



29th March 2022

REFERENCE NUMBER: SPD3/2022/010

FRAMEWORK AGREEMENT FOR THE PROVISION OF INCONTINENCE DIAPERS, PULL-UPS, PADS AND INCO-SHEET FOR SENIOR CITIZENS AND PERSONS WITH SPECIAL NEEDS FOR THE MINISTRY FOR GOZO

Clarification No. 3

Clarifications

Question 1: With reference to Section 1.3.1, specifically to the reason/s for not subdividing the tender into Lots:

This tender is not divided into lots, and tenders must be for the whole of quantities indicated. Tenders will not be accepted for incomplete quantities. Tender cannot be divided into lots as the deliveries cannot be supplied by different suppliers. Separating the supplies into Lots is not feasible due to the small amount of Scheme B beneficiaries which are entitled to these supplies within Gozo and in view that this would result in different locations for the distribution of supplies from where the beneficiaries would collect their entitlement.

We would like to bring to your attention that the supplies mentioned i.e. Children's and Adult incontinence items, comprise of different beneficiaries, therefore we are unable to identify any justification/s not to subdivide the tender into lots for collection from the contractors Distribution Centre in Gozo i.e. Lot 1 - Children's Diapers and Lot 2 - Adult Diapers.

In the event that this tender is subdivided into Lots and awarded to more than one economic operator, there are clear instructions in Article 29, Delivery on how a contractor should fulfil their obligations for Scheme A and Scheme B beneficiaries.

Should there be any issues as to why this tender cannot be subdivided into Lots (as per the above structure) kindly provide the relevant justification and reason/s.

Answer 1: As per article 3.1 of Section 1 of the tender document, it is being confirmed that separating the supplies in sub-categories is not administratively nor logistically practical and viable due to the limited amount of Scheme B beneficiaries (who are entitled to such supplies in Gozo). Moreover, the intent of the Contracting Authority



is to have a single centre which distributes all sizes/supplies at one source, thus avoiding beneficiaries (with varying sizes) having to refer to different points/distributions/locations to get their entitled incontinence supplies.

Question 2: With reference to the following items in Section 3, Specifications:

Item No	Item Description	Estimated Quantity Required for twelve (12) months period
10	Adult Diaper Extra Extra Large	10,000
11	Adult Diaper Extra Extra Extra large	5,000

It has come to our attention that contracting authority has designed this procurement document in a way to target a specific brand or source as requested in the Technical Specifications.

Size	Approx. Hip Measurement +/- 10cms	Minimum Total Absorption Capacity
Extra Extra Large	163 - 178 cm	2900ml
Extra Extra Extra Large	175 - 224 cm	3050ml

Whilst we acknowledge that it is the Contracting Authority's responsibility to cover the needs of all entitled beneficiaries, kindly note that since this tender has not been issued in Lots, this has the effect of excluding all other economic operators and is artificially narrowing competition.

Item 10 and Item 11 comprise of specific user requirements, given the nature of the XXL and XXXL, which is especially for Bariatric patients which are only available from two economic operators, CE certified in Europe.

In order to eliminate this discriminatory criterion, the contracting authority as a remedy, should re-issue Section 3 – Specifications in Lots in order to allow all eligible economic operators an opportunity to participate in the public procurement process, as per the following:

- A first Lot to cover Items 10-11, Adult Diapers XXL and XXXL for Bariatric beneficiaries
- A second Lot to cover all other items for Senior Citizens or Persons with Disability beneficiaries.

The design of this procurement document, in its current form, is unduly favoring an economic operator whilst also disadvantaging the majority of other economic operators.



In view of equal treatment for all bidders, may we ask that this clarification is given serious consideration.

Answer 2: **The requested sizes and quantities are based on the current needs of the clients. For logistical and administrative reasons, the Contracting Authority is looking for a single distribution centre that supplies and provide a holistic and uniform service to all clients, irrespective of the size and type of incontinence' related requirements. In line to the Public Procurement Regulations, every economic operator can adopt mechanisms and has every opportunity and responsibility/remit to make the necessary arrangements for the complete sourcing of all items in line to the terms and conditions of the tender document.**

All other tender documents, conditions and requirements, which are not superseded by this Clarification, remain in place.

Sectoral Procurement Unit 3
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