

The appointing documentation was successfully sent.  
The appointing documentation is waiting to be validated.

#### **Appointing documentation no. 267050**

##### **Details on the documentation appointing a tender**

**Legislation type:** Law no 98/23.05.2016

**Status of appointing documentation:** WAITING FOR VALIDATION

**DATE OF TRANSMISSION IN SEAP:** 13.03.2017 16:27

**Legislation type:** Law no 98/23.05.2016

There was no market prospecting previously.

#### **SECTION I: CONTRACTING AUTHORITY**

##### **I.1) NAME, ADDRESS AND HEADQUARTERS:**

###### **ANTIBIOTICE SA IASI**

Postal address: No.1 Valea lupului Street, Iasi municipality, IASI county, zip code 707410, Romania, contact: LIVIU VATAVU, legal counselor, Phone no.: +40 232 209567, Email: [livi.vatavu@antibiotice.ro](mailto:livi.vatavu@antibiotice.ro) Fax no: +40 232 209 633, website: [www.antibiotice.ro](http://www.antibiotice.ro). Address for buyer's profile: [www.e-licitatie.ro](http://www.e-licitatie.ro)

Number of days during which clarifications may be requested before the deadline for submission of tenders: 4

**I.2) TYPE OF CONTRACTING AUTHORITY AND MAIN ACTIVITY (MAIN ACTIVITIES):** Joint stock company according to Law no. 31/1990 on trading companies

###### **Activity (activities)**

Other: manufacture of basic pharmaceutical products (CAEN code 2110)

THE CONTRACTING AUTHORITY ACTS ON BEHALF OF OTHER CONTRACTING AUTHORITIES: no

#### **SECTION II: OBJECT OF THE CONTRACT**

##### **II.1) DESCRIPTION**

**II.1.1) Name and date of the contract/contest/ project by the Contracting Authority/contracting entity:** Legal Audit Services

##### **II.1.2) Type of contract and location of works, supply of goods or provision of services**

16 – Services other than those mentioned in Annex II

Main office: headquarters of the contracting authority: Iași, strada Valea Lupului Street no.1, Iasi county, postal code 707 410.

NUTS code: R0213 – Iasi

**II.1.3) The announcement implies:** A public procurement contract

##### **II.1.4) Information on the frame agreement**

**II.1.5) Short description of the procurement contract:** Legal Audit// statutory audit services

The overall objectives of this project are:

- Statutory audit In accordance with the International Standards on Auditing ("I.S.A") of the financial statements of Antibiotice for the financial years ended 31 December 2017, 2018 and 2019 drawn up in accordance with the provisions of Order of the Public Finance Minister no.1286/2012 for the approval of the Accounting Regulations in compliance with the ISFR (Standard International Financial Reporting,) applicable to companies whose securities are admitted to trading on a regulated market, with all subsequent modifications and completions, as well as the provisions of the law in force at the date of reporting for the approval of accounting regulations
- Review of the interim financial statements of Antibiotice drawn up in accordance with International Standards for Revision Missions for 6 months' intervals ended June 30, 2017, 2018 and 2019
- drawing up the audit reports under 2.2. in compliance with article 10 of EU REGULATION no. 537/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 April 2014 on specific requirements for the statutory audit of public companies and repealing Commission Decision 2005/909 / EC;
- preparation of an Additional Report to the Audit Committee of the audited company no later than the date of the submission of the audit reports mentioned above.

#### **II.1.6) CPV (Common Procurement Vocabulary) Classification**

79212300-6 - Legal auditing services (Rev.2)

**II.1.7) The contract is covered by the agreement on public procurement contracts:** no

**II.1.8) Dividing on sections:** no

**II.1.9) Alternatives are accepted:** no

#### **II.2) AMOUNT OR RANGE OF AGREEMENT/FRAME AGREEMENT**

##### **II.2.1) Total amount or range**

Legal Audit Services/ statutory audit – term of contract 3 years

General objectives of the project are:

- Statutory audit In accordance with the International Standards on Auditing ("I.S.A") of the financial statements of Antibiotice for the financial years ended 31 December 2017, 2018 and 2019 drawn up in accordance with the provisions of Order of the Public Finance Minister no.1286/2012 for the approval of the Accounting Regulations in compliance with the ISFR (Standard International Financial Reporting,) applicable to companies whose securities are admitted to trading on a regulated market, with all subsequent modifications and completions, as well as the provisions of the law in force at the date of reporting for the approval of accounting regulations
- Review of the interim financial statements of Antibiotice drawn up in accordance with International Standards for Revision Missions for months' intervals ended June 30, 2017, 2018 and 2019
- drawing up the audit reports under 2.2. in compliance with art. 10 of EU REGULATION no. 537/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 April 2014 on specific

requirements for the statutory audit of public companies and repealing Commission Decision 2005/909 / EC;

- preparation of an Additional Report to the Audit Committee of the audited company no later than the date of the submission of the audit reports mentioned above.
- Estimated value without VAT: 166,500 RON

**II.2.2) Options: no**

II.3) TERM OF THE CONTRACT/ FRAME AGREEMENT/ OR TERM FOR COMPLETION 36 months starting with the date for appointing the contract/issuance of orders to start services or works

II.4) ADJUSTING THE PRICE OF THE CONTRACT: No

**SECTION III: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION**

III.1) CONDITIONS RELATING TO THE CONTRACT

**III.1.1) Deposits and guarantees required**

**III.1.1 .a) Participation guarantee**

The participation guarantee is 1665,00 lei. The participation guarantee may be constituted by an guarantee instrument issued under the law by a bank or an insurance company or by transfer into the account: R004BACX0000003010678000 opened at Unicredit Tiriac Bank Iasi. Warranty period: 120 calendar days since the deadline for receipt of tenders. In the case of extending the period of validity of the offer, the participation guarantee will be prolonged accordingly. The date when the exchange is made (leu / foreign currency for operators representing the participation guarantee in euro / other currency) is the date of publication of the simplified participation notice. Proof of the guarantee of participation is filed in SEAP considering that the procedure is being conducted online.

**III.1.1.b) Good execution warranty**

The amount of the good execution guarantee is 10% of the value of the contract without VAT. The warranty will be in accordance with the provisions of art. 40 of GD 395/2016.

**III.1.2) Main financing and payment terms and/or reference to relevant provisions:** self-funding

**III.1.3) The legal form to be taken by the group of economic operators to whom the contract is awarded**

Association according to art. 53. of the Public Procurement Act 98/2016; Association according to art. 66. of the Sectoral Purchasing Act number 99/2016; Association according to art. 39. of the Law on works concessions and service concessions no 100/2016.

**III.1.4) Execution of the contract is subject to other special conditions: no**

**III.1.5) Applicable legislation**

a) *Procurement Act no 98/2016; Law on Sector Acquisitions no. 99/2016; Law on work concessions and service concessions no 100/2016;*

b) *Law on remedies and lawsuits in the matter of awarding public procurement contracts, sectoral contracts and works concession contracts and services concession, as well as for the organization and operation of the National Council for Solving Complaints no. 10/2016;*

c) [www.anap.gov.ro](http://www.anap.gov.ro)

*Art 48 from GEO no 109/2011 on corporate governance of public companies, approved by Law 111/2016*

### **III.2) ELIGIBILITY AND PARTICIPATION CONDITIONS**

#### **III.2.1) The personal situation of the economic operators, including the requirements related to the registration in the trade register or the professional register**

##### **III.2.1.a) The personal situation of the candidate or tenderer**

Information and formalities necessary for evaluating if requirements are met

The bidders will consider not complying with the provisions of art. 164, 165 and 167 of Law no. 98/2016 and fill-out the relevant chapters sections from the DUAE.

The persons holding decision-making positions within the contracting authority in terms of organization, execution and completion of the appointing procedure are the following: Ioan NANI - General Manager, Paula-Luminita COMAN – Financial Director, Liviu VATAVU –Legal counselor. Members of the evaluation committee: Ionut Sebastian IAVOR, Elena CALITOIU, Nicolae STOIAN, Substitute member in the evaluation committee: Adela NEAGOE.

The decision-makers within the procurement organization in terms of organization and completion of the award procedure are as follows: MACOVEI ALEXANDRU - employee of the purchasing service provider, BUICEAC RADU - employee of the purchasing services provider, SILVIU TATARU - employee of the purchasing services provider.

After applying the eligibility criteria, the tenderer ranked first will submit:

- Certificate of fiscal attestation (debts to the consolidated general budget) showing that the tenderer has no overdue debts when submitting the tender;
- Certificate regarding payment of local taxes (debts to local budgets) showing the tenderer has no debts outstanding at the time of submission;
- The judicial record of the economic operator and of members of the administration, management or supervisory body of the economic operator or those who have power of representation, decision-making or control within it, as shown in the certifying certificate issued by the ONRC/Articles of Association;

In the case of bidders who are foreign legal persons to meet the requirements, they must present the explanatory documents issued by competent authorities in the country where they are residents, by which they prove they have no overdue taxes to the state and local budget, in accordance with the legislation of the country of residence, at the time of submission of the documents. The requirement for non-compliance with the situations provided in articles 164, 165 and 167 of Law no. 98/2016 also addresses third party supporters (as per articles 183, paragraph 1 of Law No. 98/2016) and sub-contractors (see Article 170, paragraph 1 of Law No. 98/20106).

They will fill in the DUAE, then the contracting authority is to request supporting documents proving the fulfillment of those assumed by completing the DUAE. Only the bidder ranked first in the interim ranking at the end of the evaluation is requested to provide such documents.

##### **III.2.1.b) Ability to perform professional activities**

Information and formalities necessary for evaluating if requirements are met

Economic operators submitting a tender must prove a form of registration under the law of their country of residence, stating the fact that the economic operator is legally constituted. That they are in none of the situations cancelling their establishment as well as the fact that they have the professional capacity to perform the activities covered by the contract.

Bidders will fill in the DUAE information on their ability to practice. After applying the assessment, the tenderer ranked first will submit the Certificate of Good Standing issued by the National Trade Registry Office.

The information contained in the Certificate of Good Standing must be valid at the time of submitting the document (s). The subject of the contract must have a correspondent In the CAEN (National Classification of activities) according to the Certificate of Good Standing. Foreign legal/natural persons: will present documents proving a form of registration / attestation or membership, in compliance with the legal provisions in the country where the tenderer is resident. Such documents demonstrate the fulfillment of those assumed by completing the DUAE, only in the situation where the tenderer ranks first in the Intermediate ranking after the evaluation of tenders. Documents shall be submitted at the request of the contracting authority.

### **III.2.2) Economic and financial capacity**

#### **III.2.3.a) Technical and / or professional capacity**

<b>Information and/or minimum eligibility criteria – to evaluate if tenders meet the requirements</b>	<b>Requirements are met if</b>
<b>Requirement no.1</b>  The list of main services provided over the last 3 years, showing they have supplied similar services in a cumulated value of at least 166,000,000 lei without VAT, i.e. maximum 2 (two) contracts.	Filling in the DUAE. The documents backing up similar experience (GMP certificate, service supply agreement, copy of the minutes confirming the reception/copy of beneficiary recommendation
<b>Requirement no.2</b>  Joint-agreement if several legal persons submit a a common/joint offer	Filling in the DUAE. All bidders, along with the submission of the DUAE, will submit the association agreement. The supporting documents proving the information assumed in the commitments / agreements will only be requested from the successful tenderer by the contracting authority.  Prior to awarding the contract, the contracting entity shall request the tenderer ranked the first these information. Submitting the Association Agreement. Eligibility criteria for each associate will be presented in accordance with the legislation in force.

### **III.2.3.b) Standards of quality assurance and environmental protection**

**III.2.4. reserved contracts:** no

### **III.3 SPECIFIC CONDITIONS FOR SERVICE CONTRACTS**

**III.3.1) The provision of services in question is reserved for a particular profession:** yes

**Order of the MPF no 2844/2016. EU Regulations no. 537/2014**

III.3.2) Legal persons are required to indicate the names and professional qualifications of the members of the responsible staff for the provision of those services: yes

## **SECTION IV: PROCEDURE**

### **IV 1) PROCEDURE**

**IV.1.1) Type of procedure and procedure of execution**

**IV.1.1.a) How to conduct the awarding procedure:** online

**IV.1.1b) Type of procedure**

Call for tender I Simplified procedure - In one stage

### **IV.2) AWARDING CRITERIA**

#### **IV.2.1) Awarding Criteria**

The best value for money regarding:

- the criteria listed below
- the criteria set out in the tender specifications, in the invitation to submit a tender or to participate in the negotiation or in the descriptive document

<b>Criteria</b>	<b>Ratio</b>	<b>Maximum score</b>
1. The price of the tender	70%	70%

Description: Financial Component

Calculation algorithm: a) The admissible/acceptable bid with the lowest price will receive 70 points; b) Other admissible offers than those in a) will be scored according to the following formula: tender rating n = [Price tender a) / Price tender n] x 70

#### **2. Experience in project management**

<b>Criteria</b>	<b>Ratio</b>	<b>Maximum score</b>
1. The price of the tender	30%	30%

Description: The specific professional experience of the Project Manager / person in charge of the project in similar projects

Calculation Algorithm: The Contracting Authority establishes: Participation as project manager / person in charge of the contract, in which they carried out activities similar to those to be implemented under the future contract, in less than 4 projects/ audit service contracts, the offer will be declared non-compliant and for participation as a project manager / person in charge of the contract, of the key expert proposed, in which they carried out activities similar to those which they intend to implement in the future contract, for more than 12 projects/ financial audit service contracts, the offer will not get an additional score: a) Participation as project manager / person in charge of the contract, where they carried out activities similar to those to be implemented under the future contract, for a number of 10 -12 projects and financial audit services contracts - 30 points are awarded; b) Participation as project manager / person in charge of the contract in which they carried out activities similar to those to be implemented under the future contract for a number of 7 to 9 projects and financial audit services contracts 20 points are awarded; c) Participation as project manager / person in charge of the contract, in which they carried out activities similar to those that are to be implemented under the future contract, for a number of 4-6 projects/ financial audit service contracts – 10 points;  
**Total maximum score: 100**

**IV.2.2) An electronic tender/auction will be organized: NO**

**IV.3) ADMINISTRATIVE INFORMATION**

**IV.3.1) Reference number assigned to the dossier by the contracting authority**

**IV.3.6) Language(s) in which the tender / application / project or the request to participate may be drawn up: Romanian**

**IV.3.7) Currency in which the financial tender is submitted: RON**

**Minimum period during which the bidder must maintain its offer: 120 days (after the deadline for receipt of tenders)**

**IV.4) PRESENTATION OF THE OFFER**

**IV.4.1) How to present the technical proposal**

The technical proposal shall be drafted in such a way as to show that the requirements of the specifications are met in full and reflect the fulfillment by the bidder of all the requirements set forth therein. Information on the mandatory rules for the work and occupational safety that are in place and must be observed during the fulfillment of the contract can be obtained from the Bucharest Labor Inspection Department ([www.inspectmun.ro](http://www.inspectmun.ro)). Economic operators must indicate within the tender that its elaboration has taken into account the relevant environmental social and labor obligations, through a statement of liability. Competent institutions from which economic operators can obtain detailed information on the environmental, social and labor-related relations obligations are the Ministry of the Environment and the Ministry of Labor, Family, Social Protection and Elderly People. In this respect they will fill out the declaration(s) according to the model(s) in the section Forms.

#### **IV.4.2) How to submit the financial proposal**

The financial proposal will be expressed in lei. The prices in the tender will include all and any necessary costs for its services to comply with the requirements in the Technical Specification as well as all legal fees and any costs that will be incurred by the contacting authority for the tasks set out in the Tender Specifications. The financial offer will include:

- the tender form
- the price for each activity required in section 2.2. of the Technical Specifications expressed in lei without VAT with 2 decimals;
- the total price expressed in RON without VAT, with 2 decimals;
- method and terms of payment;
- deadlines for execution and submission of works;
- facilities awarded;
- the period of validity of the offer. The financial offer will be mandatory for all the requested activities. The financial offer must be encrypted in SEAP ([www.elicitatie.ro](http://www.elicitatie.ro)). The offer will be valid throughout the contract period.

#### **IV.4.3) How to submit the tender**

Address where the offer is submitted: S.E.A.P. ([www.elicitatie.ro](http://www.elicitatie.ro)): Deadline for submitting tenders: as per the simplified notice for participation. Note: The deadline (hour) will be automatically entered the system. The economic operator must take all measures so the qualification documents: technical and financial proposal to be transmitted in SEAP signed with extended electronic signature according to art. 60 paragraph (4) of GD no. 395/2016 and only until the deadline for submission of tenders. The risks of transmission of the offer, respectively the force majeure, fall under the economic operator's charge.

**Note:** Failure to fill in the field corresponding to the SEAP financial proposal leads to the impossibility of taking your tender into consideration in the assessment phase. In accordance with the provisions of article 64 paragraph (1) of Law no. 98/2016, relative to documents that are transmitted by electronic means, the legal provisions on electronic signature (Law 455/2001 on electronic signature) it is made clear that all the above mentioned documents will be scanned and imported into a format that allows the signing of the respective document with the electronic signature of the economic operator and will be uploaded to SEAP in the appropriate section for each document type. Documents issued by other institutions will be scanned and signed electronically by the bidder on his own responsibility. In the case of a joint offer, the association agreement will be presented, a legal empowerment signed by the administrator/ legal representative or another equivalent legal document, in case the signer of the offer is someone other than the administrator/ the legal representative of the firm (original/certified translation). Through the power of attorney, the person who signs will empower the tenderer in the appointing procedure. Considering art. 193 paragraph (1) of Law 98/2016, economic operators need to fill out DUAE for all participants in the procedure (tenderers, associate tenderers, third parties, subcontractors) then the confirmation documents are presented only by the bidder ranked first after the evaluation. In the evaluation process



an offer will be rejected if the bidder does not submit DUAE as per article 104, paragraph 3 in conjunction with Article 60 / GD 395/2016 and art. 137 paragraph 2 letter b / GD 395/2016. DUAE (Single European Procurement Document) consists of an affidavit as a preliminary proof that the economic operator in question meets the following conditions: a) is in none of the exclusion situations mentioned in art. 164, 165 and 167; b) fulfills the technical and professional capacity criteria and as required: If the economic operator demonstrates the criteria regarding the technical and professional capacity, invoking the support of a third party, the DUAE also includes information on the third party. If the economic operator intends to subcontract part(s) of the contract. DUAE includes the information requested on subcontractors. DUAE is an affidavit, a statement of your own liability, that will be filled out online by the contracting authority on the website <https://ec.europa.eu/growth/toolsdatabases/fespd/fllter>. Before awarding the contract, the contracting authority shall request the tenderer ranked first to provide up-to-date documented evidence demonstrating that all the qualification and selection criteria are met, in compliance with the information contained in the DUAE.

**Note:** If there are uncertainties with respect to certain documents submitted, the Contracting Authority reserves the right to request additional details, clarifications or confirmations, both from the tenderer concerned as well as from the competent authorities that can provide information in this respect.

TENDER IN ELECTRONIC FORMAT (SEAP) WILL CONTAIN: proof of the participation guarantee; the list of contents of the documents submitted specifying the page number; DUAE: the engagement of third party supporters and annexes, association agreement and subcontracting agreement (if applicable); Technical proposal; Financial proposal filled-in in the corresponding field.

Note: To avoid errors during analyzing and checking the documents submitted by bidders, the numbering of that offer is requested of all pages so that they can be easily identified.

## **SECTION VI: ADDITIONAL INFORMATION**

VI. 1) THE CONTRACT IS PERIODIC: no

V1.2) CONTRACT/COMPETITION IS RELATED TO A PROJECT AND/OR PROGRAM FINANCED BY COMMUNITY FUNDS/ OPERATION PROGRAM/ NATIONAL PROGRAM FOR RURAL DEVELOPMENT: no

Funding type: Other funds

V1.3) OTHER INFORMATION

If admissible offers have been made and have equal prices, in order to select them, the contracting authority will ask for clarifications through SEAP, or the electronic uploading by economic operators of documents containing new prices. In DA any norms, brands, standards and certificates will be accompanied by the reference "or equivalent". Bidder prepares the offer In accordance with the provisions of the requested documentation and indicates in its contents which information in the technical proposal and/or the financial proposal are confidential, classified or protected by an intellectual property right.

VI.4) REMEDIES AT LAW

#### **VI.4.1) Body responsible for remedies at law**

##### **National Council for Solving Complaints**

Address: Str. Stavropoleos, no 6, district no 3, Bucharest, postal code: 030084, Romania, Tel. +40213104641,  
Email: office@cnscl.ro, Fax: + 40213104642 / +40 218900745, URL: <http://www.cnscl.ro>

Body responsible for mediation procedures

#### **VI.4.2) Use of remedies**

Specification of the deadline (s) for lawsuits/remedies

The deadlines for exercising remedies are those provided by Law 101/2016

#### **VI.4.3) Department providing information on remedies at law**

##### **Legal Department - SC ANTIBIOTICE SA**

Postal address: Iasi, str. Valea Lupului nr. 1, Location: Iasi, Postal code: 707410, Romania,  
Tel. +40232209000, Email: liviu.vatavu@antibiotice.ro, Fax: +40232209633

#### **V1.5) DATE when SENDING THE APPOINTING DOCUMENTATION**

**13.03.2017 16:27**