

CLARIFICATION#8

Request for Bids
Goods
(One-Envelope Bidding Process)

Country: Republic of Armenia

Project Name: Additional Financing for the Disease Prevention and Control
Loan No.: 9202-AM

RFB No: CR5/AF/RFB/B-G/001-22

Procurement of radiology diagnostic equipment, laboratory diagnostic equipment, surgery and hospital equipment, general hospital and polyclinic equipment and medical furniture for “Martuni Medical Center” CJSC of Gegharkunik Marz of the RA, including installation, start-up and training, comprising 5 lots

Dear Bidders,

In response to the request for clarification received on July 14, 2022, please find below (Section II - Bid Data Sheet, Clause ITB7.1) the respective response:

Q.: According to your CLARIFICATION#6 dated on 8th of July 2022, **the Bidder must provide the login and password for the full operation of the equipment.**

Before your clarification, we have already obtained several manufacturers' approval for providing medical equipment requested by HPIU.

We informed the Manufacturers about your new demands concerning the logins and passwords, which was published after 1 month from initial issuance date of tender documents on 09th of June, 2022, and they refused to provide it.

Moreover, they informed us that it is a part of their Intellectual property and they have refused their willingness to provide us with necessary equipment for the project with such requirement and recall back their authorizations.

Taking into consideration the current situation we would like to request the HPIU **to cancel this requirement** and give possible Participants the opportunity to participate in the tender.

This will allow all participants to take part in the procurement process without breaching the rights of the manufacturers'.

In case this will be impossible we would like to suggest another solution for this situation, which is to prolong the deadline for bid submission for another 45 calendar days, so that we as a participant would be able to find a corresponding equipment with technical specifications for this procurement, the Manufacturers of which could give their consensus to this requirement.

Please make sure, that by suggesting the alternative solution we can not ensure that any Manufacturer would give its secret information to any third party.

A.: Please, be informed that, CLARIFICATION#6 indicates that “the full operation of the equipment” specified in the Technical Specifications means that all cables, connectors, all necessary and other accessories not specified in the Technical Specifications must be provided along with the login and password to ensure proper and full operation. As per Section II - Bid Data Sheet, Clause ITB 11.1 (j), the Bidder shall submit a detailed description of arrangements for the maintenance during the warranty obligations, repair and spare parts stocking obligations in compliance with Section VII - Schedule of Requirements, and Part-3 Contract. Meanwhile, Clauses 25.2 (b) and 25.2 (c) of the General Conditions of Contract (Part-3, Section VIII) specify that the Supplier **may be required to provide any or all of the following services, including additional services** such as furnishing of tools required for assembly and/or maintenance of the supplied Goods and **furnishing of a detailed operations and maintenance manual for each appropriate unit of the supplied Goods.**

As to the intellectual property rights, the clauses 19 and 20 of the General Conditions of Contract (Part-3, Section VIII) regulate responsibilities and obligations both of Supplier and Purchaser with regard to the copyright and confidential information.

Since all the above-mentioned Clauses and references, including the draft Contract are parts and sections of the Bidding Document for “Procurement of radiology diagnostic equipment, laboratory diagnostic equipment, surgery and hospital equipment, general hospital and polyclinic equipment and medical furniture for “Martuni Medical Center” CJSC of Gegharkunik Marz of the RA, including installation, start-up and training, comprising of 5 lots”, CR5/AF/RFB/B-G/001-22 issued on 09 of June 2022, hence, **no requirement with regard to the Bidding Document has been changed, and we cannot extend the deadline for Bid submission.**

Moreover, we would like to bring to your attention that in the frame of the Contract to be signed, the “Health Project Implementation Unit” State Agency of the Ministry of Health of the RA is the Purchaser, and the respective Medical Center is the end-user, thus, the main objective of the whole process is to ensure **long-life operation of medical equipment by the Beneficiaries (end-users) of the Project.**

Thus, the Purchaser has a direct contractual obligation under the procedure of proper acceptance of Goods to ensure the completeness of the procured medical equipment, which includes not only the equipment itself but also all the accessories, parts, documents, manuals and information. This will guarantee the safe and appropriate operation during the whole life cycle of the medical equipment.

Best regards,

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