

Call for tenders' details

Title: Call for tenders SANTE/2020/C3/018 for the supply of medical equipment to support the breathing of patients with suspected or confirmed novel coronavirus (COVID-19)

Start date: 17/03/2020

Time limit for receipt of tenders: 26/03/2020

Contracting authority: European Commission, DG Health and Food Safety (SANTE)

Status: Closed

Call for tenders question list

#	Submission date	Publication date	Question subject	Question	Answer
R/1	20/03/2020 08:26	20/03/2020 10:48	Tender Questions 1 - GE Healthcare	Dear Sir or Madam, we would like to raise the following questions: 1. Is the joint public procurement by EU Commission in addition or as a replacement of the various tenders that have been published by EU Member States over the past weeks ? 2. The sum of 30+ files to provide with the tender response is very heavy and size compacting applications may not structure properly as e mail attachment, could we use the Ted eTendering platform to submit our offer? Sincerely yours, GE Healthcare	20/03/2020 1) This tender to which you have been invited stands on its own and does not replace any other initiatives that may be currently active. 2) If necessary, please send the documents for the same tender through separate emails. Please clearly indicate in the title of the email to which tender it relates (e.g. 'part 1 out of 3 for tender...'). Tenderers willing to submit tenders for more than one lot need to submit a separate technical and financial offer for each of the lots in which they are interested. The tenders for different lots can be sent in one email or through separate emails.

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R/2	20/03/2020 14:23	20/03/2020 16:13	Tender Question 2 - GE Healthcare	Dear Sir or Madam, on Thursday (19/3), the European Commission announced the creation of a strategic rescUE stockpile of medical equipment such as ventilators ... to help EU countries in the context of the COVID-19 pandemics. We would like to understand whether the equipment for this stockpile will be taken out of the joint procurement of this tender or in addition. Sincerely yours, GE Healthcare	20/03/2020 This tender to which you have been invited stands on its own and does not replace any other initiatives that may be currently active. In other words, it is independent from the stockpile that you mention.

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R/3	21/03/2020 15:38	21/03/2020 19:48	Annexes to be filled-in	<p>1) Please confirm that "Annex 2" which is part of documents • "2-Part 1 admin+specification+Ares(2020)1619955.pdf" pages 31-39 and document • "4-Annexes+2-5+to+be+filled-in.docx" pages 2-9 should be filled in document "4-Annexes+2-5+to+be+filled-in.docx" pages 2-9. We are asking as both documents are marked as "DRAFT-CONFIDENTIAL" in the background of the relevant pages. 2) Please confirm that "Annex 4" which is part of document • "2-Part 1 admin+specification+Ares(2020)1619955.pdf" page 41 is covered by document "formulaire-4-ID-CoT-SousT EN". So that we just need to provide "formulaire-4-ID-CoT-SousT EN". 3) Please confirm that "Annex 5" which is part of documents • "2-Part 1 admin+specification+Ares(2020)1619955.pdf" pages 44-49 and document • "4-Annexes+2-5+to+be+filled-in.docx" pages 14-19 is covered by document "formulaire-9-Decl-escl-sel EN". So that we just need to provide "formulaire-9-Decl-escl-sel EN".</p>	<p>21/03/2020 1) Yes. Please fill-in Annex 2 in the file "4-Annexes 2-5 to be filled-in.docx". 2) No. Please fill-in Annex 4 in the file "4-Annexes 2-5 to be filled-in.docx". 3) No. Please fill-in Annex 5 in the file "4-Annexes 2-5 to be filled-in.docx".</p>

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				"formulaire-9-Decl-escl-sel EN".	
R/4	22/03/2020 21:32	22/03/2020 21:33	Partial bids	Is the tenderer permitted to bid for part of the volume of any lot due to its supply capacity?	22/03/2020 Yes, tenderers can bid for part of the volume of any lot.
R/5	22/03/2020 21:37	22/03/2020 21:38	ISO 14001 certificate	1. Is the ISO 14001 certificate a must-to-be-submitted qualification for the tenderer? If not submitted by the tenderer, will its tender be rejected? 2. If the tenderer cannot provide ISO 14001 certificate but includes the ISO 14001 certificate of its subcontractor(s) in its tender, will the tender be accepted?	22/03/2020 1. If the EMAS or ISO 14001 certificate cannot be provided, tenderers must provide a Declaration on honour or a certificate stating that the certification procedure is in progress; or, failing that, an equivalent certificate, supplied by an authorised body, intended to prove tenderer's technical capacity to implement ecological and environmental management measures. Tenders submitted by tenderers not meeting these minimum levels of capacity will be rejected. 2. Tenderers can rely on subcontractors to fulfil the selection criteria of the implementation of the ISO 14001 certificate or equivalent. The ISO 14001 certificate or equivalent is required in respect of the activities subject of this call for tender.

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R/6	23/03/2020 11:14	23/03/2020 12:26	EN-technical+specification+Ares(2020)1619955.pdf, for Lot 2, Page 8/9, Additional Elements	As minimum requirements in additional elements it's requested: "Presence of expiratory trigger and inspiratory trigger at pressure and flux with high sensitivity , at least 0.3 l/min" please clarify if it's acceptable for the commission to evaluate and accept even lower trigger sensitivity (at least 1 l/min) in order to achieve the highest number of devices available from all the companies	23/03/2020 Yes, Please include these possibilities in your bid, clearing indicating the point that you mention so that it can be taken into consideration during the evaluation phase.
R/7	23/03/2020 11:12	23/03/2020 12:38	EN-technical+specification+Ares(2020)1619955 - for Lot 2, Page no. 8, Additional Elements	As minimum requirements in additional elements it's requested "Monitoring of respiratory parameters such as: static and dynamic compliance, resistance, P01, EtCO2, FiO2" please clarify if it's possible to participate if the offered device has just part of the requested parameters (i.e. only FiO2, etCO2, resistance and dynamic compliance) in order to achieve the highest number of devices available from all the companies?	23/03/2020 Yes, Please include these possibilities in your bid, clearing indicating the point that you mention so that it can be taken into consideration during the evaluation phase.

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R/8	23/03/2020 16:18	23/03/2020 17:03	Various CQ	<p>1. Please confirm that there is no requirement for the tenderer to be an entity of any of the Member States ?</p> <p>2. If awarded, will the award necessarily cover to enter into contracts with all of the entities listed as beneficiaries or, will different tenderers be "assigned" different countries to cover? In other words, if the award under a lot is for x devices, will the supplies be spread over all countries or only concentrated to some countries for each of the tenderers? 3. Will there be an opportunity for any tenderer to elect or at minimum to express preferences which countries to supply to? 4. We operate as group company with subsidiaries in some but not all countries listed. To the extent they will need to be involved in the supply chain, do they need to be identified as sub-contractors? If so, given the emergency and short time to submit the tender, can these information and documents be supplied at a later stage when it will have been identified with which Member States frame agreements shall be entered into? 5. For countries where have appointed authorized distributors and those will need to be involved in performing some of the services</p>	<p>23/03/2020</p> <p>1) Tenderers who can submit are described in 2.2 of the tender specifications. 2) Each tenderer should be ready to provide devices to any of the contracting authorities. The exact distribution cannot be estimated at this point as it will depend on the number of tenderers selected and on the orders placed by the contracting authorities. 3) You may provide this information as a comment but you have to be ready to provide devices to any of the contracting authorities. 4) Companies inside the same group in principle do not need to be identified as sub-contractors unless you plan to use them as sub-contractors. Such information could be provided if requested at a later stage. 5) That information is not required.</p>

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				performing some of the services locally, at what point to they need to be identified?	
R/9	23/03/2020 17:05	23/03/2020 17:34	Date of Award	1. when will the tender be awarded and the likely commencement date of the framework	23/03/2020 While this cannot be precisely determined at this point, the intention is to do it as soon as possible. The evaluation of the applications will start as soon as the deadline for submissions is over and, if successful, the administrative process for the signature of the contract will follow suit.
R/10	23/03/2020 16:17	23/03/2020 17:39	Technical Specification	1) Do Lot 2 and 4 require trolley with wheels as it is not stated in the specification? 2) Do lot 1, 2, 3 and 4 require any other accessories such as humidifiers or circuit support arms?	23/03/2020 1) No. You may provide complementary information on the availability of such option as a comment, however the evaluation of tenders will take into account only the requirements identified in the tender documents. 2) No. You may provide complementary information on the availability of such option as a comment, however the evaluation of tenders will take into account only the requirements identified in the tender documents.

#	Submission date	Publication date	Question subject	Question	Answer
R/1 1	23/03/2020 09:32	23/03/2020 17:47	4.15 General provisions concerning supplies	Dear Sir/Mam referring to FWC article 4.13 1. it is stated that "This applies equally if the product was to be installed by the contracting authority and was incorrectly installed owing to a shortcoming in the installation instructions", Please advise how to ensure that the contracting authority conducts the installation properly and proved that it is owing to shortcoming instruction? referring to FWC article 4.15 1. it is stated that "The contractor must replace at its own expense, within a reasonable time limit to be determined by agreement between the parties, any items which become damaged or defective in the course of normal use during the guarantee period.", could you please advise if item refers to the whole unit or its spare part 2.it is stated that "The contractor is responsible for any conformity defect which exists at the time of delivery, even if this defect does not appear until a later date.", please define "later date".	23/03/2020 1. The Contractor is responsible for the proper installation, including in the case where it decides to allow the Contracting Authority to do such activity following proper instruction. 2. Item may means any constituent parts or the whole medical device if they become damaged or defective in the course of normal use during the guarantee period. 3. By later date it should be considered a date beyond the delivery of the device. For instance, it may happen that the device remains in stock before being installed or a specific function of the device may be used only after the device has been put into service. Contractor responsibility shall cover the "conformity defects", not the "damages due to use" of the device.

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R/1 2	23/03/2020 16:56	23/03/2020 17:55	Pricing	1. are you allowed to offer two types of ventilators for one lot with separate pricing for each?	23/03/2020 Each tender has to be clear and unconditional on the pricing offered and may include only one price schedule with one unit price. A tenderer has the right to submit several separate tenders for the same lot. Each separately submitted tender will be evaluated on its own.

#	Submission date	Publication date	Question subject	Question	Answer
R/1 3	23/03/2020 09:08	23/03/2020 19:41	Document and change management	Dear Sir, refer to ANNEX 2, article 4.1 could you please advise if there is time limit to inform the Contracting authority in writing of any changes that may affect product quality, especially with regards to the minimum quality requirements, or administrative aspect (e.g. a reference or catalogue number, etc.). For example during the tendering phase and it ends when guarantee period expired?	<p>23/03/2020 The obligation for the Contractor to inform in writing the Contracting authority about the changes starts from the date the offer is sent and lasts at least until the end of the duration of the tender. The intention is that the Contracting authority shall know exactly what it is purchasing and be able to verify the compliance with the requirements (usually, such changes at this stage would be expected to be improvements). After the tender duration end, at least the safety-related changes shall be communicated.</p> <p>24/03/2020 The obligation for the Contractor to inform in writing the Contracting authority about the changes starts on the date of submission of tender and ends at the end of the contract. The Contracting authority should know exactly what it is purchasing and be able to verify the compliance with the minimum requirements (usually, such changes would be expected to be improvements). After expiry of the contract, the Contractor shall communicate to the Contracting authority at least the safety-related changes affecting the devices placed on the market under the contract.</p>

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R/1 4	23/03/2020 17:00	23/03/2020 19:45	Penalty, Speed of delivery	<p>Dear Sir or Madam, few more questions: 1) As part of our risk assessment for this tender we need a clarification on point "II.14.1. Delay in delivery" (document 5, page 27). Can you provide an example how to utilize the formula which is given: "0.3 x (V/d)" The explanation which is stated in the framework is not 100% clear to us. Especially taking into consideration the cross-reference to point "3.4 Award criteria" (document 2, page 19) "1.2 Speed of delivery of supplies". 2) Another question to point "3.4 Award criteria" (document 2, page 19) "1.2 Speed of delivery of supplies": Please confirm that within the 3 buckets there will be no further differentiation in regards of points which we can achieve – so that tenderer get the same points for this criteria within one bucket – independent if they at a lower or higher end of one bucket. Sincerely yours</p>	<p>23/03/2020 1) The formula included in Article II.14.1 of the draft framework contract applies as follows: Where V is the price of an order placed under the framework contract e.g. EUR 100; and d is the duration specified in the specific contract for delivery, in accordance with the speed of delivery proposed in the tender, e.g. 14 days. It follows $0.3 \times 100 / 14 = 2.14$. This means for each day of delay EUR 2.14 can be claimed as liquidated damage. In the example, in case of delivery after 21 days, EUR 15 could be claimed as liquidated damages. 2) We confirm that tenderers anywhere within a given interval get the same award points. E.g. a tenderer proposing 7 weeks and a tenderer proposing 8 weeks each score 20 points for award criterion 1.2.</p>

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R/1 5	24/03/2020 08:32	24/03/2020 09:58	Invoice to contracting authority	If the bidder participate the tender and sign the FWC contract through it's parent comany, if it's possible to issue the invoice to contractoing authority under the name of it's subsidiary in Europe?	24/03/2020 According to Article II.20.6 of the draft Framework Contract, the contractor must send the invoice. If the parent company and the subsidiary are legally different entities, and the parent company has been invited to tender, only the parent company can submit a tender and in case of signature and execution of the contract send an invoice. However, subcontracting is allowed in line with point 2.4 of the tender specifications part 1 – administrative specifications.
R/1 6	23/03/2020 20:09	24/03/2020 11:01	Deliveries & Timescales	could you provide us some information regarding the delivery locations, will there be one location per country and also what will be the frequency of these deliveries.	24/03/2020 The indicative table of delivery locations is provided in point 1.5 of Tender specifications, Part 1: Administrative specifications; while the frequency can not be fully anticipated, it is likely that most contracting authorities would favour one delivery (as early as possible after the placement of the first order).

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R/1 7	24/03/2020 08:16	24/03/2020 11:13	Minimum quantity for each lot	Dear Sir/ Mam, while lot1&lot3 compined is 12 212, if the bidder consider participate in both LOT1 and LOT3 , and provide for example 30% of the estimated quantity, should the the bidder provide $12212*0.3 = 3664$ units of ventilators for both lots?	24/03/2020 If the tenderer wishes to participate in 2 lots, it should present separate tenders for each lot. Each tender will be evaluated on its own. The calculation of the % of the total estimated maximum volume that a tender represents will be calculated per lot, i.e. a tender that offers 30% of the estimated maximum volume for lot 1, would provide $12212*0.3 = 3664$ units of ventilators for this lot. Please note that tenderers must indicate in Annex 3, price schedule, the proposed number of units and the unit price. The calculation of the percentages will be performed by the contracting authorities during the evaluation.
R/1 8	24/03/2020 14:25	24/03/2020 18:02	Legal Entity Form	HI, please confirm if a Legal Entity form is required to be completed for this tender.	24/03/2020 No, not at this stage. It will only have to be presented at a later stage on request.
R/1 9	24/03/2020 12:50	24/03/2020 18:46	Submission Procedure	The number of documents to be sent is very high (likely 100+ documents) and requires a precise structure for many individual emails. Therefore, please tell us the maximum attachment size you can receive per email.	24/03/2020 You may use a file compressor to compact your files. The email system usually manages correspondence with up to 25 MB of attachments. You can send several emails, clearly indicating 1 of X, 2 of X, etc.

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R/2 0	25/03/2020 03:31	25/03/2020 15:57	Proposed Delivery Time	Dear Sir/Mam regarding the proposed delivery time (in weeks) in Annex 3, is it possible to provide a delivery agenda like following : after 6 but before 12 weeks : 100 units per month after 12 before 20 weeks: 300 units per month etc.	25/03/2020 For the price schedule, please provide the proposed average maximum speed of delivery after the signature of a specific contract or order form by the last party for the duration of the contract. However, you may indeed provide any additional elements regarding a more precise delivery schedule as additional information regarding your tender.
R/2 1	26/03/2020 10:57	26/03/2020 12:32	Annex 3 Price Schedule	we are trying to sign and date the worksheets via excel but they seem to be locked for editing. please confirm how are to sign the pricing schedule for each lot.	26/03/2020 In the price schedule in Annex 3, only the fields in green can be filled in the excel sheet. After having filled in these fields in excel, please print the price schedule and date and sign the printed document. The total amount of the tender in the printed and signed PDF and in the Excel versions of the price schedule must correspond. In case of discrepancies, only the amount indicated in the PDF version of the financial offer will be taken into account.

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R/2 2	26/03/2020 14:30	26/03/2020 15:22	Draft Contract - Subject matter	The Point I.2 of the Draft contract Subject matter states "I.2. SUBJECT MATTER The subject matter of the FWC is the supply of personal protective equipment (eye and respiratory protection) for healthcare workers for the care of patients with suspected or confirmed novel coronavirus (COVID-19)." We assume this is a mistake as the contract is talking only About mechanical Ventilators. Is this assumption correct?	26/03/2020 This is indeed a typo, please disregard.
R/2 3	26/03/2020 13:11	26/03/2020 17:13	Receipt of emailed Tender Bid - Missing	Dear Team, We have submitted our Tender documentation in separate emails as advised due to the capabilities of the provided tender mailbox (approx. 25 MB). However, so far we have not received the automated email on the receipt of our submission. Can you advise if the mail box is working properly and if we should be receiving an automated receipt?	26/03/2020 The functional mail box is working &an automatic reply is sent. As confirmed we received 4 emails with attachments.

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R/2 4	26/03/2020 17:59	26/03/2020 18:24	Confirmation of email receipt	Dear Sir or Madam, we already sent 20+ emails and our first email was sent >45 mins ago. Nevertheless we did not received "the automatic reply" which you indicated in your last tender clarification. Can you confirm that you are receiving our offer please to ensure that the communication channel is working. Many Thanks in advance.	26/03/2020 We confirm that our functional mail box is functioning. As confirmed, your emails have been received.
R/2 5	26/03/2020 18:43	26/03/2020 20:14	Confirmation of four emails and link received	Dear Sir or Madam, we send four separate emails with documents and a link to OneDrive. Can you please confirm that you have received our offer and you have acces to OneDrive directory and files to ensure that the communication channel is working. Many Thanks in advance.	26/03/2020 We have acknowledged receipt of the 4 emails. All documents have to be sent via emails.
R/2 6	26/03/2020 21:10	26/03/2020 21:26	SANTE/2020/C3/018 - A new question and answer has been published on the Call for Tenders	We emailed our submission this evening but have not yet received a confirmation or receipt. Can you please advise. Kind regards	26/03/2020 We confirm having received your email.
R/2 7	26/03/2020 23:05	27/03/2020 09:59	Submission	Hi, we have sent over our submission in 8 emails, please confirm you have received these. thank you	27/03/2020 We confirm having received 8 mails.