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**To Bidder of procedure for
 “Procurement of instruments for
 chemical and bacteriological water and
 wastewater laboratory”,
 Tender No.: TER-ICB-06**

According to para 7.1 Section I. “Instructions to Bidders” (ITB), Utility Company “Ternopilvodokanal” provides answers to requests for clarification of tender procedure for “Procurement of instruments for chemical and bacteriological water and wastewater laboratory”, Tender No.: TER-ICB-06:

Question	Answer
<p>1. Section I. Instructions to Bidders. 14. Bid Prices and Discounts described next requirements: <i>“... For Goods manufactured outside the Purchaser’s Country, to be imported:</i> (i) <i>the price of the Goods, quoted CIP named place of destination, in the Purchaser’s Country, as specified in the BDS;</i> (ii) <i>the price for inland transportation, insurance, and other local services required to convey the Goods from the named place of destination to their final destination (Project Site) specified in the BDS...”</i></p> <p>The requirements above could not be applied to the Ukrainian company since taxes, duties, mark-ups which are the parts of the price of the Goods are not indicated in the appropriate Price Schedule Form (For the Goods to be imported).</p> <p>Meanwhile, the table “Price Schedule: Goods Manufactured Outside the Purchaser’s Country, already Imported*” contains all fields required for that. Could Bidder use this table as a template for Goods which are going to be imported? Could Bidder indicate estimated taxes and duties therein?</p>	<p>1. Price Schedule: Goods Manufactured Outside the Purchaser’s Country, to be Imported should apply international Suppliers which supplies Goods outside the Purchaser’s Country on the CIP terms. Any Ukrainian company, which propose foreign-manufactured Goods should use Price Schedule: Goods Manufactured Outside the Purchaser’s Country, already Imported, because such Goods will be supplied from territory of Ukraine and already imported and cleared by the Supplier. This requirements provided by Standard Bidding Document for Procurement of Goods by the World Bank rules and procedures. So there are some Sections which contain provisions that are to be used without modification.</p>
<p>2. Could you clarify what does it means – “Goods Manufactured Outside the Purchaser’s Country, already Imported” (Section IV. Bidding Forms. Price Schedule: Goods Manufactured</p>	<p>2. All Goods shall be submitted according to Table 1. List of Goods and Delivery Schedule (Section VII. Schedule of Requirements, PART 2 – Supply</p>

<p>Outside the Purchaser's Country, already Imported*)?</p> <p>Must be Goods be presented at the time of submission of the Bid or when the contract will be signed?</p>	<p>Requirements) and according to this Bidding document.</p> <p>It is not required to presented Goods at the time of submission of the Bid or at the time of contract signing.</p>
<p>3. Bidding document includes 3.1 Postqualification Requirements (ITB 36.1):</p> <p><i>“(b) If Bidder is not manufacturer: If a Bidder is not a manufacturer, but is offering the Goods on behalf of the Manufacturer under Manufacturer's Authorization Form (Section IV, Bidding Forms), the Manufacturer shall demonstrate the above qualifications (i), (ii), (iii)...”</i></p> <p><i>Could Bidder provide information about financial capability and experience and technical capacity of Good's Manufacturer in freestyle form? Some requirement information in confidential so could Bidder provide only with information which is public?</i></p>	<p>3. This requirements provided by Standard Bidding Document for Procurement of Goods which has been prepared by the World Bank. So there are some Sections which contain provisions that are to be used without modification. The Bidder provide available information in freestyle form (for example in the form of financial statements for a certain period)</p>
<p>4. According to you answer №2 of clarification №1</p> <p><u>Question:</u></p> <p>“2. Section 1.4 Submittals. “The following document shall be submitted together with the supplied Goods: ... b) Certificate of Metrological Attestation issued by SE “Ukrmetrteststandard” under Law of Ukraine No.113/98-BP “On Metrology and Metrological Activities” [available online at http://zakon0.rada.gov.ua/laws/show/113/98-BP] and Order No.100 “On Approval of the Procedure of Form and Issue of Type Approval Certificates for Measuring Instruments, Compliance Certificates of Measuring Instruments and Type Acknowledgement Certificates of Measuring Instruments” of the State Committee of Standardization, Metrology and Certification of Ukraine dated 19.02.2002 for the following measuring instruments:...” <i>The mentioned certificates can be made available after installation of equipment. So could you allow to provide Goods these documents after installation and testing procedures?”</i></p> <p><u>Your answer:</u></p> <p>“According to article 11 para 2, 4. of the Law of Ukraine № 113/98-BP “On Metrology and Metrological Activities” [available online at</p>	<p>4. Supplied Goods should be in the State Register of Measuring Devices and also together with the supplied Goods Bidder should perform Metrological attestation of the measuring devices</p> <p>According to Article 27 Law of Ukraine № 113/98-BP “On Metrology and Metrological Activities” [available online at http://zakon0.rada.gov.ua/laws/show/113/98-BP] measurement instruments which are not intended for serial production in Ukraine or for import into the territory of Ukraine by batches for which expand State Register should have State Metrological attestation.</p>

<http://zakon0.rada.gov.ua/laws/show/113/98-BP> must provide extract from the State Register of Measuring Instruments of Ukraine

In order not to take risks in making the registration of the device to the State Registry and passing attestation of Measuring Instruments, please supply registered and certified instruments.

Registration of insertion Measuring Instruments in the Registry gives the right to import and use these instruments on the territory of Ukraine, and State Attestation gives the right to operate a certain instrument.”

According to Law of Ukraine № 113/98-BP “On Metrology and Metrological Activities” [available online at <http://zakon0.rada.gov.ua/laws/show/113/98-BP>] measurement instruments which are imported by batches must be included in State Register of Measuring Instruments of Ukraine; in order cases (Article 27) metrological; attestation should be performed.

Thus including to the State Register and Metrological attestation are self-excluding procedures and only one of them should be applied to the imported devices.

Please confirm that the either the equipment should be in the State Register of Measuring Devices or Bidder should perform Metrological attestation of the measuring devices.

5. 1) According to requirements of Atomic Absorption Spectrometer (Section VII. Schedule of Requirements. 2. Specific details, technical standards and performance parameters) it is necessary to have a flame vibration sensor.

Different manufacturer produce Atomic Absorption Spectrometer with different function for stabilization of flame. Only one producer proposes module like “flame vibration sensor”- it is like construction feature of specific producer. Strong requirements to have flame vibration sensor discriminate participants. So could Bidder propose Atomic Absorption Spectrometer with alternative module, function and design for stabilization of flame against vibrations?

2) Section 2. Item № 13, Atomic Absorption Spectrometer

Different manufacturers use different materials for burners of atomic absorption spectrometers. For

5. 1) Bidder could propose Atomic Absorption Spectrometer with alternative module, function and design for stabilization of flame against vibrations but preference will be given for a Bidder which proposed module like “flame vibration sensor”.

2) In specific details, technical standards and performance parameters has been written the Atomisers – titanium burner which is necessary for Atomic Absorption Spectrometer, so we think that there is no

<p>example, Incoloy can be used in a wide temperature range (including high temperatures) and successfully used in many atomic absorption spectrometers. We ask to remove this item from table or change it to «Atomisers – titanium or incoloy burner».</p> <p>3) Section 2. Item № 13, Atomic Absorption Spectrometer</p> <p>Different manufacturers use different system of safety of atomic absorption spectrometers. We ask to remove this item from table or change it to «spectrometer must include safety system which prevent flame ignition in dangerous or uncontrolled situations».</p>	<p>purpose for changing burner material.</p> <p>3) Bidder could propose Atomic Absorption Spectrometer with alternative module, function and design for stabilization of flame against vibrations but preference will be given for a Bidder which proposed module like “flame vibration sensor”.</p>
<p>6. Section 2. Item # 15, Gas Chromatograph</p> <p>In accordance to international and national regulation, determination of chlorinated compounds in water require usage of headspace sampler.</p> <p>Please, specify if the headspace sampler is required in scope of delivery, as it is not indicated in specification.</p>	<p>6. Autosampler is necessary for device completion, which has been written.</p>

Best regards,

Volodymyr Kuzma
Director of Utility Company
"Ternopilvodokanal"