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Minutes of the Pre-Bidding Conference for
Procurement of Tests and Consumables for Transplant, Transfusion and
Immunoprophylaxis services for the Ministry of Health from Moldova
23 March 2017, 15:30
UN House Conference Room, #131, 31 August 1989 Street, 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, he 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, Mr. Martiniuc, 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. 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 Mr. Martiniuc 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.

Mr. Martiniuc 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.

It was also 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.
- The ITB has 3 LOTs and this means that each LOT can have a different winner, or one company can win more than one LOT.
- When it comes to delays, UNDP has very specific rules, and we will charge 0.5% from 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.
- 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 we demand) and **best price** per each lot.
- During the public bid opening, we will announce the price per each lot submitted by the bidders.

Questions and answers

Question 1: *Where exactly in the invitation to bid is it mentioned that you cannot submit your quotations just for a part of the lot, and that you will be disqualified if you don't bid the entire lot?*

Answer: A lot can contain more than one item, and this is the case of the lots from this ItB. The evaluation will be done per lot, including all the items. We cannot compare offers which submit bids just for several items from the lot.

Question 2: *Could you please revise LOT no. 2 and even separate the items into more LOTS, as it is almost impossible for a company to bid for the entire LOT.*

Answer: The purpose of this meeting is to also communicate with you and identify if there are any issues or challenges concerning the announced tender. We will once again analyze the distribution per LOTS and will amend the solicitation documents, if it will be the case. The amended solicitation document will be published on the website.

Question 3: *Which is the purpose of the Letter of invitation and does it represent an eligibility criteria?*

Answer: The purpose of the Letter of invitation is to include you in our data base and to send you updates related to the tender. But anyone who is intersected in the tender, can bid, even though they didn't send a letter of invitation.

Question 4: *Which delivery terms according to INCOTERMS shall be used?*

Answer: DAP Chisinau (deliver at place) and the vendor/supplier will be responsible for the custom procedures, but UNDP will offer the necessary documents for this purpose.

Question 5: *Which requested documents shall be submitted in original?*

Answer: None of the documents should be submitted in original, a stamped copy of it is enough. But, if any document will seem suspicious, we will request the original document.

Question 6: *What kind of audit reports do we have to submit?*

Answer: For local companies – you can submit the same report, which you submit to the National Bureau of Statistics, by the 31st of March and they have to be stamped by NBS. For international companies – reports are different, as they are regularly audited.

Question 7: *What if the company was registered in the last 3 years, does it mean that the bid submitted by the company will be disqualified from the beginning, even though the company is the representative of a large manufacturer, who has the necessary experience?*

Answer: First of all we will verify the date when the company was registered, which is mentioned in the certificate of registration. But we will also verify if the company has enough years of experience in the field, even though it was registered a long time ago. At the same time, we will check what kind of contractual relationships there are between the 2 companies, as there is a difference between being a representative of the company and the existence of a consortium between the 2 entities, please refer to the point 19 from the Section 2 – Instruction to Bidders for more details.

Question 8: *Will you be able to provide your bank details (this was a question from an international company)?*

Answer: Yes, if you need the bank details of UNDP, please email us and we will provide the necessary information.

Question 9: Will you assist the supplier in delivering the goods to Chisinau?

Answer: We can assist you by providing custom letters. For other, more complex procedures, we recommend you to hire a broker company, who will help you with it.