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**CONTRACTING AUTHORITY'S CLARIFICATIONS**

**Implementation of the Strategy for fight against drugs Supply reduction component,  
Laboratory equipment for narcotic drugs detection**

**Publication ref.: EuropeAid/ EuropeAid/129770/C/SUP/RS**

**Tender no: 10SER01/11/21**

No.	Question	Answer
1.	<p>Technical specification for items 5, 6 and 9.</p> <p>Ultra Performance Liquid Chromatograph UPLC O-TOF analytical system, Ultra Performance Liquid Chromatograph UPLC – Photodiode Array Detector PDA system and High Performance Liquid Chromatograph HPLC-GC-MS contains trade marks (as UPLC, T-WAVE, EPCAS, e-CORD, ACQUITY UPLC) than specific description that are directly favouring a certain manufacturer and its instruments such as Combined ESCi source, Lock Spray, Footprint no bigger than 942 mm x 692 mm x 921 mm (H x W x D). The Sample Manager can support up to three injections modes. These published specifications are not in compliance with Commission Regulation (EC, Euratom) No 2342/2002; Title V Procurement; Section 3 Procurement procedures, Article 131-Technical specifications (Article 92 of the Financial Regulation) where is stated that: “Technical specifications must afford equal access for candidates and tenderers and not have the effect of creating unjustified obstacles to competitive tendering.” “Save in exceptional cases, duly warranted by the subject of the contract, those specifications may not refer to a specific make or source, or a particular process, or to trade marks, patents, types or a specific origin or production which would have the effect of favouring or eliminating certain products or economic operators.”</p> <p>Question: in order to make this procurement procedure with equal access and non favourable, would you change specification for these items.</p>	<p>Any other instrument will be acceptable with the same or better functionalities as long as it complies with the minimal requirements stated in the technical specifications.</p> <p>Please also see the answers to questions no. 15, 16 and 17.</p>
2.	<p>In Item 21 Inductively Coupled Plasma Mass Spectrometer ICP – MS analytical system, specific descriptions for one vendor are copied (reaction cell with H2 – patented, background measured at half mass 220.5 design with off axis quadruple to lenses and reaction cell, Cradle mount detector)...</p> <p>Question: in order to make this procurement procedure with equal access and non favourable, would you change specification for item 21.</p>	<p>Any other instrument will be acceptable with the same or better functionalities as long as it complies with the minimal requirements stated in the technical specifications.</p>

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<b>3.</b>	<p>In Item 20, NMR spectrometer, there is no specification except for frequency of magnet (available at 300 and 400MHz). Question: There is no system with such construction. Please define the magnet frequency 300 or 400MHz.</p> <p>It is defined "Featuring UltraShield Magnet Technology" which clearly indicate that a particular manufacturer's instrument is specified. This is again against the rule of equal access and non favourable way of making technical specification. Please define what nuclei should be observed. Or should the end users build their own probes?</p> <p>The spectrometer does not define how many RF channels, or you only require one nuclei, if this is the case the nuclei is undefined.</p>	<p>A magnet frequency of 400 MHz is acceptable.</p> <p>A 2 channel NMR system featuring 400 MHz is acceptable.</p> <p>An optimal RF control and implementation is required as well as a broadband probe for single, double and triple studies of chemical samples. High and low frequency must be observed. This must be upgradable with the auto-sampler.</p>
<b>4.</b>	<p>Item 1. Gas Chromatographer with FID detector. In this item GC MSD with S/S inlet and FID is described.</p> <p>Question: Will Instrument with Simoultan (synchronous) SIM/SCAN be accepted?</p> <p>Question: Will instrument with 60 groups with 100 ions in the group AND synchronous SIM/SCAN be accepted ?</p>	<p>a. Yes, this is acceptable.</p> <p>b. Yes, this is acceptable.</p>
<b>5.</b>	<p>Item 2. Gas Chromatographer–mass-mass quadruple spectrometer</p> <p>In this item LC QQQ instrument is described (connection with GC and LC, mass range to 3,000 amu, later specs in Da....)</p> <p>LC detectors are not performing well with GC analysis (temperature of the analyzer, ionization and other issues). In Item 1, you have asked for heated analyzer and other important parameters for GC instrument.</p> <p>Question: Will instrument dedicated for GC MS/MS analysis (mass range up to 1,000 amu or more, independently heated ion source, analyzer and transfer line) be accepted?</p> <p>Collision gas Argon is requested</p> <p>Question: Will instrument using other collision gas (N2), showing same or better performance be accepted? (N2 is cheaper than Ar if price of gas was considered)</p> <p>Special curved collision cell geometry is requested. Only one instrument in today's market has this geometry. That request is in collision with the role that specification MUST be opened to at least 2 vendors of instrumentation.</p> <p>Question: Will instrument with different geometry of collision cell (linear hexapole with He quenching) that provides same or better levels of noise and sensitivity be accepted?</p>	<p>a. Yes, this is acceptable.</p> <p>b. Both (N2 or Ar) are acceptable.</p> <p>c. Yes, this is acceptable.</p> <p>Please also see the answer to question no. 13.</p>

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<b>6.</b>	<p>Item 3. Gas Chromatographer and Autosampler with Ion Trap type Mass Detector</p> <p>Sensitivity of Ion Trap Detector is requested as 1pg OFN S/N &gt;100:1 for m/z 272. Each manufacturer is quoting sensitivities little bit differently, and there is no linear xx in this region.</p> <p>Question; Will instrument showing S/N of 30:1 for 500 fg of OFN be accepted (much more than 100:1 for 1 pg!)</p>	Yes, this is acceptable.
<b>7.</b>	<p>Does the conductivity of the produced ultrapure (HPLC grade) water need to be 0,055µS/cm@25°C as required by the EP, USP, ISO 3696 standards (i.e. resistivity 18,2MΩcm@25°C)?</p>	No, the offered equipment should include the requirements stated in the technical specifications.
<b>8.</b>	<p>Does a system with following specification meet your requirements:</p> <p>System producing purified water, product conductivity ≤0.2µS/cm@25°C (in compliance with ISO3696, ASTM® D1193, USP, EP and JP), product flow rate 10L/h ±15%</p> <p>Reservoir for storage of purified water 60L</p> <p>System producing ultrapure (HPLC grade) water, product conductivity 0,055µS/cm@25°C, flow rate up to 2L/min, point of use water dispenser, integrated TOC monitor.</p>	No, the offered equipment should include the requirements stated in the technical specifications.
<b>9.</b>	<p>Is it necessary to offer a remote point of use dispenser unit with a graphic display to insure interaction with the system and provide instant information about water quantity and quality?</p>	No, a tap near the production unit is sufficient.
<b>10.</b>	<p>Item 30 – UPS System with Generator Power for Laboratory.</p> <p>You ask to quote an UPS with generator power to the network for all analytical and information systems that provides at least 4 hours of independent work.</p> <p>Could you please specify the requested power?</p>	The requested power is at least 52 KW or 65 KVA.
<b>11.</b>	<p>16. Selection criteria</p> <p>According to the requirements stipulated above "Tenderers who are not the manufacturer must submit a legalized certificate issued by the manufacturer(s) stating that they have been officially appointed as authorized dealer by the manufacturer for at least the past two (2) years." "Economic operators however may, where appropriate and for a particular contract, rely on the capacities of other entities."</p>	<p>a. There is no contradiction.</p> <p>Legalized certificates shall be accepted issued by the manufacturers and addressed to officially appointed dealers, provided/ submitted by economic operators as well, as long as they cover all the manufacturers represented in the bid or at least the major configurations to guarantee and ensure the availability of their contractual obligations.</p>

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	<p>Please be aware that these criteria are contra dictionary. The requirement of the officially appointed dealership of the manufacturer rules out all economic operators and integrators to submit their bid for this project. The only parties being able to submit bids are therefore (local) official representatives of the manufacturers of the equipment offered in the bids. This rule is definitely not a regular selection criterion (required in other EuropeAid tenders) but a rare one. We can imagine the purpose of this criterion is to ensure the availability of proper and professional services (installation, commissioning, training, after-sales) but the rule is clearly negatively discriminative in a way that it will obstruct the objective of a competitive procedure and avoid international competition. We firmly ask you to accept legalized certificates issued by the manufacturers) and addressed to officially appointed dealers, provided/ submitted by economic operators/ integrators as well, of course covering all the manufacturers represented in the bid or at least the major configurations guaranteeing the availability of their services! By doing so the objective of the availability of proper and professional services (installation, commissioning, training, after-sales) will be ensured.</p> <p>The regular, common criterion concerning the technical capacity of the tender, in specific the requirement of having "successfully completed at least two (2) contracts of similar type, size and magnitude to this contract in the past three (3) years" will obstruct participation of (local) officially appointed dealers, simply because there haven't been equivalent projects in the region (in specific Serbia) in the past (three) years. Not allowing the submission of the certificates addressed to officially appointed dealers by economic operators/ integrators as well might create a situation in which participation is not possible at all. I assume this is not in your interest at all.</p>	<p>b. With reference to the stated criteria regarding technical capacity of the tenderer and in view of aforementioned clarification in (a) there is no drawback envisaged.</p> <p>Consortia are also accepted by the procedure as long as they satisfy the administrative and technical criteria.</p>
<p><b>12.</b></p>	<p>Item 1 Gas Chromatograph with FID detector</p> <p>a. Will the instrument with be simoultan (synchronous) SIM/SCAN accepted?</p> <p>b. Is instrument with 60 groups with 100 ions in the group acceptable?</p>	<p>a. Yes, this is acceptable.</p> <p>b. Yes, this is acceptable.</p> <p>Please also see the answer to question no. 4.</p>
<p><b>13.</b></p>	<p>Item 2. Gas Chromatograph mass-mass quadruple spectrometer</p> <p>a. Will the instrument with following specifications be accepted:</p> <ul style="list-style-type: none"> <li>- Mass range Up to 1000 amu or more, independently heated ion source, analyzer and transfer line.</li> <li>- Collision gas (N2), N2 is cheaper than Argon if price of gas is considered.</li> <li>- EI MRM sensitivity: 100 fg of octafluoronaphtalene (OFN) will produce &gt; 500:1 RMS S/N for transaction m/z 272 -&gt; 241 or 271 -&gt; 222 using autotone parameters</li> </ul>	<p>Yes, this is acceptable.</p>

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	<ul style="list-style-type: none"> <li>- PCI MRM sensitivity: 100 fg BZP will produce &gt; 50:1 RMS S/N for transition of m/z 183 -&gt; 105 using methane</li> <li>- EI scan sensitivity: 1 pg OPN produce 300:1 RMS S/N for m/z 272 scanning from m/z 50 to 300</li> <li>- - NCI SM sensitivity: 10 fg OFN will produce &gt;200:1 RMS S/N for m/z 272 using methane</li> </ul>	
<b>14.</b>	<p>Item 3. Gas Chromatograph and autosampler with Ion Trap type Mass detector</p> <p>Is device with following specification acceptable: S/N of 30:1 for 500 fg of OFN?</p>	<p>Yes, this is acceptable.</p> <p>Please also see the answer to question no. 6.</p>
<b>15.</b>	<p>Item 5. Ultra Performance Liquid Chromatograph UPLC O-TOF analytical system</p> <p>In the specifications are many trademarks mentioned from one brand. Will other instruments with same or better functionality be accepted?</p>	<p>Other instruments of the same or better functionality shall be accepted.</p>
<b>16.</b>	<p>Item 6. Ultra performance liquid Chromatograph UPLC – FDA</p> <p>In the specifications are many trademarks mentioned from one brand. Will other instruments with same or better functionality be accepted?</p>	<p>Other instruments of the same or better functionality shall be accepted.</p>
<b>17.</b>	<p>Item 9. High performance liquid Chromatograph HPLC-GC-MS</p> <p>Will instrument dedicated for LC triple quadruple MSMS analysis be accepted?</p>	<p>Yes, this is acceptable.</p>
<b>18.</b>	<p>Item 20. Nuclear magnetic resonance NMR Spectrometer</p> <p>a. Please advise for which testing this instrument will be used.</p> <p>b. There is a big difference in range 300-400 MHz. Will be the instrument with 400 MHz frequency acceptable?</p>	<p>a. The NMR Spectrometer will be used for forensic analysis.</p> <p>b. An instrument with 400 MHz frequency is acceptable.</p>
<b>19.</b>	<p>Item 29. PC Server with Laboratory Information System</p> <p>a. Could you advice how many users (licenses) are needed?</p> <p>b. Do we need to supply complete hardware or only the server?</p>	<p>a. 8 users (licences) are needed.</p> <p>b. Yes, this item envisages a laboratory information system which includes a minimum of 8 personal computers, 2 colour laser printers, 2 black and white printers, 2 barcode printers, 2 barcode readers, 1 barcode scanner and 1 server including a rack.</p>
<b>20.</b>	<p>Item 32. Gas chromatograph mass spectrometer GC-MS Ion Trap up to 650 AMU</p> <p>Is instrument with these specifications acceptable:</p> <p>Up to 1000 amu</p> <p>S/N of 30:1 for 500 fg of OFN</p>	<p>Yes, this is acceptable.</p>