



CB No: IFB No: MCA-M/CB/WSSA/G/02
Bidding Document for Procurement of Supply and Installation of
Ger Area Smart Water Kiosk Upgrade

ANSWERS TO CLARIFICATION QUESTIONS – ISSUE No. 2 (Questions 31-55)
June 02, 2022

Questions and Answers 1-30 issued to all registered Bidders on May 18, 2021	
Question 31:	Could you please extend the deadline for Bidder clarifications. Please kindly consider that it takes a lot of time to get acquainted with the bidding documents in English and develop clarification questions.
Answer 31:	The Specific Procurement Notice for this procurement was issued on March 30, 2022, and as such, Bidders are expected to have reviewed the document at an earlier stage in the Bidding process. Notwithstanding this, Amendment 1 issued on May 20, 2022 extended the Bid submission deadline by ten (10) days, and as such extended the time for Bidders clarification questions by eleven (11) days, and the overall Bid submission deadline by ten (10) days.
Question 32:	Our company's team is working hard on the tender. The tender language is in English, so it will take more time to read and understand for us. Therefore please extend the deadline for clarifications.
Answer 32:	Please refer to the response to Question 31.
Question 33:	<p>It is confusing that two different Clarification due dates are provided in the MCA webpage and ITB document. Please clarify which one we should follow?</p> <p>MCA web-site: 8. <i>Any clarifications needed shall be submitted in writing to Procurement Agent at PA-Mongolia@charleskendall.com, cc to procurement@mca-mongolia.gov.mn not later than May 19, 2022 by 2 pm Ulaanbaatar Time. MCA-Mongolia will consolidate all submitted requests for clarifications and will issue a Q&A document not later than May 27, 2022, by 5 pm Ulaanbaatar Time</i></p> <p>Final IFB: SECTION II-BID DATA SHEET: ITB 8.1 Clarifications may be requested by e-mail not later than May 19, 2022, at 10.00 am Ulaanbaatar time (GMT+8), Mongolia, so that responses can be issued to all Bidders not later than May 27, 2022 at 5.00 pm Ulaanbaatar time (GMT+8), Mongolia.</p>
Answer 33:	The date and time on the IFB takes precedence. this being: Clarifications may be requested by e-mail not later than May 19, 2022, at 10.00 am Ulaanbaatar time (GMT+8), Mongolia, so that responses can be issued to all Bidders not later than May 27, 2022 at 5.00 pm Ulaanbaatar time (GMT+8), Mongolia.

	Notwithstanding this, Amendment 1 issued on May 20, 2022 extended the time for Bidders clarification questions by eleven (11) days, and the overall Bid submission deadline by ten (10) days.
Question 34:	<p>The following clauses contradict with each other. Please clarify.</p> <p>Section II-Bid Data Sheet: ITB 15.7: The prices quoted by a Bidder shall be fixed for the duration of the Contract and shall include transportation, insurance, and all services required to deliver the Goods and Related Services to their Final Destination.</p> <p>Part 3: Contract Documents - Section VII Special Conditions of Contract: GCC 16.1: The amount of performance security, as a percentage of the Contract Price, shall be in the amount of five (5) percent of the Contract Price and shall be denominated in the currencies of payment of this Contract, in accordance with their portions of the Contract Price.</p> <p>GCC 13.2 The prices charged for the Goods delivered and Related Services performed shall not be adjustable.</p> <p>As per above three clauses, the contract price shall be Fixed and Not Adjustable. However, the IFB instructs bidders as follows:</p> <p>ITB 36.2 (b): The total amount of the Performance Security may be increased to a level not exceeding 20% of the Contract Price.</p> <p>ITB41.1: The Purchaser reserves the right to increase or decrease the quantities of each item indicated in the Forms BSF 2 and BSF 3 by up to 20%.</p>
Answer 34:	<p>There is no contradiction in clauses in the Bidding Documents. The total bid price is for the quantities specified in the IFB. Should the Purchaser elect to increase or decrease the quantities, the adjustment to the fixed contract price will be based on the quoted unit prices. The quoted unit prices as well as the total price of a bid submitted by a bidder are Fixed and the question confuses the unit and total prices submitted by a bidder with (a) MCA-Mongolia right to increase or decrease the quantity of Goods and Related Services originally specified; and (b) a Performance Security.</p> <p>Instructions to Bidders (ITB) 15.7 states: <i>“The prices quoted by a Bidder shall be fixed for the duration of the Contract and shall include transportation, insurance and all services required to deliver the Goods and Related Services to their Final Destination.”</i></p> <p>As you correctly state, this is confirmed in Special Conditions of Contract GCC 13.2. ITB 41.1 however, means that MCA-Mongolia reserves the right to increase or decrease the quantities of each item by up to 20%.</p> <p>IFB 42 required that the successful Bidder shall furnish a Performance Security in accordance with GCC Clause 16, within twenty-eight (28) days of receipt of the Notification of Award. This shall be five (5) percent of the Contract Price and shall be denominated in the currencies of payment of the Contract.</p> <p>ITB 36.2 (b) is about the Price Reasonableness of the Bid, and must be read as part of the complete ITB 36. After the evaluation of the information and detailed price analysis presented by the Bidder, MCA-Mongolia may as appropriate: (a) accept the Bid; or (b)</p>

	require that the total amount of the Performance Security be increased at the expenses of the Bidder to a level not exceeding 20% of the Contract Price; or (c) reject the Bid.
Question 35:	With regard to Section VIII. Contract Forms: <ul style="list-style-type: none"> a) System for Award Management (SAM) Excluded Parties List Link is broken, please provide correct link. b) US State Department, Directorate of Defense Trade Controls, AECA Debarred List Link is broken, please provide correct link.
Answer 35:	The working links are as follows: <p>System for Award Management (SAM) Excluded Parties List - https://sam.gov/content/exclusions</p> <p>US State Department, Directorate of Defense Trade Controls, AECA Debarred List - https://www.pmddtc.state.gov/ddtc_public?id=ddtc_kb_article_page&sys_id=c22d1833d4bb8d300d0a370131f9619f0</p>
Question 36:	Are there any conditions in the bid that the "Bid Security" will not be refunded?
Answer 36:	As set forth in ITB 22.3, the Bid Security may be forfeited: <ul style="list-style-type: none"> (a) if a Bidder withdraws its Bid during the period of Bid validity specified by the Bidder in the Letter of Technical Offer, except as provided in ITB Sub-Clause 21.2; or (b) if the successful Bidder fails within the specified time to: <ul style="list-style-type: none"> i. furnish the required Performance Security in accordance with GCC Clause 16 as described in ITB Clause 42; or ii. sign the Contract in accordance with ITB Clause 41.
Question 37:	With regard to Section III. Qualification and Evaluation Criteria: We have successfully implemented automatic dispensers and associated equipment which dispense gasoline and LPG in outdoor conditions in Mongolia also. Shall these be considered as valid similar experience.
Answer 37:	Whilst MCA-Mongolia shall not comment prior to Bid Submission whether a specific Bidder's experience meets the Qualification and Evaluation Criteria requirements or not, the requirement does not specially mention the dispensers have to be water related. The intent of the requirements as written is to encourage competition. The Bids however shall be evaluated in accordance with the requirements of Section III - Qualification and Evaluation Criteria.
Question 38:	The Technical specification, the ultrasonic water meters diameter is 25mm, but it is inconsistent with the requirement for 1L/10Pulses. The ultrasonic meter operates with 1L/10Pulses and must have a 15mm and 20mm diameter and 5L/10Pulse between 25mm

	and 40mm. So can you change the requirement for the diameter of the water meter to a 20mm meter in the technical specification?
Answer 38:	<p>Pulse rate for ultrasonic flow meter is specified in the EIC Specification in Section V, SR3. In the EIC Specification Section 2.2, Smart Flow Meter, it requires “ultrasonic meter shall count one pulse per 100 g or 10 pulses per liter”. Flow meter diameter is not specified in any of the Technical Specifications and drawings. Corresponding pipe diameters are shown on drawing sheet E-004 and E-005 of Section V, SR4.</p> <p>Bidders shall work with flow meter manufacturer(s) to select and price flow meters that meet the requirements of the technical specifications.</p>
Question 39:	With regard to Bidding Form BSF 14 (page 86) The bidding documents stated that only the applications of five (5) key personnel will be attached. Can't we add CV's of other key personnel? For example, should we attach other key personnel's CVs such as the project director, the project consultant, and the installation supervisor...etc.?
Answer 39:	As per Section III, Qualification and Evaluation Criteria of the IFB, MCA-Mongolia asked for five key personnel with requirements, including i) Team Lead, ii) Software Engineer, iii) Automation Engineer, iv) Electrical Engineer, v) Water Supply Engineer. Except for these key personnel, additional personnel's CVs provided by bidders will not be evaluated.
Question 40:	Is USUG responsible for distributing, registering and selling cards to customers?
Answer 40:	Yes, USUG is responsible for distributing, registering and selling cards to consumers.
Question 41:	What if the building of the well where the new kiosk is to be installed is too old (not in good condition) and there is a problem with the installation?
Answer 41:	<p>Please refer to page 19, section c of the General Requirements for Smart Kiosk, 2.3 Smart Kiosk Upgrade, C. Supply, Installation, Testing, and Commissioning of Dispensers and Smart Kiosk Upgrades, copied below: <i>After approval of standard drawings and prior to commencement of site upgrades, the Supplier shall conduct a field survey at each kiosk to identify any necessary adjustments to standard drawings based on the conditions of each kiosk. The Supplier shall provide a marked-up drawing set and BOM for each kiosk site based on the field survey. The Owner's approval shall be obtained at each kiosk prior to commencement of works.</i></p> <p>Bidders shall submit Bids in strict compliance with the Technical Specification as issued in the Bidding documents and amended by Addendum #2, which shall be issued imminently.</p> <p>Note that the scope of the Work does not include modification of the kiosk building. If it is determined that the particular kiosk building where the smart dispenser with accompanying equipment are to be installed is in such a condition that additional work on the building is required or that the kiosk building condition does not allow proper dispenser installation and overall upgrade, the Supplier shall discuss the findings, proposed work on the building or the option to not upgrade the kiosk in question with the Purchaser. If the proposed work on the kiosk building or the option not to upgrade the kiosk due to building</p>

	condition is agreed, the Purchaser may issue a Contract Amendment as set forth in Clause 34 of the General Contract Condition (Section VI of the Bidding Document).
Question 42:	Which part of this tender document covers the clause that clearly specifies whether or not the incident is covered by the "Smart Kiosk Warranty Period"? For example, How does the "Warranty" handle the situation when if there is a result of customer misconduct, accident, or intentional misconduct that occurred during the warranty period which is not caused by the manufacturer?
Answer 42:	Addendum #2, which shall be issued imminently, amends Sub-Clause 29.3 of the Special Conditions of Contract (Section VII of the Bidding Document) to provide specifics to Clause 29 of the General Conditions of Contract (Section VI of the Bidding Document).
Question 43:	According to the document "Annex 6: Questions and Answers - Issue No. 1" that the keypad used in the existing kiosk is the main component that is easily damaged. However, this bid is again asked for a technical solution with a keypad. Is it allowed to offer the technical solution without a keypad? Is it considered as an alternative bid that is against the bid term?
Answer 43:	A technical solution without a keypad will not be considered. Problem associated with keypad in the existing kiosks is due to environmental factors such as weather condition, dirt etc. The Purchaser has evaluated other technical solutions while developing the technical specifications. Based on the Purchaser's experience and evaluation, keypad is the best solution and is most user friendly among all technical solutions evaluated. The Bidder should provide a bid that complies with all Technical Specifications.
Question 44:	<p>With regard to SR3. Tech spec_EIC Spec_Smart Kiosk_20211203_Clean_20220311_CLEAN.pdf</p> <p>You explicitly ask to provide Hikvision brand CCTV cameras which contradicts to common good practice of Bidding in the sense of not providing an advantage to limited vendors. Moreover please confirm that you knowingly ask this brand regardless of allegations including the US government that the Chinese Government was involved in violating privacy issues via Hikvision and Dahua. Regardless of the controversial matter, our concern based on our experience lies in the brand's inferior quality with a short lifespan.</p> <p>Please provide other reasons for this requirement other than compatibility with the existing network, which is solvable.</p>
Answer 44:	Addendum #2, which shall be issued imminently, the appropriate revisions to the Technical Specifications. Note the eligibility requirements of ITB 5 and 6.
Question 45:	From the IFB Tech spec and your Answers to Clarifications it is clear that modification of tech requirements would be a reason for disqualification. However, your answers to questions (Answer 7, especially Answer 10) suggest that your proposed solution of customer interface box equipment is outdated. Our UI Box which has no keypad and a knob for both open and close valve commands proved to have significantly improved service downtime and maintenance burden related to physical parts. Also, you specified in

	<p>the requirements LED displays, whereas LCD displays have cases advantageous in cold conditions.</p> <p>Please once again confirm that any addition or subtraction or modification (e.g. LCD instead of the LED) of any equipment parts in the Technical Specifications for the intent to procure the best quality Equipment would be considered as an Alternative bid and lead to disqualification.</p>
Answer 45:	<p>In the Purchaser's experience, LED works better than LCD in cold weather condition. As stated in the answer for Question 43, the Purchaser prefers a user interface with keypad. Bidders shall prepare bid that complies with all Technical Specifications.</p>
Question 46:	<p>Out of 182 new smart kiosks that will be installed, 9 are for refilling trucks only, 9 are for dual residential and truck refilling, and the rest are for residential refilling only. We understand that for the 9 dual purpose kiosks, flow meters and control panels are separate for residents and trucks. Please verify.</p>
Answer 46:	<p>The flow meters and controls panels for the dual-purpose kiosks are separate. Please refer to requirements for each kiosk type were summarized in the Table 1 of the General Requirements for Smart Kiosk (page 21). Please refer to EIC, Power Supply, Piping, and Painting specifications for detailed product requirements. The table is not intended to be an all-encompassing list of required products or components. The supplier remains responsible for furnishing all materials necessary to provide complete and functional installation.</p>
Question 47:	<p>We have done some research on the smart kiosk that were installed and are in use in Mongolia, specifically the ones in Ulaanbaatar city, Darkhan city, Erdenet city and provinces. Most of them are cheap made and the fittings are all manufactured in China. We are interested in participating in this bid by supplying and installing equipment that certified according to ISO and OHSAS, and meeting ASTM standards, Water Regulatory Advisory Scheme (WRAS), and CE marked. We think it is limited for us to compete compared to the products that are made in China. Therefore, please provide us more detailed explanation on what international standards the equipment and parts have to meet.</p>
Answer 47:	<p>Please refer to the General Requirements for Smart Kiosks Part 1, 1.13 Considerations for supply of goods, page 8, SR3 Technical specifications in the bidding document. The relevant section is copied below:</p> <p><i>“Supplier shall be fully responsible for furnishing instruments and instrument systems, meeting the following minimum considerations:</i></p> <ol style="list-style-type: none"> <i>1. Meets the performance requirements of the Smart Kiosk;</i> <i>2. Suitable materials and coatings for the environment and conditions;</i> <i>3. Ability to operate in extreme cold weather conditions. In the project site city Ulaanbaatar, winter season starts from November and continues until the end of March. The coldest period occurs from mid-December to mid-January and lasts about 10-15 days, during which the temperature can drop to -40C. For the rest of the winter, the temperature often drops to -35C. The Supplier shall therefore source components, especially those exposed to outdoor conditions, considering the ability to operate in these extreme cold temperatures.</i> <i>4. Availability of support and spare parts;</i>

	<p>5. <i>Reliability and proven technology; and</i></p> <p>6. <i>Safe Operability.”</i></p>
Question 48:	With regard to Bid Submission Form (BSF) 1.1 - Government-Owned Enterprise Certification Form:- For the highest Officials, does the Bidder need to provide evidence of the officer appointments along with the bidding documents such as resolutions of CEO, or Board or Directors, etc.
Answer 48:	<p>While this is not a requirement as an Annex to Bid Submission Form (BSF) 1.1, the Bid in its entirety may by default include this information. For example, Instructions to Bidders (ITB) 23.1 requires <i>“The written confirmation of authorization to sign on behalf of and bind the Bidder shall consist of: Power of Attorney, Board resolution or document(s) providing or demonstrating legal authorization to an individual”</i> and BSF9 requires the Bidder to <i>“provide information on its financial status. This requirement can be met by submission of one of the following: audited financial statements for the last five (5) years, supported by audit letters, OR certified financial statements for the last five (5) years, supported by tax returns.”</i></p> <p>In addition, MCA-Mongolia may seek this information to assist in the examination and evaluation of Bids, in accordance with ITB 30.</p>
Question 49:	<p>With regard to ITB 24.3 (d) and 24.3 (j): There are following contradicting statements in the IFB:</p> <p>24.3 d) (d) Submissions either by hard copy or by email are not acceptable and shall result in Bid rejection. The Purchaser shall not be responsible for misplaced or mis-sent Bids submitted not using the FRL. This circumstance may be cause for Bid rejection.</p> <p>ITB 24.1 Bids shall be submitted only electronically.</p> <p>ITB 24.3 j)Bidders are reminded that:</p> <p>i. Failure to submit the scanned copy of the Bid Security with the Bid and the hard copy by the designated date and time will result in rejection of the Bid;</p> <p>Please <u>confirm</u> if we are expected to provide a Hard copy of the Bid with the Bid security on June 27, 2022, before 10 am.</p>
Answer 49:	<p>There is no contradiction in clauses in the Bidding Documents. ITB 24 in its entirety clearly states that Bids shall be submitted only electronically using the File Request Link (FRL). Submissions either by hard copy or by email are not acceptable and shall result in Bid rejection.</p> <p>We however require an original of the Bid Security, therefore Bidders have up to 5 working days from electronic Submission of the Bid to provide this. As per ITB 24.3J (j), it shall be the original of the scanned copy submitted in the electronic Bid Submission. This is the only document that we seek in hard copy and should be delivered following the Bid Submission, but within the above stated timeline.</p>
Question 50:	ITB 23.1, states: <i>“The person or persons signing the Bid shall initial all pages of the Bid where entries and amendments have been made.”</i> Please clarify if all attachments and supporting documents shall be signed by the authorized person?

Answer 50:	Yes: Please initial every page including attachments. Do not initial the original Bid Security , and only initial the scanned version included in your Bid Submission.
Question 51:	<p>ITB 15.7 states <i>“The prices quoted by a Bidder shall be fixed for the duration of the Contract and shall include transportation, insurance and all services required to deliver the Goods and Related Services to their Final Destination.”</i></p> <p>In the BDS it is indicated that the purchaser reserves the right to increase or decrease the quantities of the BSF2 and BSF3 by up to. 20%.</p> <p>However, in the Bid Data Sheet it states that bid price shall be fixed.</p> <p>Should the bid price include and should it be separately indicated the contingency cost, that may arise from such an increase in the quantities of the goods and services provided. Please clarify when this adjustment will be made by the Purchaser. At the time of Contract award? or Later on? We try to understand the financial implications of this adjustment.</p> <p>Please be noted that transportation cost is highly fluctuating due to the Covid pandemic and China's Zero Covid policy.</p>
Answer 51:	<p>Please refer to the response to Question 34.</p> <p>The total bid price is for the quantities specified in the IFB. Should the Purchaser elect to increase or decrease the quantities, the adjustment to the fixed contract price will be based on the quoted unit prices. The quoted unit prices as well as the total price of a bid submitted by a bidder are Fixed and no contingency cost, that may arise from such an increase in the quantities of the goods should be included. If the purchase selects to increase or decrease the quantities of each item by up to 20%, any changes to transportation cost would be required to be proved that it relates to the increase or decrease for it to be accepted. The effects of the Covid-19 pandemic and China's Zero Covid policy and other risks shall be accounted for by the Bidder in its Bid Price. Following the Contract signature, any required changes due to risk factors would be in strict compliance with General Conditions of Contract 33 (Force Majeure).</p>
Question 52:	<p>With regard to ITB 24.3 (e) The FRL shall expire on the Bid submission deadline, specified in ITB Sub-Clause 25.1. The Bid and other related documents shall be submitted solely via the FRL, which can be used more than once to submit additional documents. Can we submit some of the Bid proposal documents prior to the submission due? If acceptable, we would like to submit qualification documents prior to the submission due date to avoid any network issues</p>
Answer 52:	Yes, the link is open and secure and Bidders are responsible for the timing of the Bid Upload. The link expires exactly on Bid Submission Deadline and only those pages updated to that point will be evaluated, which may lead to a Bid being rejected as incomplete.
Question 53:	It is understood as there is no hardware and electronics related works to be done for the integration of old 146 smart kiosks to the new management software. Please confirm that existing smart kiosks have fully functional Electronic data interface and in the scope of the bid contract there is no hardware procurement foreseen, examples include but not limited

	to sensors, that are to be provided with new smart kiosks, which may not be present in the existing smart kiosks.
Answer 53:	We confirm that existing smart kiosks have fully functional Electronic data interface. Under the project, no new hardware will be supplied for existing smart kiosks.
Question 54:	It is specified that source codes are to be transferred to the USUG. Please confirm that the developer reserves the right to use the intellectual property (copies, know-how and algorithms) with 3rd parties in the future. Also please confirm, that USUG does not have the right to resell or redistribute or transfer ownership to any 3rd parties the Intellectual property and source codes received under the scope of the bid contract.
Answer 54:	<p>Please refer to the Software and Server Specifications, PART 1, 1.4 A - INTELLECTUAL PROPERTY, page 1:</p> <p><i>“All software supplied to USUG as part of the scope of this project shall become the property of USUG. USUG shall have rights to connect its Kiosks to the software and make necessary upgrades and expansions. The Supplier shall provide the software source code in the form of a Git code repository such that USUG can develop the software further to meet its specific needs in the future. Any TLS/SSL certificate, public/private key pairs, or other information required for encryption and data security will also be supplied.”</i></p> <p>We confirm that the developer reserves the right to use the intellectual property (copies, know-how and algorithms) with 3rd parties in the future. USUG’s rights are as defined in the contract and specification.</p>
Question 55:	As per the Section V. Schedule of Requirement (SOR), we have understood that listed HSE and Project management plans are part of the Related services that we are expected to provide in case of Contract award. We are not expected to develop and submit these plans with the Bid before the submission is due. Please clarify
Answer 55:	Correct - The Bidder is not required to develop and submit the plans described in the SR6 Environmental, Health and Safety Procedures during the tender stage before Contract award. The Bidder shall complete the BSF7 form, in which the Bidder should provide sufficient data sheets, licenses, permits or other documents to demonstrate to the satisfaction of the Purchaser that the Bidder has in place sufficient safety policy documents and safety awareness to be able to perform the project work in a safe manner; the Bidder possess a high level of health and safety (“H&S”), environmental and social management expertise and can successfully manage the H&S, environmental and social risks related to the delivery of the Goods and Related Services and is capable of developing and abiding by H&S procedures similar to those provided in Section V. Schedule of Requirements.