

APPROVED

Head of the tender committee
of the State Fiscal Service of Ukraine

_____ O.M. Lazarev

According to the tender committee decision as of
January 28, 2015 (protocol № 16)

TENDER DOCUMENTATION

for the procurement of commodities with respect to:

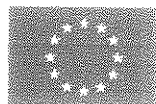
Radiological, electromedical and electrotherapeutic equipment

(Scanning system)

State classification code 016:2010 – 26.60.1

Procurement procedure – public tender (open bidding)

Within the framework of the project Reconstruction of international automobile border
crossing point (IABCP) «Ustylug»



Financing by the European Union within the
framework of European Neighborhood and
Partnership Instrument

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Section I. General provisions	
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1. Terms used in the tender documentation	The tender documentation is elaborated in accordance with the Law of Ukraine "On Public Procurement" (hereinafter – the Law) and subject to Annex IV to the Grant contract № IPBU.02.02.01 70 006/0900, signed on October, 10, 2012 (hereinafter – Contract), within the framework of Agreement on financing of the Joint Operational Program Poland Belarus Ukraine of the ENPI 2007 2013, and the Framework Agreement between the Government of Ukraine and the Commission of the European Communities (ratified by the Law of Ukraine as of 03.09.2008 № 360VI).
2. Information about the tender ordering customer:	
full name:	State Fiscal Service of Ukraine
location:	04655, Kyiv, 8, Lvivska square
Administrative official of the ordering customer, authorized to communicate with participants:	Potapchuk Yuri V., Chief of the procurement support Section of the Logistic, Maintenance Support and Procurement Directorate of the Department of Infrastructure, 04119, Kyiv, 11 G Dehtiarivska street, room 216, ph. (044) 247 26 54, email: yurii.potapchuk@gmail.com
3. Information about the procurement item:	
Name of the procurement item:	Radiological, electromedical and electrotherapeutic equipment (Scanning system)
Code:	State classification code 016:2010 – 26.60.1
Type of the procurement item:	Commodities
Location, quantity, volume of delivery of commodities (services, works):	International automobile crossing point on the State Border «Ustylug», Ustylug, 60, Levintsova street, Volodymir Volynsky district, Volyn region, Ukraine. Information on technical requirements and completeness of commodities are listed in Annex 5 of the tender documentation
Delivery period of commodities (rendering of services, performance of works):	During 2015
4. Procurement procedure	Public tender (open bidding). Financing by the European Union within the framework of European Neighborhood and Partnership Instrument.
5. Non discrimination of participants	Domestic and foreign participants (hereinafter participants) are participating in procurement procedure on equal terms.
6. Information about the currency (currencies), in which tender bid price should be calculated and	Currency of tender bid is Ukrainian Hryvnia (UAH). In case if the procurement procedure participant is a non resident, such participant may indicate the price of tender bid in Euros. At that, when opening tender bids, the price of such tender bid shall be converted into UAH according to the National Bank of Ukraine official exchange rate of

indicated	Hryvnia against Euro as of the date of opening of tender bids, about which an indication in the minutes of tender bids opening will be made.
7. Information about the language (languages) which should be used when delivering tender bids	<p>All documents, submitted as a part of tender bid should be drawn up in Ukrainian.</p> <p>In case if document is drawn up in foreign language, it must be annexed with a translation into Ukrainian, certified with translator's signature, signature of an authorized representative of the participant and ensealed (if the seal is available/applicable).</p> <p>For all non resident participants language of country of origin or English language (notarized Ukrainian translation must be attached).</p>
Section II. The procedure for amending and providing clarifications to the tender documentation	
1. Procedure for providing clarifications regarding tender documentation	<p>Person/entity is entitled to apply to the ordering customer for clarification of the tender documentation not later than 10 days prior to the deadline for submission of tender bids. Customer should provide clarification to the request within three days after its receipt.</p> <p>Ordering customer has the right to amend tender documents either on its own initiative or upon requests from third parties, having extended the deadline of tender bids opening by no less than seven days; ordering customer must notify in writing all persons who have been issued the tender documentation within one business day after the decision is made about introduction of such amendments.</p> <p>In case of procurement under the simplified procedure, ordering customer has no right to amend the tender documents either on its own initiative or upon requests, except when such amendments are necessary to bring the tender documentation in compliance with the current legislation or these amendments require decision of a body of appeal. In this case, ordering customer introduces corresponding amendments to the tender documentation and extends the deadline for submission of tender bids.</p> <p>In case of untimely provision of clarification regarding the contents of tender documents by ordering customer, or its untimely amendment, ordering customer must extend the deadline for submission and opening of tender bids by not less than seven days and notify all persons who have been issued tender documentation.</p> <p>The said information is published by the ordering customer in accordance with Article 10 of the Law.</p>
2. Procedure for holding meetings in order to clarify requests regarding tender documentation	<p>In case of holding meetings in order to clarify requests regarding tender documentation the ordering customer must ensure taking minutes of such meetings with narration of all clarification regarding requests.</p> <p>The said information is published by the ordering customer in accordance with Article 10 of the Law.</p>
Section III. Preparation of tender bids	
1. Formalization of tender bids * This requirement shall not apply to participants who operate without a	<p>Proposal of competitive bidding (tender bid) is to be submitted in written form signed by an authorized officer of the participant, binded securely, numbered and affixed a seal* in a sealed envelope.</p> <p>Participant of procurement procedure may submit only one competitive bidding proposal.</p>

<p>seal (stamp) in accordance with current legislation, except for originals or notarized documents, issued to a participant by other organizations (companies, institutions)</p>	<p><u>All pages of the bid of a procurement procedure participant shall be numbered and contain signature of the authorized official of a procurement procedure participant, as well as participant's seal impression, except for original documents and notarized copies.</u></p> <p>A procurement procedure participant's signature authorization for the bid is confirmed by one of the following documents, which must be certified with participant's own seal: an extract from the minutes of the founders' meeting, order of appointment, power of attorney, mandate or other document, confirming the authority of participant's authorized official to sign documents.</p> <p>In case a participant is carries on business without a seal, documents are certified by the signature with the mandatory provision of the notarized specimen of the signature.</p> <p>Tender bid shall be packed in one envelope, which must contain participant's seal impression in places of its adhesive bonding.</p> <p>The envelope shall contain:</p> <ul style="list-style-type: none"> – Full name and address of the ordering customer; – Name of the procurement item in accordance with the announcement about open tender; – Full name (last, first, middle) of the procurement procedure participant, his location (place of residence), EDRPOU identification code, contact phone numbers, e mail; – Marking: «Do not open until _____» (date and time of tender bids opening). <p>All documents prepared by a participant (forms, certificates, etc.) must be signed by an authorized person, certified by participant's seal impression.</p> <p><u>All copies of documents, submitted as part of the tender bid, shall contain marking "according to the original", position, name and signature of authorized person, certified by participant's seal impression, except notarized copies.</u></p> <p><u>The bid cannot contain corrections. If necessary, corrections are made by hand, in other words, a wrong text or numbers are being crossed out and correct text and/or numbers are being superscribed. Crossing out is done with one line so that one can read the corrected part. Correction of a mistake should be labeled with an inscription "Corrected" and verified by signatures of persons, who had signed this document with indication of the date of correction.</u></p> <p>The use of participant's facsimile, reproduction of signature by means of mechanical copying or other types of copying, electronic digital signature or analogue of a handwritten signature is not allowed.</p>
<p>2. Contents of a participant's tender bid</p>	<p>Tender bid, submitted by a procurement procedure participant shall consist of:</p> <ul style="list-style-type: none"> – register of documents, submitted by a participant with indication of their names and pagination; – price quote according to the form, prescribed in Annex 2 to the tender documentation;

	<ul style="list-style-type: none"> – document, confirming the authority of procurement participant's official representative to sign bidding documents; – documents, proving eligibility to conclude procurement contract: an extract from the minutes of the founders' meeting, order of appointment, power of attorney, mandate or other document, confirming the authority of participant's authorized official to sign procurement contract; – documentary evidence of participant's compliance with qualification criteria and other requirements of the ordering customer in accordance with Annex 1 to the tender documentation; – written consent of the participant with essential conditions of the contract, set out in Annex 4 to the tender documentation; – documentary evidence of accordance of participant's tender bid with technical, qualitative, quantitative requirements to procurement item, set out by the ordering customer, in accordance with Annex 5 to the tender documentation. <p>Participant, when calculating the price of tender bid, has no right to include any costs, incurred in the course of preparation of the tender bid, into the tender bid price.</p>
3. Performance bond of a tender bid	Performance bond of a tender bid is not required.
4. The terms of return or non return of a tender bid performance bond	Performance bond of a tender bid is not required.
5. Period during which the tender bid is valid	<p>Tender bids are deemed to be valid for 120 days from the date of opening of tender bids. Before the end of this period, ordering customer has the right to require extension of tender bids validity period from participants.</p> <p>Participant has the right:</p> <p>to reject such requirement;</p> <p>agree with the requirement and to extend the validity period of the tender bid, submitted by him.</p>
6. Qualification criteria for participants	<p>When determining qualification criteria in the tender documentation, ordering customer is guided by a list of qualification criteria, set out in Article 16 of the Law.</p> <p>Qualification criteria are set out in Annex 1 to the tender documentation.</p>
7. Information about necessary technical, qualitative and quantitative characteristics of the procurement item	Set out in Annex 5 to the tender documentation.
8. Description of individual part(s) of a procurement item concerning which tender bids may be submitted	No provision exists for procurement by lots.

9. Amending or revocation of a tender bid by a participant	Participant has the right to amend or revoke his tender before the deadline of its submission. Such amendments or a statement of revocation of tender bid will be taken into account if they are received by the ordering customer before the deadline for submission of tender bids.
Section IV. Submission and opening of tender bids	
1. Method, place and deadline for submission of tender bids Method of tender bids submission	Method of submission – in person or by mail. Participant chooses delivery method independently and ensures its timely receipt by the ordering customer.
place of tender bids submission	04119, Kyiv, 11 G Dehtiarivska street, room 216, on weekdays from 9:00 to 18:00 (Friday before 16:45), ph. (044) 2472758, 2472654.
deadline of tender bids submission (date, time)	27.03.2015 before 10 hrs. 00 min. Tender bids, received by ordering customer after the submission deadline, are not opened and are returned to participants, who submitted them. Upon participant's request, ordering customer, within one business day upon receipt of such request, confirms the receipt of tender bid with indication of date and time.
2. Location, date and time of opening of tender bids: Location of opening of tender bids:	04655, Kyiv, 6, Lvivska square, room 405 (conference room).
date and time of opening of tender bids	27.03.2015, 14 hrs. 00 min. All participants or their authorized representatives, and representatives of the media and authorized representatives of NGOs are allowed to participate in the process of opening of tender bids by ordering customer. Absence of a participant or his authorized representative during the procedure of opening of tender bids cannot be a cause for either refusal to open or to consider or to reject his tender bid. The authority of participant's authorized official is certified by extract from the minutes of the founders' meeting, order of appointment, power of attorney, and mandate. To confirm his identity, such representative must present a passport or other document certifying the identity of participant's authorized representative. During tender bids opening, it is being verified whether or not all necessary documents, required by tender documentation, are present, as well as the name and address of each participant, and the price of each tender bid are being announced. This information is recorded in the minutes of tender bids opening. Minutes of tender bids opening is made on the day of tender bids opening in the form, approved by a competent authority. Minutes of tender bids opening is signed by the members of the Tender Committee and participants, taking part in the procedure of tender bids opening.

	<p>Signed by the Chairman of the Tender Committee and certified by the ordering customer seal, a copy of the opening of minutes of tender bids opening is provided to any participant upon request within one business day upon receipt of such request.</p> <p>Minutes of tender bids opening is published in accordance with Article 10 of the Law.</p> <p>Ordering customer has the right to seek clarification of the contents of participants' tender bids in order to facilitate the review and evaluation of bids.</p> <p>Ordering customer and participants can not initiate any negotiations regarding introduction of changes into the contents or price of submitted tender bids.</p>
Section V. Evaluation of tender bids and determining the winner	
1. The list of criteria and methods of tender bids evaluation with indication of a criterion proportion	Criteria and methods of tender bids' evaluation are set out in Annex 3 to the tender documentation, based on provisions of p.5 of Article 28 of the Law.
2. Correction of arithmetic errors	<p>Ordering customer has the right to correct arithmetic errors, made as the result of miscalculations, found in the submitted tender bid during its evaluation, subject to the written consent of the participant, who submitted the tender bid.</p> <p>Errors are corrected by the ordering customer in the following sequence:</p> <ul style="list-style-type: none"> – at the difference between amounts, specified in words and figures, the amount in words is decisive; – at the difference between the unit price and total price, obtained by multiplying the unit price by quantity, the unit price is decisive and total price is being corrected. In the case when in the ordering customer's opinion, there is an obvious displacement of the decimal separator in the unit price, the final price is decisive, and the unit price is being corrected; – in case of divergence between the total price, specified in the tender bid and the price, obtained by adding price components, the tender bid price, obtained by adding price components is decisive, and the total price is being corrected.
3. Rejection of tender bids	<p>Ordering customer rejects a tender bid if:</p> <ol style="list-style-type: none"> 1) a participant: <ul style="list-style-type: none"> – does not meet the qualification criteria, established by Article 16 of the Law; – does not agree with correction of arithmetic error, discovered by the ordering customer. 2) there are reasons, specified in Article 17 and p. 7 of Article 28 of the Law; 3) a tender offer does not meet the requirements of tender documentation. <p>Information about rejection of tender bid with indication of reasons is sent to participant, whose proposal is rejected, within three working days of the</p>

	date of such decision, and is published in accordance with Article 10 of the Law.
4. Cancellation of tender by the ordering customer or declaring the tender void	<p>Ordering customer cancels bids in case of:</p> <ul style="list-style-type: none"> – absence of further need for procurement of commodities, works and services; – impossibility to eliminate violations, resultant from detected violations of the law on state procurements; – determination of participants' collusion; – breach of order of publication of announcement about holding a procurement procedure, acceptance, announcement of the results of the procurement procedure, established by the Law; – submissions of less than two tender bids; – rejection of tender bids according to the Law; – if less than two participants' tender bids are accepted for evaluation. <p>Ordering customer has the right to declare tender void, if:</p> <ul style="list-style-type: none"> – the price of the best tender bid exceeds the amount, provided by customer for procurement financing; – fulfillment of procurement has become impossible due to force majeure; – reduction of expenses for procurement of commodities, works and services. <p>Information about cancellation of tender or declaring the tender void is sent by the ordering customer to all participants within three working days from the date of making such a decision.</p>
Section VI. Conclusion of procurement contract	
1. Terms of entry into a contract	<p>On the day of determining the tender winner, customer accepts tender bid, recognized as the most cost effective in the result of evaluation.</p> <p>Ordering customer concludes a procurement contract with the participant, whose tender bid was accepted, not later than 30 days from the date of bid acceptance in accordance with the requirements of tender documentation and accepted bid, but not earlier than 10 days from the date of publication of the bid acceptance notice on the website of the competent authority.</p>
2. Essential conditions that must be included into a procurement contract	Set out in Annex 4 to the tender documentation.
3. Customer's actions in case of refusal of tender winner to sign the procurement contract	In the event of written renunciation of a tender winner to sign a procurement contract in accordance with the requirements of tender documentation, or failure to sign procurement contract, due to the participant's fault, within the period specified by law, the ordering customer re determines the most economically advantageous tender bid out of those, whose validity period has not yet expired.
4. Performance bond of procurement contract	Performance bond of a tender bid is not required.

**QUALIFICATION CRITERIA AND DOCUMENTS REQUIRED TO CONFIRM
COMPLIANCE OF PARTICIPANT'S BID TO QUALIFICATION CRITERIA AND OTHER
REQUIREMENTS OF THE ORDERING CUSTOMER**

Table 1. Qualification requirements towards participants of the procurement procedure

Requirement	Confirmation of compliance
1. Availability of equipment and material and technical basis	<p>1.1. Participant must provide information sheet (in any format) concerning the availability of material and technical base necessary for execution of the contract.</p> <p>1.2. Participant must provide documents proving the legitimacy of use of material and technical base, indicated in the information sheet.</p>
2. Availability of suitably qualified staff, who possess necessary knowledge and experience	2.1. Participant must provide information sheet (in any format) concerning the availability of suitably qualified staff, who possess necessary knowledge and experience (a sheet must contain the following information: name, qualification, position, work experience).
3. Availability of documented experience of execution of similar contracts	<p>3.1. Participant must provide information sheet (in any format) concerning the availability of experience of execution (not less than two) of similar contracts during the last three years, which must contain the following data: contract date and number; name of the customer (company name and legal address); subject of contract; the amount/value of contract; term of the contract; information on compliance with the terms of contract execution.</p> <p>To confirm the information specified in the information sheet, participant provides:</p> <ul style="list-style-type: none"> – Copies of the aforementioned contracts. – Copies of testimonials concerning execution of the aforementioned contracts.
4. Availability of financial capacity	<p>4.1. Participant must provide copies of balance sheet, statement of financial performance, and a copy of the statement of cash flows for the last reporting period (2014) with the admission marks of the State Statistics body, or provide a document of transmit receive of electronic reporting.</p> <p>4.2. Participant must provide a certificate from a servicing bank (banks) about absence of overdue loans, issued not earlier than 15 prior to the date of opening of tender bids.</p>

Table 2. Other documents, required by the ordering customer

Requirement	Confirmation of compliance
1. Documents, which a participant shall submit in order to prove that he is not declared bankrupt in accordance with the established procedure and that	1.1. Document, confirming absence of a participant in the unified database of businesses in respect of which bankruptcy proceedings have been commenced, issued by an authorized body not earlier than 30 prior to the date of opening of tender bids.

there is no liquidation procedure open against him	
2. Documents confirming absence of arrears of taxes and duties (mandatory payments)	2.1. Certificate, issued by the authorized body of the State Fiscal Service of Ukraine, valid at the moment of opening of tender bids, about absence of tax and duties liabilities (mandatory payments).
3. Documents, proving that participant carries out business activities in accordance with provisions of his Statute and is not registered in offshore jurisdictions *)	<p>3.1. Extract or excerpt from the Unified State Register of Legal Entities and Individual Entrepreneurs (for legal entities and businesses).</p> <p>3.2. A copy of the Statute or other founding document (with amendments if applicable) (for legal entities).</p> <p>3.3. A copy of the identification code/number (for individuals).</p> <p>3.4. A copy of passport (for individuals).</p> <p>3.5. Informational reference of the user, which should contain information:</p> <ul style="list-style-type: none"> – Reference details (legal and actual address), phone, fax, e mail address) indicating participant's country of origin; – Name of the organization Chairperson; – Form of incorporation; – Form of ownership; – Bank details; – Names of persons, entitled to act on behalf of an enterprise and who are authorized to sign contracts (with indication of documents granting such powers, in particular: statute, minutes of the general meeting regarding the appointment of Director and others. In the case of restrictions of conclusion of a contract, certificate should contain information about lifting such restrictions).
4. Document (s) certifying that the individual participant, has not been convicted of a crime committed for selfish motives, whose previous conviction has not been removed from official records or canceled in accordance with the law	4.1. Certificate, issued by an authorized body, confirming absence of convictions related to offense, committed for selfish motives.
5. Document (s) certifying that participant's appointed official (functionary), authorized by a participant to represent his interests during procurement procedure, has not been convicted of a crime committed for selfish motives, whose previous conviction has not been removed from official records or canceled in accordance with the law	5.1. Certificate, issued by an authorized body, confirming absence of convictions of participant's official, authorized by a participant to represent his interests during procurement procedure, of a crime, committed for selfish motives.
6. Document (s) certifying that participant's appointed official	6.1. Certificate, issued by an authorized body, confirming the fact, that participant's appointed official (functionary), authorized by a

(functionary), authorized by a participant to represent his interests during procurement procedure, and/or an individual participant have not been brought to justice under the law for committing corruption offenses in the sphere of public procurement	participant to represent his interests during procurement procedure, and/or an individual participant have not been brought to justice under the law for committing corruption offenses in the sphere of public procurement.
7. Document (s) confirming that an economic entity (participant) during the last three years have not been brought to justice for violation, envisaged by paragraph 4 of Article 6, paragraph 1 of Article 50 of the Law of Ukraine "On Protection of Economic Competition", in the form of committing of anticompetitive concerted actions relating to distortion of auctions' (tenders') results	7.1. Certificate (in any format), that should contain information about the fact, that an economic entity (participant) during the last three years have not been brought to justice for violation, envisaged by paragraph 4 of Article 6, paragraph 1 of Article 50 of the Law of Ukraine "On Protection of Economic Competition", in the form of committing of anticompetitive concerted actions relating to distortion of auctions' (tenders') results.

Notes:

1. In case tender documentation requires submission of documents, that are not applicable in terms of participant's activities, he provides a certificate in any form, indicating the relevant fact with references to standard regulations, confirming the fact.
2. In case of postponement of the date of tender bids opening, aforementioned documents must be valid as of the date of final tender opening.
3. Non resident participants shall submit documents, specified in Annex 1 to the tender documents, legalized by apostille stamp, if such legalization is provided for by the Hague Convention of October 5, 1961.
4. Non resident participants shall submit documents, specified in sub paragraphs 1.2, 4.1 of Table 1 and sub paragraphs 1.1, 2.1, 3.1, 3.3, 4.1, 5.1, 6.1 and 7.1 of Table 2 of Annex 2 to the tender documentation, as provided for in the legislation of participant's state of registration.

Notes:

*) Documents provided must confirm that the country of origin (state of registration/citizenship) of a participant is:

- Member states of the European Union (Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania Slovakia, Slovenia, Spain, Sweden, United Kingdom, Croatia);
- Member states of the «ENPI» Program (Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Russia, Syria, Tunisia, Ukraine);
- Member states of the «IPA» Program (Republic of Macedonia, Turkey, Albania, Bosnia, Montenegro, Serbia, Kosovo);
- Member states of the «EEA» Program (Iceland, Liechtenstein, Norway);
- International organizations (international organizations of the public sector, established on the basis of intergovernmental agreements, and specialized institutions, established by such

organizations; the International Committee of the Red Cross (ICRC), the International Federation of National Red Cross and Red Crescent Societies, European Investment Bank and European Investment Fund).

This list of countries is exhaustive.

In accordance with paragraph 1 of Annex IV to the Grant contract № IPBU.02.02.01 70 006/09 00, signed on October 10, 2012, in the case of inconsistency with the rule of origin, expenses for such transactions are unacceptable for funding by the European Union.

FORM "TENDER BID"

(form, to be submitted by a participant)

We, (participant's name), are submitting our proposal (bid) for participation in the tender for procurement of commodities: «Radiological, electromedical and electrotherapeutic equipment (Scanning system)», State classification code 016:2010 – 26.60.1, according to technical and other requirements of the ordering customer.

Having studied tender documentation and technical requirements, pursuant to the abovementioned, we have capability and we agree to comply with the requirements of the ordering customer and of the contract in the amount of :

No	Name of equipment	Date of manufacture and country of origin	Quantity	Price per unit, UAH/EUR *	Amount, UAH/EUR *
The total cost of the tender bid (in figures and words):					

*) price and amount in Euros is provided by non residents.

1. Until the acceptance of tender proposals, tender documentation together with with our bid (subject to its compliance with all requirements) have the force of the protocol of intentions between us. If our proposal is accepted, we shall assume the obligation to fulfill all conditions, stipulated in the contract.

2. We agree to abide by the terms of the bid within 120 days from the date of tender bids opening, set by you. Our bid is obligatory for us and may be accepted by you at any time, prior to expiration of the mentioned term.

3. We agree with the conditions that you can reject our and/or all tender bids in accordance with the tender documentation conditions and we understand that you are not restricted in accepting any other bids with more favorable conditions for you and that you are not committed to accept the offer only because of the lowest price or because of any other conditions.

4. We understand and agree that you can cancel the procurement procedure if there is no further need in procurement.

5. If our bid is accepted, we commit ourselves to sign a contract with the ordering customer no later than 30 days from the date of the bid acceptance, and not earlier than 10 days from the date of publication of the bid acceptance report on the website of an Authorized body.

6. We accept the condition that you are not obliged to accept the lowest price bid.

7. By the signature below, we confirm complete, absolute and unconditional acceptance of all terms and conditions of the purchase procedure set out in the tender documents.

(Position, name, participant's authorized person signature, seal)

Notes:

Participants should comply with the prescribed form.

Introduction of any changes into the form "TENDER BID" is unacceptable.

*) We are asking all potential participants to pay particular attention to the fact, that because the funding for this procurement procedure is carried out by the European Union within the framework of ENPI CBC Project, the Value Added Tax (VAT) shall not be included into prices of goods, proposed by domestic and foreign participants.

The bid price should be listed without VAT. A contract with the winning bidder will be concluded excluding VAT.

Note 1: in accordance with the national legislation of Ukraine (the Tax Code of Ukraine) operations of import into the customs territory of Ukraine of property as international technical assistance, provided under international treaties of Ukraine, ratified by the Verkhovna Rada of Ukraine, are exempted from taxes.

Note 2: in accordance with the Framework Agreement between Ukraine and the Commission of the European Communities, done on December 12, 2006 in Brussels (ratified by Verkhovna Rada of Ukraine on September 3, 2008, the Law of Ukraine as of 03.09.2008 № 360 VI), measures, completely or partially funded by the Commission of the European Communities, are not subject to taxes, customs duties, or other collections of similar nature.

Note 3: in accordance with the Agreement about financing of the joint cross border cooperation program "Poland Belarus Ukraine 2007 2013» (ENPI CBC/2008/020 299 as of 10.02.2010) unless otherwise provided by special conditions, taxes, fees and other required obligatory payments (including value added tax VAT or equivalent taxes) are excluded from the scope of financing by the Commission of the European Communities.

Exemption of a supplier of goods from VAT and export duties (if any) in his own country is governed by its national law. Laws of Ukraine, Grant contract, and this tender documentation do not regulate this issue.

CRITERIA AND METHODS OF TENDER BIDS EVALUATION

Evaluation of tender bids is based on the criterion "Price".

Evaluation is conducted in accordance with the below technique.

Valuation techniques

The number of points is defined as follows:

The maximum number of points is – 100.

1. The number of points for the criterion "tender bid price" – 90 points.
2. The number of points on the criterion "Quality" – 10 points.

Methods of evaluation involve determining number of points:

1. The number of points for the criterion "tender bid price" is determined from the formula:

$$A_n = U_{\min} / U_n \times 90, \text{ where}$$

U_{\min} – the lowest bid price, UAH;

U_n – the price of n bid, UAH.

2. The number of points on the criterion "Quality" is determined as follows:

All participants who meet the tender documentation requirements and who are admitted to the evaluation are awarded 10 points:

$$B_n = 10$$

Total number of points of a tender bid is determined from the formula:

$$Z_n = A_n + B_n$$

A tender bid, that receives the maximum sum of points – wins.

CONTRACT DRAFT

1.1. In 2015 Supplier agrees to transfer to the Buyer the ownership of radiological, electromedical and electrotherapeutic equipment (State classification code 016:2010 – 26.60.1), namely scanning system (hereinafter Commodities) in accordance with the specifications (Annex 1 hereto) which is an integral part of this Contract, and the Buyer to accept and pay for such commodities under the terms of this Contract, using funds received within the Grant contract External activities of the European Union _____.

1.2. Quantity, completeness and technical specifications of the Commodities to be transferred to the ownership of the Buyer under this Contract shall be determined in specifications (Annex 1 hereto), which is an integral part of this Contract.

2. Quality of the commodities and warranty

2.1. A Supplier must deliver Goods to the Buyer in accordance with the technical requirements (Annex 2 to this Contract), which is an integral part of this Contract, and with quality that meets the requirements of manufacturer's technical documentation. In the absence of manufacturer technical documentation – requirements, usually put forward to similar Commodities on the market.

2.2. Warranty period of Commodities is ____ months starting from the date of receipt of Commodities by Customer.

2.3. If during the warranty period Commodities will prove to be defective and such that does not meet the terms and conditions hereof or such that does not fulfill functions for which it is designed, Supplier shall substitute defective Commodities at his own expense within the period agreed with the Buyer.

3. The price of the contract

3.1. The price of this Contract is UAH _____ exc VAT (UAH _____ kop. _____ exc VAT) (exemption from VAT taxation is provided for under paragraph 197.11 of Article 197 of the Tax Code of Ukraine in accordance with the registration card of the project (program) of international technical assistance (ITA) as of _____ № _____), according to the accepted tender bid, specifications (Annex 1 to the Contract), which is an integral part of this Contract and Contract terms,

3.2. The price of this Contract may be reduced by mutual consent of the Parties.

4. Procedure of supply

4.1. A Supplier must deliver, unload, assemble and put into operation Commodities during the 2015, but not later than ____ days after signing the contract.

4.2. Commodities delivery destination: International automobile crossing point on the State Border «Ustylug», Ustylug, 60, Levintsova Street, Volodymir Volynsky district, Volyn region, Ukraine.

5. Contract duration

5.1. This Contract shall become effective upon its signing by the authorized representatives of the Parties and obsignation of signatures, and is valid until 31.12.2015, and in so far as it relates to fulfillment of warranty obligations and financial settlement – until complete fulfillment.

Technical requirements

Scanning machine for vehicles inspection (up to 3 500 kg)

Portal design which scanning driven through vehicles and underside of vehicles.

X ray generators up to 200 kV each (one generator for side scanning, another one for underside scanning).

Detection matrix.

Side scanning. X ray beam orientation to scanning object is 90°.

Computer hardware.

Specialized software for processing and save results of scans.

Software features to help operator.

Zoom availability for any part of the image.

Scanning mode:

Portal and underside.

Scanning with sensors during vehicles pass through the portal with speed up to 8 km/h.
Photofixation system of scanned object.

Steel penetration:

Side scanning – not less than 30 mm;

Underside scanning – not less than 8 mm.

Resolution:

Side scanning:

- Wire resolution in air – not less than 1 mm;
- Spatial resolution horizontal – not less than 5 mm;
- Spatial resolution vertical – not less than 5 mm.

Underside scanning:

- Greed resolution in air – not less than 6 mm.

Contrast:

Side scanning:

- Contrast resolution (plastic located in front of steel sheet thickness of 10 mm) – not less than 10%.

Set up time – not more than 15 min. In standard environment.

Physical size:

Portal:

- Overall dimensions:
 - height – not more than 4,2 m;
 - width – not more than 4,6 m;
 - depth – not more than 2 m.
- Portal scan area dimensions:

height – not less than 3,3 m;

width – not less than 3,0 m.

Scanning object dimensions:

height – not more than 3,0 m;

width – not more than 2,8 m;

length – no limit.

Scanning height from the floor level – not more than 0,25 m.

Ground part:

Overall dimensions:

width – not more than 3,4 m;

length – not more than 1,1 m.

Power consumption:

Three phase power source (380 V);

Consumption – not more 25 kW.

Radiation safety:

Radiation exclusion zone:

length – not more than 10 m;

width – not more than 8 m.

Dose on the bound zone per hour – not more than 1 $\mu\text{Sv/h}$ in case of scanning 50 vehicles;

Dose for side scanning – less than 0,25 μSv .

Dose for underside scanning – less than 0,25 μSv .

Suitable equipment and materials (Rule of origin).

Commodities to be delivered must come from one of the following countries:

- Member states of the European Union (Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania Slovakia, Slovenia, Spain, Sweden, United Kingdom, Croatia);
- Member states of the «ENPI» Program (Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Russia, Syria, Tunisia, Ukraine);
- Member states of the «IPA» Program (Republic of Macedonia, Turkey, Albania, Bosnia, Montenegro, Serbia, Kosovo);
- Member states of the «EEA» Program (Iceland, Liechtenstein, Norway);
- International organizations (international organizations of the public sector, established on the basis of intergovernmental agreements, and specialized institutions, established by such organizations; the International Committee of the Red Cross (ICRC), the International Federation of National Red Cross and Red Crescent Societies, European Investment Bank and European Investment Fund).

This list of countries is exhaustive.

In accordance with paragraph 1 of Annex IV to the Grant contract № IPBU.02.02.01 70 006/09 00, signed on October 10, 2012, in the case of inconsistency with the rule of origin, expenses for such transactions are unacceptable for funding by the European Union.

In confirmation of accordance of the participant's tender bid to technical, qualitative, quantitative requirements for the procurement subject, participant, as part of the tender bid, provides:

1. Certificate (in any format) about the possibility of delivering commodities according to requirements.
2. Certificate (in any format) about availability of a Service Center in Ukraine, capable of performing warranty and post warranty service of commodities. Indicate name, address and telephone numbers.

APPROVED

Head of the tender committee
of the State Fiscal Service of Ukraine

_____ O.M. Lazarev

According to the tender committee decision as of
March 10, 2015 (protocol № 39)

AMENDMENTS TO TENDER DOCUMENTATION

for the procurement of commodities with respect to:

Radiological, electromedical and electrotherapeutic equipment

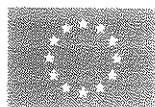
(Scanning system)

State classification code 016:2010 – 26.60.1

Procurement procedure public tender (open bidding)

Within the framework of the project Reconstruction of international automobile border
crossing point (IABCP) «Ustylug»

Ukraine



Financing by the European Union within the
framework of European Neighborhood and
Partnership Instrument

1.

М. Київ – 2015
Kyiv - 2015

Paragraph 7 of Section I "General Provisions" of tender documentation shall be amended as follows:

7. Information about the language (languages) which should be used when delivering tender bids	<p>All documents, submitted as a part of tender bid should be drawn up in Ukrainian.</p> <p>Non resident participants can submit documents in Ukrainian language, in the language of the country of origin or in English.</p> <p>In case if document is drawn up in foreign language, it must be annexed with a notarized Ukrainian translation.</p>
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2. 1. Paragraphs 1 and 2 of Section IV «Submission and opening of tender bids» of the tender documentation shall be amended as follows:

1. Method, place and deadline for submission of tender bids Method of tender bids submission	Method of submission – in person or by mail. Participant chooses delivery method independently and ensures its timely receipt by the ordering customer.
place of tender bids submission	04119, Kyiv, 11 G Dehtiarivska street, room 216, on weekdays from 9:00 to 18:00 (Friday before 16:45), ph. (044) 2472758, 2472654.
deadline of tender bids submission (date, time)	<p>28.04.2015 before 10 hrs. 00 min.</p> <p>Tender bids, received by ordering customer after the submission deadline, are not opened and are returned to participants, who submitted them.</p> <p>Upon participant's request, ordering customer, within one business day upon receipt of such request, confirms the receipt of tender bid with indication of date and time.</p>
2. Location, date and time of opening of tender bids: Location of opening of tender bids:	04655, Kyiv, 6, Lvivska square, room 405 (conference room).
date and time of opening of tender bids	<p>28.04.2015 14 hrs. 00 min.</p> <p>All participants or their authorized representatives, and representatives of the media and authorized representatives of NGOs are allowed to participate in the process of opening of tender bids by ordering customer. Absence of a participant or his authorized representative during the procedure of opening of tender bids cannot be a cause for either refusal to open or to consider or to reject his tender bid.</p> <p>The authority of participant's authorized official is certified by extract from the minutes of the founders' meeting, order of appointment, power of attorney, and mandate.</p> <p>To confirm his identity, such representative must present a passport or other document certifying the identity of participant's authorized representative.</p> <p>During tender bids opening, it is being verified whether or not all necessary documents, required by tender documentation, are present, as well as the name and address of each participant, and the price of each tender bid are being announced. This information is recorded in the minutes of tender bids opening.</p> <p>Minutes of tender bids opening is made on the day of tender bids opening</p>

	<p>in the form, approved by a competent authority.</p> <p>Minutes of tender bids opening is signed by the members of the Tender Committee and participants, taking part in the procedure of tender bids opening.</p> <p>Signed by the Chairman of the Tender Committee and certified by the ordering customer seal, a copy of the opening of minutes of tender bids opening is provided to any participant upon request within one business day upon receipt of such request.</p> <p>Minutes of tender bids opening is published in accordance with Article 10 of the Law.</p> <p>Ordering customer has the right to seek clarification of the contents of participants' tender bids in order to facilitate the review and evaluation of bids.</p> <p>Ordering customer and participants can not initiate any negotiations regarding introduction of changes into the contents or price of submitted tender bids.</p>
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3. Annex 1 to the tender documentation shall be amended as follows:

Annex 1
to the tender
documentation

**QUALIFICATION CRITERIA AND DOCUMENTS REQUIRED TO CONFIRM
COMPLIANCE OF PARTICIPANT'S BID TO QUALIFICATION CRITERIA AND OTHER
REQUIREMENTS OF THE ORDERING CUSTOMER**

Table 1. Qualification requirements towards participants of the procurement procedure

Requirement	Confirmation of compliance
1. Availability of equipment and material and technical basis	<p>1.1. Participant must provide information sheet (in any format) concerning the availability of material and technical base necessary for execution of the contract.</p> <p>1.2. Participant must provide documents proving the legitimacy of use of material and technical base, indicated in the information sheet.</p>
2. Availability of suitably qualified staff, who possess necessary knowledge and experience	2.1. Participant must provide information sheet (in any format) concerning the availability of suitably qualified staff, who possess necessary knowledge and experience (a sheet must contain the following information: name, qualification, position, work experience).
3. Availability of documented experience of execution of similar contracts	<p>3.1. Participant must provide information sheet (in any format) concerning the availability of experience of execution (not less than two) of similar contracts during the last three years, which must contain the following data: contract date and number; name of the customer (company name and legal address); subject of contract; the amount/value of contract; term of the contract; information on compliance with the terms of contract execution.</p> <p>To confirm the information specified in the information sheet,</p>

	<p>participant provides:</p> <p>Copies of the aforementioned contracts.</p> <p>Copies of testimonials concerning execution of the aforementioned contracts.</p>
4. Availability of financial capacity	<p>4.1. Participant must provide copies of balance sheet, statement of financial performance, and a copy of the statement of cash flows for the last reporting period (2014) with the admission marks of the State Statistics body, or provide a document of transmit receive of electronic reporting.</p> <p>4.2. Participant must provide a certificate from a servicing bank (banks) about absence of overdue loans, issued not earlier than 15 prior to the date of opening of tender bids.</p>

Table 2. Other documents, required by the ordering customer

Requirement	Confirmation of compliance
1. Documents, which a participant shall submit in order to prove that he is not declared bankrupt in accordance with the established procedure and that there is no liquidation procedure open against him	1.1. Document, confirming absence of a participant in the unified database of businesses in respect of which bankruptcy proceedings have been commenced, issued by an authorized body not earlier than 30 prior to the date of opening of tender bids.
2. Documents confirming absence of arrears of taxes and duties (mandatory payments)	2.1. Certificate, issued by the authorized body of the State Fiscal Service of Ukraine, valid at the moment of opening of tender bids, about absence of tax and duties liabilities (mandatory payments).
3. Documents, proving that participant carries out business activities in accordance with provisions of his Statute and is not registered in offshore jurisdictions *)	<p>3.1. Extract or excerpt from the Unified State Register of Legal Entities and Individual Entrepreneurs (for legal entities and businesses).</p> <p>3.2. A copy of the Statute or other founding document (with amendments if applicable) (for legal entities).</p> <p>3.3. A copy of the identification code/number (for individuals).</p> <p>3.4. A copy of passport (for individuals).</p> <p>3.5. Informational reference of the user, which should contain information:</p> <p>Reference details (legal and actual address), phone, fax, e mail address) indicating participant's country of origin;</p> <p>Name of the organization Chairperson;</p> <p>Form of incorporation;</p> <p>Form of ownership;</p> <p>Bank details;</p> <p>Names of persons, entitled to act on behalf of an enterprise and who are authorized to sign contracts (with indication of documents granting such powers, in particular: statute, minutes of the general meeting regarding the appointment of Director and others. In the case of restrictions of conclusion of a contract, certificate should contain information about lifting such restrictions).</p>

4. Document (s) certifying that the individual participant, has not been convicted of a crime committed for selfish motives, whose previous conviction has not been removed from official records or canceled in accordance with the law	4.1. Certificate, issued by an authorized body, confirming absence of convictions related to offense, committed for selfish motives.
5. Document (s) certifying that participant's appointed official (functionary), authorized by a participant to represent his interests during procurement procedure, has not been convicted of a crime committed for selfish motives, whose previous conviction has not been removed from official records or canceled in accordance with the law	5.1. Certificate, issued by an authorized body, confirming absence of convictions of participant's official, authorized by a participant to represent his interests during procurement procedure, of a crime, committed for selfish motives.
6. Document (s) certifying that participant's appointed official (functionary), authorized by a participant to represent his interests during procurement procedure, and/or an individual participant have not been brought to justice under the law for committing corruption offenses in the sphere of public procurement	6.1. Certificate, issued by an authorized body, confirming the fact, that participant's appointed official (functionary), authorized by a participant to represent his interests during procurement procedure, and/or an individual participant have not been brought to justice under the law for committing corruption offenses in the sphere of public procurement.
7. Document (s) confirming that an economic entity (participant) during the last three years have not been brought to justice for violation, envisaged by paragraph 4 of Article 6, paragraph 1 of Article 50 of the Law of Ukraine "On Protection of Economic Competition", in the form of committing of anticompetitive concerted actions relating to distortion of auctions' (tenders') results	7.1. Certificate (in any format), that should contain information about the fact, that an economic entity (participant) during the last three years have not been brought to justice for violation, envisaged by paragraph 4 of Article 6, paragraph 1 of Article 50 of the Law of Ukraine "On Protection of Economic Competition", in the form of committing of anticompetitive concerted actions relating to distortion of auctions' (tenders') results.
8. Document (s) confirming absence of grounds for refusal of participation in the procurement procedure to a participant, in accordance with grounds, specified in Article 17 of the Law	8.1. Certificate (in any format) about absence of grounds for refusal of participation in the procurement procedure to a participant, in accordance with grounds, specified in Article 17 of the Law.

Notes:

1. In case tender documentation requires submission of documents, that are not applicable in terms of participant's activities, he provides a certificate in any form, indicating the relevant fact with references to standard regulations, confirming the fact.
2. In case of postponement of the date of tender bids opening, aforementioned documents must be valid as of the date of final tender opening.
3. Non resident participants shall submit documents, specified in Annex 1 to the tender documents, legalized by apostille stamp, if such legalization is provided for by the Hague Convention of October 5, 1961.
4. Non resident participants shall submit documents, specified in sub paragraphs 1.2, 4.1 of Table 1 and sub paragraphs 1.1, 2.1, 3.1, 3.3, 4.1, 5.1, 6.1 and 7.1 of Table 2 of Annex 2 to the tender documentation, as provided for in the legislation of participant's state of registration.

Notes:

- *) Documents provided must confirm that the country of origin (state of registration/citizenship) of a participant is:

Member states of the European Union (Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania Slovakia, Slovenia, Spain, Sweden, United Kingdom, Croatia);

Member states of the «ENPI» Program (Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Russia, Syria, Tunisia, Ukraine);

Member states of the «IPA» Program (Republic of Macedonia, Turkey, Albania, Bosnia, Montenegro, Serbia, Kosovo);

Member states of the «EEA» Program (Iceland, Liechtenstein, Norway);

International organizations (international organizations of the public sector, established on the basis of intergovernmental agreements, and specialized institutions, established by such organizations; the International Committee of the Red Cross (ICRC), the International Federation of National Red Cross and Red Crescent Societies, European Investment Bank and European Investment Fund).

This list of countries is exhaustive.

In accordance with paragraph 1 of Annex IV to the Grant contract № IPBU.02.02.01 70 006/09 00, signed on October 10, 2012, in the case of inconsistency with the rule of origin, expenses for such transactions are unacceptable for funding by the European Union..