

## **OPEN PROCEDURE FOR PURCHASE OF TELEMEDICINE EQUIPMENT FOR CAPE VERDE, JN2805/2013**

MODIFICATIONS TO THE TENDER DOCUMENTATION for tender Purchase of Telemedicine Equipment for Cape Verde (supply of goods) - ITF-2013/CAPE VERDE/SLO published on 12.03.2013. Please click [HERE](#) to see modification that must be considered when filling the bid.

*Tender documentation is available free of charge and is published on public procurement portal, under reference number JN2805/2013 (<http://www.enarocanje.si/?podrocje=pregledobjave&lzpObrazec=271549>) as well as on ITF webpage. To access full tender documentation please click [HERE](#).*

Contracting Authority: ITF Ustanova za krepitev človekove varnosti / ITF Enhancing Human Security, Zabrv 12, 1292 Ig, Slovenia

Subject matter of the public procurement: Purchase of Telemedicine Equipment for Cape Verde (supply of goods)

Public procurement reference number: ITF-2013/CAPE VERDE/SLO

Type of procedure Open procedure according to Article 25 of the Public Procurement Act (ZJN-2)

### **INSTRUCTIONS TO THE BIDDER**

#### **1. GENERAL INFORMATION**

According to Article 25 of the Slovenian Public Procurement Act (hereinafter: "ZJN-2") (Official Gazette of the Republic of Slovenia no. 128/2006, 16/2008, 19/2010, 18/2011, 43/2012, 90/2012, 12/2013) the Contracting Authority invites bidders to submit their written bids in accordance with this tender documentation.

The tender presents an addition to the initiation of Integrated Telemedicine and e-Health Program for Cape Verde which shall significantly contribute to the overall improvement of health system and medical services provided in the country. The Program falls within the Development Cooperation Program between Republic of Cape Verde and Republic of Slovenia (hereinafter "Program") that has, through the Ministry of Foreign Affairs, provided donation to the Contracting Authority for implementation of the Program. Within Phase 1 of the Program in year 2012, Contracting Authority has executed first part of equipment procurement, where through an open tender procedure under the public procurement reference number ITF-2012/CAPE VERDE/SLO, first 6 hospitals were provided with the above mentioned equipment and services.

The subject of this procurement is the purchase of telemedicine equipment according to the tender documentation ([Form Technical requirements](#)) for hospitals in the Republic Cape Verde, which constitute Phase 2 of the Program, i.e. for the additional 4 hospitals, that will together with 6 hospitals that were successfully equipped in year 2012, constitute an integrated telemedicine network in Cape Verde as anticipated with the project, by connecting all 9 inhabited islands.

Once fully established in all 10 hospitals, the integrated telemedicine network in Cape Verde could be used for every possible clinical problem and would enable medical tele-consultations /assistance to remote sites, continuous medical education, research and international collaboration with institutions worldwide through the usage of installed sophisticated telemedicine equipment and gained knowledge.

The Contracting Authority invites all bidders to submit their written bids in accordance with this tender documentation, according to Article 25 of the Public Procurement Act (ZJN-2).

The public procurement is not divided into lots.

#### **2. THE TENDER DOCUMENTATION AND THE BID**

Tender documentation consists of the following forms:

1. Instructions to Bidders;
2. Form Envelope;
3. Form Application;
4. Form Contract sample;
5. Form Technical Requirements;

6. Form Subcontractor data and consent for direct payments;
7. Form Bid Bond – sample;
8. Form Performance bond – sample;
9. in addition, tender documentation also includes any amendments, additions and corrections of the tender documentation, as well as additional clarifications or interpretations, which are made available in the same manner/place/web-address as the tender documentation.

The bid shall include all the documents listed below, which must be duly filled-in:

1. filled-in Form Envelope, stuck on to the outer (physical) envelope of the bid;
2. filled-in and signed Form Application;
3. filled-in and signed Form Contract Sample;
4. filled-in and signed Form Technical requirements;
5. filled-in and signed Form Subcontractor data and consent for direct payments (if the Bidder acts with subcontractors);
6. Bid Bond - original bank guarantee, which shall not deviate from the sample provided in Form Bid Bond;
7. filled-in and signed Form Performance bond;
8. Bidder's Invoice with specifications (it shall be evident from the Invoice with specifications or Technical documentation that all technical requirements are fulfilled. Also the price of every single item offered shall be evident);
9. Bidder's Technical documentation of the equipment offered;
10. documents listed under Point 6.2 of these Instructions (except for the forms already mentioned above, which need not be enclosed again);
11. in case the Bidder acts as a party in a joint venture or a consortium of Bidders, the contract shall be enclosed (i.e. a Partnership Agreement) stipulating how the public contract awarded within this public procurement procedure will be executed, specifying, in particular, the leading partner authorized to assume from the Contracting Authority obligations, instructions, and possibly payments on behalf of and for the account of all the partners, and the share and type of services to be performed by each individual partner. The Agreement shall clearly stipulate that in relation to the Contracting Authority, all the partners are jointly and severally liable for the entire obligation and each part of it.

In the above listed documents, the Bidder shall fill-in the required information in empty white fields. If the Bidder fails to fill-in certain fields and the missing data do not relate to the price or technical specifications of the subject-matter of the public procurement, the Contracting Authority will consider such bid as a formally incomplete and will, in accordance with the Article 78 of ZJN-2, invite the Bidder to amend its bid or correct the error itself in case the error is formally insubstantial.

The Bidder shall, upon the receipt of the Contract, return the signed Contract to the Contracting Authority in 10 days at the latest. When objective grounds exist that prevent the selected Bidder to follow the aforementioned deadline, the Contracting Authority may agree to extend this deadline.

### **3. BID VALIDITY, LANGUAGE OF THE BID, FORM, VARIANTS AND OPTIONS, BID BOND**

#### Language of the bid

The bid shall be drafted in English or Slovenian language. All the documents in the bid shall be in English or Slovenian language.

#### Form of the bid

The bid shall be submitted in a written form. Bid documentation shall be filled-in and printed, typed out or written in indelible ink. The appropriately marked parts of bid documentation shall be signed by the Bidder's statutory representative or other person authorized to conclude contracts of the estimated type, value and extent.

The Bidder shall seal the bid documentation in one outer envelope (while in case of a large bulk of documentation, it shall place it into several outer envelopes, which shall be appropriately numbered). It is appreciated if the forms and documents are inserted in a folder and separated by dividers to make it easier to review the bid.

#### Validity of the bid

The bid must be valid at least until May 31, 2013, which the Bidders shall confirm by signing the Form Application.

#### Bid bond

The bidder has to submit in the bid the original Bid Bond, issued by a bank, which shall not deviate from the sample provided in the Form Bid Bond. Bid Bond has to be issued in the amount of 5.000,00 EUR and has to valid by May 31, 2013.

#### Bid costs

All costs associated with the preparation and submission of the bid shall be borne by the Bidder.

#### Variant bids

Variant bids are not permitted.

#### Options

Options are not permitted.

#### Acting as a joint venture or a consortium

A group of economic operators are allowed to submit the bid as a joint venture or a consortium. In doing so, the group of economic operators is not required to assume a specific legal form. However, the group shall submit a Partnership Agreement, stipulating how the public contract awarded within this public procurement procedure will be executed. Point 7.1 Conditions of these Instructions stipulates whether, in case of a joint bid, a particular condition shall be fulfilled by each economic operator in a joint venture/consortium individually or by all the economic operators together.

The economic operator acting in more than one bid, regardless of whether he acts individually or as a partner in a joint venture/consortium, disqualifies all the bids, in which he acts. Such bids will be regarded as incomplete.

#### Acting with the subcontractors

In a subcontracting relationship the principal economic operator transfers the execution of the whole or a part of the awarded public contract to a third party, namely a subcontractor. The definition of a subcontractor is provided in Article 2, Paragraph 1, point 15a of the Public Procurement Act (ZJN-2).

In public procurement contracts, whose execution is partially or wholly transferred to subcontractors, the Bidder shall authorize the Contracting Authority to make direct payments to the subcontractor on the basis of the invoice, while the subcontractor is obliged to give his consent for direct payments. Payment terms for principal economic operator and his subcontractors are the same. Bidder, who intends to execute the public procurement contract by relying on subcontractors, shall stipulate state the required information in the Form Subcontractor data and consent for direct payments. Subcontractor data are a necessary requirement of the public contract and direct payments to subcontractors are mandatory pursuant to the Public Procurement Act.

Regardless of the number of the subcontractors, only the principal economic operator (the Bidder) is liable to the Contracting Authority for the obligations, which he undertakes in this public procurement.

## **4. SUBMISSION AND PUBLIC OPENING OF BIDS**

#### Submission of the bid

Deadline for the submission of the bid is **March 25, 2013 by 11:00 CET**.

The bid must be delivered to the following address: ITF Ustanova za krepitev človekove varnosti / ITF Enhancing Human Security, Zabrva 12, 1292 Ig, Slovenia.

#### Modifications and withdrawal of bids/applications

If the formal bid is formally incomplete, the Contracting Authority shall, according to Article 78 of the Public Procurement Act (ZJN-2), allow and enable the bid to be completed. The Contracting Authority will demand for the bid to be completed only if the Contracting Authority is unable to acquire the missing information from public records. If the bid is not completed in due time as defined by the Contracting Authority, the Contracting Authority shall exclude the bid from further negotiations.

The Bidder shall, at the Contracting Authority's request submit the data stated below in the process of awarding the public procurement procedure or executing the contract within 8 days:

- Information regarding the Bidder's founders, partners, including silent partners, shareholders, limited partners or other owners and information about the shares of such persons,
- Information on entities, which are according to the provisions of the law governing companies are considered to be associated with the Bidder.

The Bidder may modify or withdraw his bid by way of a written notice which must be delivered to the above address prior to the deadline for the submission of bid. In case of a withdrawal, the bid will be returned to the Bidder unopened.

The Bidder's notice of modification or withdrawal of the submitted bid shall be prepared, sealed, marked, and submitted in the same manner as the bid itself, except that the boxes before the words »MODIFICATION« or »WITHDRAWAL« shall be checked on the Form Envelope instead of »BID«.

#### Public opening of bids

Public opening of bids shall take place on March 25, 2013 at 12:00 CET, at the address ITF Ustanova za krepitev človekove varnosti / ITF Enhancing Human Security, Zabriv 12, 1292 Ig, Slovenia.

If attending public opening, Bidders' representatives shall bring a valid Power of Attorney to the bid opening session.

### **5. CONFIDENTIALITY OF TENDER DOCUMENTATION**

The Bidder is bound to permanently protect all the data and information revealed either in the public procurement procedure or in the following contractual relationship with the Contracting Authority as business secrets, which refers to all data and information accessible in connection with the activities under this public procurement procedure or in other ways. The Bidder will not disclose any of these data or information to third parties without prior explicit written consent of the other contracting party.

The Bidder is also bound to protect business secrets of the Contracting Authority, which are as such defined by law or internal acts of the Contracting Authority and that it won't disclose such business secrets to third parties without prior explicit written consent of the Contracting Authority.

The exception from the duty to protect business secret relates to information, of which disclosure is mandatory under legislation as well as to data and information of which the disclosure is necessary for conducting activities under the contract. The contracting parties are bound to consult each other in order to define the excluded data and determine towards which person(s) such exclusions apply.

The Bidder may mark the documents containing personal information, which are not accessible in public records or in any other way and other business information, deem confidential under legislation or internal acts. The Contracting Authority shall consider provided documentation as confidential, if marked in the upper right corner with words "CONFIDENTIAL" or "BUSINESS SECRET". Should only specific information in a document or form be considered confidential, such information should be underlined with red colour, with the words "CONFIDENTIAL" or "BUSINESS SECRET" to be written in the same line.

Should the tender documentation be marked as confidential unfounded, the Contracting Authority shall demand from the Bidder to remove the marks "CONFIDENTIAL" or "BUSINESS SECRET". If the Bidder does not comply with such demand, the Contracting Authority may remove the confidentiality marks itself.

### **6. ELIGIBILITY EXAMINATION**

The Contracting Authority will grant eligibility to the Bidder if the Bidder complies with the conditions as described below.

6.1 Conditions	6.2 Documents establishing that the conditions have been complied with
<p>1. The Bidder or its legal representative, in case the Bidder is a legal person, has not been convicted by a final judgment for any of criminal offences (listed in the paragraph one and two of Article 42 of the Public Procurement Act (ZJN-2), implementing Article 45(1) of Directive 2004/18/EC).</p> <p>(in case of a joint venture/consortium of bidders, this condition shall be met by each of the economic operators)</p>	<p>With regard to Bidder established in the Republic of Slovenia and all their legal representatives this statement shall be supported by certificates on criminal records or <u>appropriate</u> power of attorney.</p> <p>Bidder (or consortium members) not established in the Republic of Slovenia shall supply evidence to such statement (for business entity and their representatives) by providing a respective document issued by the competent national authority. If the country in which the Bidder is established does not issue such documents, the Bidder shall issue a respective declaration under oath, confirmed by or provided at a judicial or administrative authority, a notary or a competent professional or trade organisation of the country in which the Bidder, consortium member, or individual is established.</p>
<p>2. The Bidder has paid and fulfilled all its obligations due to its subcontractors in previous public procurement procedures.</p> <p>(in case of a joint venture/consortium of bidders, this condition shall be met by each of the economic operators)</p>	<p>The Bidder establishes compliance with this condition by signing the statement in the <u>Form Application</u>.</p>
<p>3. The Bidder is not listed in the record of Bidders with negative references, kept by the Ministry of Finance of the Republic Slovenia.</p> <p>(in case of a joint venture/consortium of bidders, this condition shall be met by each of the economic operators)</p>	<p>The Bidder establishes compliance with this condition by signing the statement in the <u>Form Application</u>.</p>
<p>4. The Bidder is not in any compulsory or winding up procedure.</p> <p>(in case of a joint venture/consortium of bidders, this condition shall be met by each of the economic operators; in case of bidder's intention to carry out the public procurement with a subcontractor the condition shall be met by each subcontractor)</p>	<p>The Bidder establishes compliance with this condition by signing the statement in the <u>Form Application</u>.</p> <p>The subcontractor establishes the compliance with this condition by signing the statement in the <u>Form Subcontractor data and consent for direct payments</u>.</p>
<p>5. The Bidder has fulfilled all its due obligations (i.e. has no obligations exceeding 50 EUR) regarding payment of social security and other contributions in accordance with statutory provisions of the country where the Bidder has its head office or the provisions of the country of the Contracting Authority settled on the day of deadline for the submission of bid.</p> <p>(in case of a joint venture/consortium of bidders, this condition shall be met by each of the economic operators; in case of bidder's intention to carry out the public procurement with a subcontractor the condition shall be met by each subcontractor)</p>	<p>The Bidder establishes compliance with this condition by signing the statement in the <u>Form Application</u></p> <p>The subcontractor establishes compliance with this condition by signing the statement in the <u>Form Subcontractor data and consent for direct payments</u>.</p>
<p>6. The Bidder has fulfilled all its due obligations (i.e. has no obligations exceeding 50 EUR) regarding the payment of taxes in accordance with statutory provisions of the country where the Contracting Authority has its head office or the provisions of the country of the Bidder settled on the day on which the deadline for the submission of bid expires.</p> <p>(in case of a joint venture/consortium of bidders, this condition shall be met by each of the economic operators)</p>	<p>The Bidder establishes compliance with this condition by signing the statement in the <u>Form Application</u>.</p> <p>The subcontractor establishes compliance with this condition by signing the statement in the <u>Form Subcontractor data and consent for direct payments</u>.</p>
<p>7. The Bidder has not been convicted by a final judgement for any offence in relation with his occupational activities neither can the Contracting Authority prove to the Bidder a serious expert mistake or serious breach of occupational rules.</p>	<p>With regard to Bidder established in the Republic of Slovenia and all their legal representatives this statement shall be supported by certificates on criminal records or <u>appropriate</u> power of attorney.</p>

(in case of a joint venture/consortium of bidders, this condition shall be met by each of the economic operators)	Bidder (or consortium members) not established in the Republic of Slovenia shall supply evidence to such statement (for business entity and their representatives) by providing a respective document issued by the competent national authority. If the country in which the Bidder is established does not issue such documents, the Bidder shall issue a respective declaration under oath, confirmed by or provided at a judicial or administrative authority, a notary or a competent professional or trade organisation of the country in which the Bidder, consortium member, or individual is established.
8. The Bidder has provided all information according to Article 41 – 49 of the Public procurement act (ZJN-2) in this or previous public procurement procedures and has never intentionally provided the Contracting Authority with misleading explanations or has obtained from providing any required information.	The Bidder establishes the compliance with this condition by signing the statement in the <u>Form Application</u> .
9. As of 1 January, 2008, the Bidder has successfully supplied similar equipment to at least 3 different clients. Contractual value of equipment supplied to each client must exceed 100.000,00 EUR excluding VAT. The Contracting Authority shall deem any equipment that meets the requirements laid out by <u>Form Technical requirements as similar equipment</u> .	The Bidder establishes the compliance with this condition by filling-in the <u>Form Application, point 1.3. Reference projects</u> .
(in case of a joint venture/consortium of bidders, this condition can be met by one of the economic operator)	
10. The Bidder has not had any unpaid obligations in the last 6 months.	The Bidder establishes compliance with this condition by providing an appropriate BON form (i.e. es.BON), which shall not be older than 30 days from the deadline for the submission of the bid.
(in case of a joint venture/consortium of bidders, this condition shall be met by each of the economic operators)	
11. All offered equipment must be fully compatible with existing Polycom H.323 infrastructure in Cape Verdean Telemedicine network (RMX2000, CMA4000, RSS4000) and Polycom H.323 terminals (HDX7000, CMA Desktop, RP Mobile) in terms of video, audio and communication protocols interoperability.	The Bidder establishes the compliance with this condition by filling-in the <u>Form technical specifications</u> .
(in case of a joint venture/consortium of bidders, this condition shall be met by each of the economic operators )	
12. Installation and training shall be provided by people certified by producer of the equipment.	The Bidder establishes the compliance with this condition by signing the statement in the <u>Form Application</u> .
(in case of a joint venture/consortium of bidders, this condition can be met by one of the economic operator)	

All documents submitted shall reflect current situation unless if explicitly required that a document shall covers a particular period or is dated no later than a particular date. The documents needed to establish the eligibility conditions may be submitted as photocopies, unless stated otherwise. The Contracting Authority may subsequently require a submission of original document if the authenticity of photocopies is questionable.

The Contracting Authority may request the submission of documents establishing the eligibility conditions or the authorization to acquire such documents itself at a later date, if they form a part of an official record (i.e. after the bids have been opened and reviewed). In such case, the Contracting Authority shall ask the Bidder to submit within a specified time limit all the documents needed to establish whether the conditions have been fulfilled. If the Bidder fails to submit the documents, authorizations, or documentary evidence in due time or if it submits the documents, authorizations, or documentary evidence that do not comply with the Contracting Authority's requirements, the Contracting Authority will reject its bid as incomplete.

## 7. PRICE AND TERMS OF PAYMENT

All prices must be in EUR (excluding VAT) and must include all costs and eventual discounts, so that the Contracting Authority is not burdened with any additional costs in connection to the tender subject. If the bid includes any discount,

it must be included in the tender offer in Form Technical specifications (the discount is considered to include all prices per unit). All offered prices are fixed and cannot be modified after the execution of the contract.

Offer in EUR (excluding VAT) shall include all costs for equipment procurement, together with transportation to final destinations, installation, testing of equipment and on-site training of users at every institution as defined in the »Distribution« column of Form Technical specifications.

The project is financed by the Republic of Slovenia through the Contracting Authority (ITF) and based on the Agreement signed between Governments of Cape Verde and Slovenia, the Contractor will be exempt from paying taxes (VAT), custom charges and duties.

## 8. EVALUATION OF BID

The Contracting Authority will select the bid according to the award criteria, which is the **lowest price in EUR excluding VAT** (the price is evident from Article 4 of Form "Contract Sample").

The Contracting Authority reserves the right to reject the bids in accordance with paragraph 3, Article 80 of Slovenian Public procurement act (ZJN-2).

## 9. AVAILABILITY OF TENDER DOCUMENTATION

Tender documentation is available free of charge and is published on public procurement portal ([www.enarocanje.si](http://www.enarocanje.si)), as well as ITF webpage (<http://www.itf-fund.si> - Tenders).

### Additional clarifications

Bidders may submit their questions via public procurement portal. The Contracting Authority is not obliged to answer the questions not asked in the above manner.

### Deadline for the submission of the questions

Deadline for the submission of questions is: March 18, 2013 12:00 CET. The Contracting Authority will answer all the questions by March 20, 2013 12:00 CET at the latest.

## 10. LEGAL REMEDIES

Legal remedies in the public procurement process are enabled in accordance with the Legal Protection in Public Procurement Procedures Act (ZPVPJN, UL RS 43/2011).