



Ternopil City Council
Utility Company
“Ternopilvodokanal”

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To Bidder of procedure for
“Procurement of automotive equipment”,
Tender No.: TER-ICB-07

According to the requirements of clause 7.1 Section I. “Instructions to Bidders” (ITB), Utility Company “Ternopilvodokanal” provides answers to requests for clarification of tender procedure for “Procurement of automotive equipment”, Tender No.: TER-ICB-07:

Question	Answer
<p>1. Paragraph ITB 20.2 regulates that the written confirmation of authorization to sign on behalf of the Bidder should be provided and consisted of:</p> <p>Notarized Power of Attorney or notarized Order of Appointment etc.</p> <p>Is it acceptable if our Tender Bid will contain the original of the Power of Attorney (please, find the form enclosed)?</p> <p>If it is not acceptable, please clarify what do you mean under the notarized Power of Attorney.</p>	<p>1. Confirmation of the authority of the signatory must be given according to the requirements of clause 20.2 of ITB, in other words the original of power of attorney should be notarized. Notarized power of attorney means a power of attorney for signing the bid issued on behalf of the company by the authorized person (director), and notarized.</p>
<p>2. Section III, paragraph 3.1 (postqualification requirements LOT-1 (TER-ICB-07L1) regulates that the Bidder should have at least two (2) successfully completed contracts for supply of similar goods during the last three (3) years each in amount not less than US\$ 170 000 (one hundred and seventy thousand US dollars).</p> <p>Is it necessary to enclose copies of successfully completed contracts with the accurate English translation of them as an evidence?</p>	<p>2. In accordance with the requirements of clause 10.1 Bid Data Sheet (BDS) bidding documents № TER-ICB-07 language of the bid is English. But, as the buyer's country is Ukraine then copies of successfully completed contracts can be submitted without translation if such contracts have been signed in the Ukrainian language.</p>
<p>3. Ask to break down Lot-1 (TER-ICB-07L1) into two different lots - #1 two (2) Medium Power Excavators and #2 one (1) Low Power Excavator. Description of Low Power Excavator clearly shows that only JCBICX excavator fits those requirements. As you know, there is only one manufacturer that produces such machines - JCB. Combining this Low Power Excavator with 2 Medium Power Excavators in one Lot clearly kills all the other bidders except for those who represent JCB. There is only one official distributor of JCB Construction in Ukraine, which means that only one bidder has chances to win this lot.</p>	<p>3. It is formed in one lot because that is the same type equipment. There are a lot of sufficient number of manufacturers whose products satisfies the requirements of this bidding documents on the market.</p>

4. In p. 2.1 Specifications for Supply of Medium power Excavator, p. 2.1.2 Technical Specifications, please change following points that clearly indicate characteristics of JCB excavator and discriminate other producers:

- **3. Diesel engine with turbocharging:**

- instead of "full capacity not less than 90 HP with a maximum torque of no less than 400 Nm"
- please state: "full capacity not less than 86 HP with a maximum torque of no less than 400 Nm".

- **5. Fuel tank capacity:**

- instead of "at least 160 liter"
- please state: "at least 140 liter".

- **8. Hydraulic system:**

- instead of "full productivity: at least 140 l/min"
- please state: "full productivity: at least 123 l/min".

- **8. Hydraulic system:**

- instead of "pressure: at least 250 bar"
- please state: "pressure: at least 210 bar".

- **2.1.3 Equipment and Tools:**

- instead of "Hydraulic hammer (new, from the same manufacturer with the medium power excavator), weighing not more than 400 .kg"
- please state: "Hydraulic hammer (new), weighing not more than 400 kg"

4. These specifications are important for the company from the point of view of operation. In particular, is a logical and completely reasonable to require tools (hammer) which were made by the manufacturer of the proposed excavator.

5. In table "Price Schedule: Goods Manufactured Outside the Purchaser's Country, already Imported*", column 11, we need to put there sales and other taxes PER ITEM, not PER LINE ITEM and amount of these taxes is not counted in column 12 Total Price. Will you pay us if we get award total price including sales and other taxes? Where is it indicated in bidding documents?

5. In column 11 Price Schedule "Price Schedule: Goods Manufactured Outside the Purchaser's Country, already Imported*" shall be indicated Sales and other taxes paid or payable per item, and in column 12 Price Schedule "Price Schedule: Goods Manufactured Outside the Purchaser's Country, already Imported*" shall be indicated sum of prices: Price per line item net of Custom Duties and Import Taxes paid and Price per line item for inland transportation and other services required in the Purchaser's country to convey the goods to their final destination, as specified in BDS. For determination successful Bidder with the lowest evaluated bid will be used comparison of Bids according to the requirements of clause 35.1 ITB. And also prices quoted by the Bidder shall be fixed during the Bidder's performance of the Contract according to the requirements of clause 14.5 ITB.

6. In Bidder Information Form you ask us to attach copies of Articles of Incorporation and/or documents of registration of the legal entity. Is it necessary to attach both documents? Is it necessary to translate them in English?

6. In accordance with the requirements of clause 7 Bidder Information Form is clearly indicated about attached Articles of Incorporation (or equivalent documents of constitution or

association), **and/or** documents of registration of the legal entity

As in accordance with the requirements of clause 10.1 BDS bidding documents № TER-ICB-07 language of the bid is English. 10.1. Therefore the Bid, as well as all correspondence and documents relating to the bid exchanged by the Bidder and the Purchaser, shall be written in the language specified in the BDS.

Best regards,

Volodymyr Kuzma
Director of Utility Company
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