by Ms. Cebotari was the acceptance of UNDP general terms and conditions requirement. No matter how good the offer would be, if the company does not agree with the General Terms and Conditions announced by UNDP, UNDP cannot work with such company.

At the same time, it was announced that the decisions during the evaluation process are taken based on the documentation submitted. Even though, it is known that the company has a very good reputation, but the quality of the documents presented within the competition is poor, UNDP cannot award a contract to this company.

Ms. Cebotari also, suggested addressing questions/comments in case there are any unclear issues regarding the tender documentation, but only during the competition/solicitation period until the announced deadline, because afterwards no complaints/suggestions will be considered.

Corneliu Martiniuc, Head of Procurement Unit, mentioned that a special web page was created and all the information regarding the Procurement Support Services to the Ministry of Health Project will be available online. Also, he informed the participants at the meeting that the announcements about the launch of the tender were published on national and international web sites. The entire list of medicines, medical products and other products included in the national and special programs, to be procured by UNDP in 2017, was given by the representatives of the ministry and can be found on www.md.undp.org. The medicines for the 6 out of the 8 national and special health programs will be purchased as a result of the launched tenders and products for 2 of them (National Programme for prevention and control of HIV/AIDS and STIs and National TB control program) will be purchased with the support of UNDP specialized teams, based on Long Term Agreements.

Also, Mr. Martiniuc has referred to a few important details of the application process:

- If any of the companies disagree with the results of the tender, their representatives have the right to challenge the decision taken. The complaints can be submitted to an UN specialized body (not the national legal institutions). More information on UNDP Anti-Fraud Policy and Procurement Protest can be found in all the solicitation documents.
- For example, the ITB on the procurement of medicines for Diabetes treatment has 7 LOTs and this means that each LOT can have a different winner, or one company can win more than one LOT.
- Only for this competition, for LOTs 3, 4, 5 bid securities are requested. The template can be found in section 9 of the solicitation document. National companies should provide the documents in original, international companies can send a scanned copy of the bid security by the deadline, but the original should reach UNDP Moldova within maximum 7 calendar days from the deadline of Bid Submission.
- When it comes to delays, UNDP has very specific rules, and we will charge 0.5% form the total contract amount, for each day of delay.
- The Performance Security will be requested, only for the contracts that exceed 300 000 USD.
- You can submit you bid in any currency, but in order to mitigate the currency exchange flows, we recommend you to submit the offer in USD or EUR, USD especially, as UNDP operates with this currency.
- The contract will be signed with the winner of the tender, in the currency that is specified in their bid. The payment will be done in USD or MDL, at the UN Exchange rate on day of payment.
- During the solicitation process – the communication with UNDP should be done in written form, via email. We will publish the questions (without mentioning the source) and the answers on the website.
- Bids can be submitted in both hard-copy and electronically.
- Please do respect the deadline, as the bids submitted with even a few seconds delay – won't be accepted.

- In case of public bid opening– only those who have submitted their bids, can participate at the bid opening, which will take place right after the deadline of the competition. International companies can attend the event via skype.
- In the evaluation process itself there will 3 phases: **administrative evaluation** (to check in the company has submitted all the requested documents), **technical evaluation** (capacity of the company and the compliance with the technical specifications of the items which were requested) and **lowest price** per each lot.
- During the public bid opening, we will announce the price per each lot submitted by the bidders.

Maria Lapteanu, Head of the Medicines and Medical Devices Department MoH, pointed out the main 5 standards option for the products:

A) Approved/registered by a Stringent National Medicines Regulatory Authority (SRA) as defined by WHO. Stringent Drug Regulatory Authority (SRA) means a regulatory authority participating in the International Conference on Harmonization of Technical Requirements for Registration of Pharmaceuticals for Human Use (www.ich.org). Current participants are set out below for general reference only: (a) in case of the European Union both European Medical Agency (EMA) and (b) national competent authorities are included) which is a member of the International Conference on Harmonization of Technical Requirements for Registration of Pharmaceuticals for Human Use ICH (European Union member States, Japan, United States) ; or (c) an ICH Observer, being the European Free Trade Association (EFTA) as represented by Swiss Medic, Health Canada and World Health Organization (WHO); or (d) a regulatory authority associated with an ICH member through a legally binding mutual recognition agreement including Australia, Norway, Iceland and Liechtenstein*

*) In case product is registered by SRA authorities for “export only”, UNDP will conduct additional verification of product’s compliance to the products standards.

B) Registered in Moldova and at least one successfully completed supply of this product in the similar volume in/to Moldova within the past two years (since February 2015)

C) Prequalified by World Health Organization

D) Recommended by the WHO Expert Review Panel for the Global Fund (also known as Global Fund ERP)

E) The product is being manufactured at sites with valid WHO Public Inspection Report (WHOPIR) or GMP Certificate issued by PIC/S authorities** and the 4 grouped options that are indicated in the bidding documents. Mentioning also the options for the unregistered medicines.

**) The selected Suppliers are requested to manufacture products only at manufacturing sites/units/blocks, which are certified by WHO (WHOPIR) or PIC/S GMP.

Questions and answers

Question 1: Is it possible to submit quotations, although the delivery time is longer than the one requested in the solicitation documents?

Answer: We assume that the companies will adhere to this requirement, we count a lot on the existing stocks, as the requested quantities, are not so big. We mentioned 4 weeks for the delivery term, because considering the size of our market, we were betting to get existing stocks in order to cover the demand in short time period.

Question 2: If the products are not registered in the Republic of Moldova, is it possible to have the package and the instructions in Russian or English?

Answer: Yes, the 3 accepted languages are Romanian, Russian or English.

Question 3: How will you assure the distribution of the medicines, taking into account that it can influence the quality of the products?

Answer: As a general remark, please note that UNDP is responsible for the procurement process of the medicines and until they are delivered to a certain destination in Chisinau. The distribution chain from Chisinau will be assured by the Ministry through its subordinate institutions.

Question 4: *Is there a clause in the agreement between UNDP and the Ministry of Health which allows the organization of a repeated tender in case there are no offers or the offers submitted do not comply with the technical requirements?*

Answer: The agreement between UNDP and the Ministry of Health foresees that the procurement process will be done based on the UNDP procurement policies and rules. Our regulations allow us to organize a repeated tender or to contract directly a company. We also encourage you to inform us before the deadline, if there are any criteria which cannot be met. If more companies will point out the same issues regarding the solicitation documents or criteria, we will be able to amend them, but only before the deadline. For us it is important to have a fair and successful competition. We encourage you to see this as a partnership. Also, please note that at the end of the entire process, in case your company doesn't win the competition, we will be able to provide you with comments on your application (what was not compliant in your bid).

Question 5: *What is the time frame of the agreement between UNDP and the Ministry of Health?*

Answer: The Project Document is signed for a period of 3 years, but the procurement segment is a one-time exercise (2017). The project has also the goal to strengthen the capacities of the institutions of Ministry of Health which will continue to purchase these products and ensure transparency, accountability and effectiveness of the public procurement of medicines. We are now in the first phase of the process, and we can't know how it will go. What we do know is that there is a similar experience in Ukraine, and UNDP Ukraine has been purchasing medicines for the Ministry of Health during the last few years.

Question 6: *The technical requirements for the transportation of the insulin, require date loggers, but the producer delivers the products to the distributor, with the data loggers, then the information is sent to the producer and the distributor has special vehicles with refrigerators and they do the distribution. How strict is this requirement?*

Answer: These are minimum requirements. In case there is another kind of data which can prove that the requirements are met, we can accept it as well. At the same time, we expect that the products will be directly distributed to the hospitals once customs cleared and there will be no need for local distribution.

Question 7: *Should the shelf life be specified in the bid? If the medicines are not yet produced should we specify the exact shelf life terms?*

Answer: You have to comply with the minimum requirement and as a proof you can submit a signed document confirming this. But if you deliver products which do not comply with the requirement, we will charge the performance security and we wouldn't make any payments for the provided products.

Question 8: *If there is only one bid per tender, will you evaluate the offer?*

Answer: Yes, UNDP procurement rules allow us to evaluate single offers. But we will analyze the reason why this happened and learn our lesson.

Question 9: *Who should be these top 3 clients from whom we should provide reference letters?*

Answer: You may choose 3 partners with whom you have worked before. For us it is important to be sure that you have experience in the field, with the kind of products which we plan to purchase.

Question 10: *What do you mean by 2 similar contracts? Does it have to be similar to this exercise (working with UNDP) or similar to the products?*

Answer: It is mentioned in the Section 4 of the ITB that similar contracts in terms of products are required.

Question 11: Can the unit price include the insurance costs and costs for transportation?

Answer: Yes. It is up to you the way you present the unit price. You may also separate the costs.

Question 12: Can you recommend companies which can help us with customs clearance?

Answer: Yes, please email us and we will give you a list of the companies which whom we work.

Question 13: What happens if you will receive 2 identical offers (same price, same technical specifications and same delivery period), will you award the contract to both companies?

Answer: UNDP Moldova has never received these kinds of offers before and in case this might happen, we will analyze carefully the submitted bids, especially in terms of potential collusion situation. If it will be the case, UNDP will reject both submitted bids. Additionally, we will check if both companies are authorized by the producer to sell these medical products.

Question 14: If the bids will be submitted in different currencies, how will you evaluate the offers?

Answer: All the prices will be converted to USD, at the UN exchange rate of the date of deadline.

Question 14: In the financial offers, when it comes to the price, how many digits after the comma do you accept?

Answer: We accept maximum 2 digits after the comma.