

EXTRACT FROM
AB "INLAND WATERWAYS DIRECTORATE"
PURCHASE ORDER (PU-1475/2024) ELECTRIC PUSHER
PROTOCOL OF THE MEETING OF THE PUBLIC PROCUREMENT COMMISSION

AGENDA: request from a supplier

CONSIDERATION: request from a supplier

The supplier has submitted a request to the Procuring Entity via the Centralised Public Procurement Information System (hereinafter referred to as 'CPIS') correspondence facilities on 04-04-2025 regarding the purchase of the open tender procedure 'Electric Pusher' (Purchase ID 1710011, TED Nr. 182341-2025) published on 19-03-2025 through the Centralised Public Procurement Information System (CPIS) ('the Purchase').

In the request submitted by the supplier, the following was stated:

“We would like to cancel/terminate the bank guarantee for submitting the tender immediately after the order has been awarded or rejected. So we do not want to leave it open for 90 days. If we are selected, a new bank guarantee will follow before the start of construction. This prevents us from having 2 bank guarantees operational at the same time.”

The Public Procurement Commission (hereinafter referred to as "the Commission"), having examined the supplier's enquiry submitted via the CVP IS, decides to reply as follows:

As stated in point 7.3.2 of the Special Conditions of Purchase, the Tender Validity Guarantee "shall be valid for at least 90 (ninety) days from the expiry of the deadline for the submission of tenders". However, the Tender Validity Guarantee shall be returned in the cases provided for in point 7.4 of the Special Conditions, i.e.

- the expiry of the validity of the bid security;
- the contract enters into force;
- termination of the procurement procedures;
- the tenderer's tender is definitively rejected, i.e. the tenderer has been notified of the rejection of his tender and the rejection of this tender cannot be challenged on the grounds that the time limit for appeal has expired.

It is noted that the Tender validity Guarantee and the Contract Performance Guarantee will not be valid at the same time, as point 10.2 of Annex 12 to the Special Conditions 'Draft Contract' stipulates that 'the Vendor shall provide the Buyer with a Contract Performance Security document <...> within fourteen (14) days after the signature of the Contract'. Thus, if the supplier is the successful tenderer, once the Contract enters into force, the tender security is returned to the supplier and the supplier provides the Contract Performance Security.

The Commission will take a decision to inform the supplier who submitted the enquiry and other interested parties of the enquiry and the reply it provides.

RESOLVED: Inform the supplier who made the enquiry and other interested parties of the enquiry and the response provided.