

State Agency of Water Resources of Ukraine
Tisza River Basin Water Resources Directorate
Ukraine, 88018 Uzhhorod, Slovyanska quay 5

APPROVED:

By the Decision of the Evaluation Committee within
the framework of the projects implementation of CBC
ENPI Programme

(Protocol № _____ of _____ 2011)

Head the Evaluation Committee within the framework
of the projects implementation of CBC ENPI
Programme

_____ **Kysil O.**
Place of Seal

« _____ » September 2011

TENDER

*within the framework of the Project «Flood preparedness increasing in Beregovo Transboundary
Polder System focusing on Charonda-Latorytsa channel basin»*

Subject of the Purchase:

Multifunctional amphibian machine
TRUXOR DM 5000 according to the technical specifications,
or its equivalent

TENDER DOCUMENTATION

Uzhhorod - 2011



Програма прикордонного співробітництва ЄСП
Угорщина-Словаччина-Румунія-Україна

Програма фінансована з фондів
Європейського Союзу



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**INSTRUCTIONS FOR THE PARTICIPANTS ON THE PREPARATION OF THE TENDER
BIDS**

I. <u>General information about the tender</u>	
General conditions	<p>Guiding by the <i>Grant Contract № HUSKROUA/0901/043 concluded on March 31, 2011</i> between the National Development Agency – the Contracting Authority of the European Communities (EU) Commission and Transcarpathian industrial administration on melioration and water management (Ukraine) on the implementation of the international technical aid project <i>«Flood preparedness increasing in Beregovo Transboundary Polder System focusing on Charonda-Latorytsa channel basin»</i> (hereinafter the «Project») under implementation of the <i>Crossborder Cooperation Programme of the European Neighbourhood and Partnership Instrument (CBC ENPI) Hungary – Slovakia – Romania – Ukraine 2007-2013</i>, Tisza river basin water resources directorate (<i>former - Transcarpathian industrial administration on melioration and water management (short title - «Transcarpathian Water Management»</i>) hereinafter is called as – the «Customer») announces the tender on the purchase of the multifunctional amphibian machine TRUXOR DM 5000 according to the technical specification or its equivalent.</p> <p>The purchase will be done through the open tender on the conditions defined in Annex IV to the Grant Contract № HUSKROUA/0901/043 of March 31, 2011 and in the present tender documentation.</p> <p>We offer to all interested legal entities and physical persons (residents and non-residents of Ukraine) which intent to participate in the present tender procedure to submit their tender bids in written in line with the requirements of the present tender documentation.</p>
1. Information about the tender Customer:	<p>1.1. Title: «Tisza River Basin Water Resources Directorate» . (<i>The former full title – «Transcarpathian industrial administration on melioration and water management». The former short title - «Transcarpathian Water Management»</i>).</p> <p>1.2. Short title «the Tisza BWRD».</p> <p>1.3. Location: 5 Slovyanska quay, Uzhhorod, Transcarpathia, Ukraine 88018.</p> <p>1.4. Email to contact: e-mail: office@vodhosp.uzhgorod.ua</p>
2. Information about the subject of the purchase:	<p>2.1. The subject of the purchase: Multifunctional amphibian machine TRUXOR DM 5000 according to the technical specification or its equivalent (<i>hereinafter – the «Subject of purchase»</i>). The technical requirements to the subject of purchase are described in Annex 9.</p> <p>2.2. Delivery location: on DDP conditions – n/n Melioratoriv str., Velyka Dobron, Uzhhorod District, Transcarpathia 89463 (machinery division of Uzhhorod inter-district department on melioration and water management) – for legal entities and physical persons of Ukraine or on DDU conditions – temporary storage warehouse of the branch of «Ukrinteraautoservice-Zakarpattya» 3 Skhidna str., Velyki Lazy, Uzhhorod District, Transcarpathia, Ukraine) - <u>for foreign subjects and</u></p>

	<p><u>citizens</u></p> <p>2.3. The delivery term: within a calendar month since the sales-purchase contract signing.</p>
I. Information about the purchase procedure	
3. Purchase procedure:	<p>3.1. Purchase at the grant costs through the open tender under the conditions defined in Annex IV of the Grant Contract № HUSKROUA/0901/043 of March 31, 2011 concluded for the implementation of the international technical aid Project «Flood preparedness increasing in Beregovo Transboundary Polder System focusing on Charonda-Latorytsa channel basin» under implementation of the Crossborder Cooperation Programme of the European Neighbourhood and Partnership Instrument (CBC ENPI) Hungary – Slovakia – Romania – Ukraine 2007-2013.</p> <p>3.2. The project of the international technical aid is registered by the Ministry of economical development and trade of Ukraine <u>№ 2548 of July 4, 2011.</u></p> <p>3.3. The source of purchase financing: Grant of the European Union.</p>
4. Eligible participants (Rule of nationality)	<p>4.1. We ask to pay your attention on the requirements of the Grantor – the European Commission which financing the international technical aid Project «Flood preparedness increasing in Beregovo Transboundary Polder System focusing on Charonda-Latorytsa channel basin», stating that the present tender procedure <u>is limited by nationality of the Participants</u> (state registration /citizenship of the Participants).</p> <p>4.2. Taking into account all the abovementioned we invite to participate in the tender procedure <u>the physical persons and legal entities, if their country of nationality (state registration/citizenship) is:</u></p> <ul style="list-style-type: none"> ○ Members-states of European Union; ○ countries-participants of the «ENPI» Programme (<i>Algeria, Armenia, Azerbaijan, Belorussia, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Russian Federation, Syria, Tunisia, Ukraine</i>); ○ IPA countries (<i>Croatia, Republic of Macedonia, Turkey, Albania, Bosnia, Montenegro, Serbia, Kosovo</i>); ○ EEA countries (<i>Iceland, Liechtenstein, Norway</i>). <p>4.3. The present list of the countries is exhausting. The bids of the Participants from other countries which are not in the list or from the Participant who fail to confirm the nationality will not be the subject of consideration.</p>
5. Non-discrimination of the Participants	<p>5.1. The domestic and eligible foreign Participants participate in the tender procedure on the equal conditions.</p>
6. Eligible goods (Rule of origin)	<p>6.1. We ask to pay your attention on the requirements of the Grantor – the European Commission – stating that the present tender procedure <u>is limited to the country where the subject of the purchase is manufactured.</u></p> <p>6.2. Taking into account all the abovementioned we invite to participate in the tender procedure <u>the physical persons and legal entities</u>, which offer the subject of the purchase (according to the technical requirements of the Customer) manufactured in one of the following countries:</p>

	<ul style="list-style-type: none"> ○ Members-states of European Union; ○ countries-participants of the «ENPI» Programme (<i>Algeria, Armenia, Azerbaijan, Belorussia, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Russian Federation, Syria, Tunisia, Ukraine</i>); ○ IPA countries (<i>Croatia, Republic of Macedonia, Turkey, Albania, Bosnia, Montenegro, Serbia, Kosovo</i>); ○ EEA countries (<i>Iceland, Liechtenstein, Norway</i>). <p>6.3. The present list of the countries is exhausting. The bids of the Participants offering the subject of the purchase manufactured in the country which is not in the list or in case if the country of manufacturing is not confirmed by the participant,- will not be the subject of consideration.</p> <p>6.4. In order to confirm the country-manufacturer of the subject of the purchase every participant has to include in the tender bit the Certificates of origin made out by the competent authorities of the Participant's country.</p>
<p>7. Exemption of the Value added tax (VAT)</p>	<p>7.1. We ask the potential candidates to pay the specific attention to the fact the financing of the purchase is provided for the expense of the grant of the European Union under the implementation of the project of CBC ENPI Programme, so the value added tax (VAT) should not be included in the price of the goods offered by the participants.</p> <p>7.2. The price of the tender bids must be indicated <u>without VAT</u>. The purchase Contract will be concluded with the tender winner only for the amount of the goods price <u>without VAT</u>.</p> <p>Note 1: for the potential participants if Ukraine is the country of nationality. Exemption from VAT payment will be done on actual payment in line with <i>«The order of the exemption from the value added tax for the tax payers on the goods and services delivery, if the delivery location is within customs territory of Ukraine if they are performed under the implementation of the projects of European union external actionsy»</i> approved by the common order of the Ministry o Economy of Ukraine and State Tax Administration of Ukraine of February 25, 2010 № 319/17614.</p> <p>Note 2: according to the requirements of the national law of Ukraine (the Law of Ukraine «about the Value Added Tax») the potential foreign participants <u>do not pay the value added tax in Ukraine</u> for the goods delivered by them, works carried out by them or services rendered to the Ukrainian customers, as the <u>responsibility of that is charged from the legal entity which is the resident of Ukraine ordering such goods, works or services.</u></p> <p>Note 3: The potential foreign participants will be released from the payment of the customs import duties for the goods delivered in line with the Order of the Ministry of Economy of Ukraine <i>«About the approval of the order of the exemption from the tax payment under the customs clearance of the goods delivered under the international contracts on the international technical aid provided to Ukraine»</i> of September 05, 2007 № 291.</p> <p>The exemption the goods supplier from VAT and customs export duties is regulated by the national law of the Participants and by laws of Ukraine, the Grant Contract and is not regulated by the present tender documentation.</p>

II. Preparation of the tender bids	
8. Tender bids execution	<p>8.1. For the correct preparation of the tender bid the Participants studies the present tender documentation. Failure to provide all necessary information required by the tender documentation or submission of the tender bid not meeting the requirement to it will be considered as a risk for the participant and can lead to the rejection of the tender bit by the Customer.</p> <p>8.2. The tender bit is submitted in written form signed by the authorized official of the Participant, <u>bounded, numbered and sealed by the Participant – as one document.</u></p> <p>8.3. Every participant has the right to submit <u>only one tender bit.</u></p> <p>8.4. The submission of more than one tender bid will lead to the rejection of all tender bids submitted by the Participant because of failing to meet the requirements of the tender documentation.</p> <p>8.5. The powers of the Participant’s official to sign the present tender bid, in particular: power of attorney, extraction from the founders’ protocol, verified copy of the appointment order or any other document or its verified copy confirming the powers of the authorized official of the Participant to sign the tender bit submitted on behalf of the Participant.</p> <p>8.6. Every tender bid must include «Register of the documents provided» in line with Annex №1 of the present tender documentation.</p>
9. Language of the tender bids	<p>9.1. Every separate document belonging or related in any way to the tender bit of the Participant must be submitted in one of the following languages: <u>Ukrainian, Russian or English.</u></p> <p>9.2. In case if there are documents in English in the tender bid, the Customer, will provide the official translation of the tender documents or the parts of them, or separate documents into Ukrainian, if required. In case of a dispute the priority will have the official translation into Ukrainian but not the original document.</p>
10. Tender bid currency	<p>10.1. The currency of the tender bid is the national currency of Ukraine – Hryvnya – for the legal entities and private entrepreneurs of Ukraine or Euro – for the Participants – non-residents of Ukraine.</p> <p>10.2. The payments due to the Purchase contract will be performed:</p> <ul style="list-style-type: none"> ○ If the winner is a legal entity and natural person of Ukraine – in national currency - Hryvnya; ○ If the winner is a foreign subject and citizen – in Euro. <p>10.3. When opening the tender bids and aiming at the comparison the price of the tender bids given in Euro, the price will be calculated in Hryvnya at the official currency exchange rate of Hryvnya to Euro established by the national Bank of Ukraine on the date of the opening session.</p>

<p>11. Tender bids price</p>	<p>11.1. The Participants indicates the price of the tender bid, i.e. the final price for the goods without VAT.</p> <p>11.2. The tender bid official price is the amount indicated by the Participant in the form Commercial offer (Annex 4).</p> <p>11.3. the tender bid price should include: expenses on the transportation, packing, insurance, shipping, loading, trainings for the staff, guarantee maintenance, payment of the taxes and other compulsory collections, <u>except VAT</u>, to be paid and can't be reimbursed. The creation of the price includes all kinds of services including the ones to be performed by the third parties. If the Participant does not include the cost for different services or other expenses, the Customer will not pay for it separately as it is considered to be taken into account in the tender bid price.</p> <p>11.4. The tender bid price should be defined clearly and be final without any references, limits, notes or warnings. The tender bid price must be constant within the validation period of the tender bid. The tender bids with the administered prices will be rejected as the nonconforming to the present tender documentation requirements.</p> <p>11.5. The Participant is responsible for receiving all permits, licenses, certificates required for the purchase of the subject of the purchase and other documents demanded by the national law of Ukraine (or by the national law of the country of nationality of the Participant – only non-residents of Ukraine) at his own expense.</p> <p>11.6. The expenses of the participants paid due to the preparation and submission of the tender bid are not reimbursed (even in case of non-acceptance or rejection of the tender bid, cancellation of the tender or recognition the tender as not-happened).</p>
<p>12. Content of the tender bid</p>	<p>12.1. the Participant's tender bid must include the following documents:</p> <ol style="list-style-type: none"> 1) Register of the documents included in the tender bid (according to the sample given in the present tender documentation - Annex 1); 2) Information about the Participant (according to the sample given in the present tender documentation - Annexes 2 – 3); 3) Commercial bid (according to the sample given in the present tender documentation - Annex 4); 4) Certificate confirming the availability of the equipment and material facilities (of any kind); 5) Certificate confirming the employees, their qualification and working experience (of any kind); 6) Certificate about the execution of the similar orders, purchase contracts (of any kind); 7) Document supporting the authorization of the official of the Participant to sign the present tender bid, in particular: power of attorney, extraction from the founders protocol, notary verified copy of the appointment order or any other document or its notary verified copy confirming the powers of the authorized official of the Participant to sign the tender bit submitted on

behalf of the participant;

8) Original or its notary verified copy stating the state registration of the Participant (required for the conformance of the Participant with the Rule of Nationality);

9) Participant's verified copy of the Statute or any other constitutive document of the enterprise – for legal entities or the copy of the passport – for physical persons;

10) Participant's verified copy of the document stating the state registration of the Participant where the activities are defined (only for the Participants - legal entities having state registration of Ukraine);

11) Participant's verified copy of the certificate of the VAT payer or the copy of the certificate on the one tax payment (only the Participants - legal entities and private entrepreneur having state registration of Ukraine);

12) The official bankruptcy certificate executed in line with the national law of the Participant stating that the Participant is not a bankrupt and is not in the data base of the legal entities having the proceedings about the bankruptcy, valid on the day of the tender bids opening session and issued no longer than thirty days before it;

13) The official certificate issued by the tax authority of the Participant according to the national law about no debts due to the tax and collections payment as well as the compulsory social fees payments according to the law of the country of origin of the Participant, valid on the day of the tender bids opening session and issued no longer than ten calendar days before the date of the tender bids opening;

14) Certificate about no proceedings due to the corruption issues in relation to the officials of the Participants (of any kind);

15) Certificate about no outstanding conviction of the officials of the Participants for the crime due to the tender procedure violation or any other crime of the lucrative impulses (of any kind);

16) The official certificate of the goods origin issued by the official authorized organization in accordance with the national law of the Participants (is required to meet the conditions of the rule of origin for the subject of purchase);

17) The Residence Certificate Apostilled - as the sample given in - **Annex 6** (only for the Participants – non-residents of Ukraine);

18) Participant's verified copy of the balance sheet for the last reporting period sealed and signed by the Participant;

19) Participant's verified copy of the financial report for the last reporting period sealed and signed by the participant;

20) Participant's verified copy of the report on the costs movement sealed and signed by the Participant;

21) Certificate from the bank about no debts for the credits for a period not more that one month concerning the date of opening session;

	<p>22) Information about the technical data of the subject of the purchased offered including the corresponding technical specification (of any kind);</p> <p>23) Participant's verified copy of the documents from the manufacturer supporting the representative authority (dealing, agency, distribution etc.) of the Participant <u>(to be submitted by all Participants except the manufacturers of the subject of purchase).</u></p> <p>24) Declaration of the participant on the objectiveness and confidentiality as it is stated in the - Annex 10.</p> <p>All the above listed documents are to be <u>numbered and bounded in one document</u> – the tender bit, also where it is bounded it must be sealed and signed by the authorized person of the Participants indicating the number of the pages.</p>
<p>13. Information of the technical parameters of the goods offered</p>	<p>13.1. The tender Participants should also provide the technical data for the goods offered including the specific technical specification for the machine offered. The technical requirements to the subject of the purchase are given in <u>Annex 9.</u></p> <p>13.2. beside that every participant must provide the certificate of origin for the goods offered by him issued by the authorized body in line with the national law of the Participant (required for the conformance of the Participant with the Rule of Origin).</p>
<p>14. Provision of the tender bids (bank guarantee)</p>	<p>14.1 The provision of the tender bids is not required.</p>
<p>15. Default conditions for the tender bids provision</p>	<p>---</p>
<p>16. Term when the tender bids are valid</p>	<p>16.1. Every Participant has to define the validity period for the tender bid submitted. The tender bid submitted by the tender Participant has to be valid at least 90 (ninety) calendar days since the opening of the tender bids.</p>
<p><u>IV. Submission of the tender bids to the Customer</u></p>	
<p>17. Sealing and marking of the tender bid envelope</p>	<p>17.1 The tender bid <u>is provided in one envelope</u>, which is sealed by the tender Participants on the gluing places.</p> <p>17.2. The envelope must be addressed to the Customer.</p> <p>17.3. On the envelope the following should be written: the full title and location of the Customer, name of the subject of the purchase according to the present tender documentation, full title (full name) of the tender Participant, location (residential address), identification number, contact phones numbers and other data of the nonresidents.</p> <p>17.4. The envelope should be marked: <i>"Not to be open before 12:00 o'clock (Kyiv time) on 08.11.2011"</i>.</p>

	<p>17.5. If the envelope is not sealed and marked in accordance with the requirement indicated above the Customer has no responsibility for the early or incorrect opening of it as well as for the disclosure of the information which is in the envelope.</p> <p>17.6. The recommended sample of the envelope preparation is given in Annex 7.</p>
18. Location and method of the tender bids submission	<p>18.1. To be submitted at: 5 Slovyanska quay, Uzhhorod, Transcarpathia, Ukraine 88018, room 206.</p> <p>18.2. Method of submission: personally or by mail.</p>
19. Deadline of the tender bids submission	<p>19.1. The submission deadline for the tender bids 08 November 2011 before 11:30 (Kyiv time).</p> <p>19.2. The Customer has the right to take the decision on the prolongation of the tender bids submission period.</p>
20. Bids which are late	<p>20.1. All tender bids received by the Customer after the submission deadline are not open and are return to the Participants having submitted them without the reimbursement of the expenses paid for the preparation of the tender bids.</p>
21. Bringing changes to the tender bids and recalling of them	<p>21.1. Every participant has the right to bring the changes to his tender bid or recall it before the deadline by means of the written notification of the Customer.</p> <p>21.2. The changes or application about the recalling is taken into consideration if it is received by the Customer before the submission deadline is over.</p> <p>21.3. Notification is done by the Participant in the same way as the tender bid submission, and the envelope is marked as follows: <i>«Changes to the tender bid documentation on the purchase of the multifunctional amphibian machine TRUXOR DM 5000 according to the technical specifications or its equivalent»</i>.</p> <p>21.4. After the opening no changes or recalling are allowed.</p>
V. The tender bids opening session	
Evaluation of the tender bids and determination of the winner	
22. Location and time of the tender bids opening session	<p>22.1. Venue: 5 Slovyanska quay, Uzhhorod, Transcarpathia, Ukraine 88018; room 312 (conference-room)</p> <p>22.2. Date and time: 08 November 2011 at 12:00 (Kyiv time)</p>
23. Opening of the tender bids	<p>23.1. The opening of the tender bids are done when the submission deadline is finished at time and in venue indicated in the present tender documents.</p> <p>23.2. All participants or their authorized representatives may take part in the tender opening session. Absence of the Participant or his authorized representative during the opening session is not a ground for a refusal to open or evaluate or reject the tender bid.</p> <p>23.3. The powers of the Participant's representative are supported by the Power of Attorney. Also the representative has to have the passport for person</p>

	<p>identification.</p> <p>23.4. When the tender bids are open there is a check of the presence of all necessary and required documents described in the tender documentation, the name and location of every Participant are announced as well as the price of every tender bid. This information is fixed in the protocol of the opening session.</p> <p>23.5. The envelopes marked «Changes» are open and read primarily.</p> <p>23.6. The tender bids having been recalled are not open and the corresponding record is done in the protocol of the opening session.</p> <p>23.7. The protocol of the opening session is prepared on the day of the tender bids opening; it is signed by the Evaluation Committee members and participants participating in the tender opening session if they wish to.</p> <p>On the request of a Participant the copy of the protocol of the tender opening session signed by the head of the Evaluation Committee and signed by the Customer is provided within one working day since the request was made..</p>
<p>24. Way of the tender bids determination</p>	<p>24.1. Before the evaluation the Customer investigates the tender bids aiming at definition of the:</p> <ul style="list-style-type: none"> ○ conformity of the Participant with the qualification criteria indicated in the tender documentation; ○ conformity of the tender bid with відповідності пропозиції конкурсних торгів умовам цієї документації конкурсних торгів. <p>24.2. The tender bid meeting all the required requirements is the tender bid meeting all the conditions of the present tender documents including the requirements to the documents preparation and execution described in the <u>Annex</u> to the present documentation and does not include any false information, counterfeited documents or copies of the documents.</p> <p>24.3. If the tender bid of the participant does not meet the requirements of the tender documentation it is rejected by the Customer and can not be corrected or changed and be brought to the review after the cancellation of the non-relevant rejections or notes.</p> <p>24.4. The Customer has the right to apply for the confirmation of the information provided by the Participant to the state bodies, enterprises, organizations and institutions according to their competence. In case if the true information is received about the non-conformance of the Participant with the qualification criteria or confirmation of the fact about the submission of the false data which is essential when defining the tender results, in the tender bid, the Customer rejects the tender bid of the Participant.</p>

<p>25. Qualification criteria</p>	<p>25.1. Before the evaluation of the tender bids the Customer checks the conformity of the Participants with the next qualification criteria:</p> <ol style="list-style-type: none"> 1) conformity to the rule of nationality of the Participant according to p. 4 of the present documentation; 2) conformity to the rule of origin of the goods according to p. 6 of the present documentation; 3) conformity of the technical data of the goods provided by the tender participant with the technical specification indicated by the Customer in the present documentation. 4) Availability in the Participant the equipment and material facilities; 5) Availability in the Participant the personnel of the relevant qualification; 6) Availability in the Participant the corresponding experience in the execution of the similar orders, sales-purchase contracts; 7) Availability in the Participant the financial costs. <p>5.2. Definition of the conformance of the Participant with the qualification criteria indicated in the present tender documentation is done only on the basis of the documents included and provided by him in the tender bid.</p>
<p>26. Way of the tender bids explanation and correction of the arithmetic mistakes</p>	<p>26.1. The tender bids defined as the relevant are checked by the Customer if there is any arithmetic mistake.</p> <p>26.2. The Customer has the right to correct the arithmetic mistakes done by the Participant as a result of the arithmetic operations discovered in the tender bid when evaluating in the way established by the tender documentation in case of the written consent provided by the Participant having submitted the tender bid.</p> <p>26.3. The mistakes are corrected by the Customer in the following sequence:</p> <ol style="list-style-type: none"> 8) In case of discrepancy between amounts written in figures and words, the amount written in words is decisive; 9) In case of discrepancy between the price per a <u>unit of the goods</u> and total amount received by multiplication of the unit price and quantity, the unit price is decisive and the total amount is corrected. <p>26.4. If on the Customer's point of view the price per a unit has the obvious displacement of the decimal divider, in such case the total amount is decisive and the price per a unit is corrected.</p> <p>26.5. If the Participant having submitted the tender bid is not agreed with the correction of the arithmetic mistake discovered by the Customer, his tender bid is rejected.</p>

<p>27. Evaluation of the tender bids</p>	<p>27.1. After the opening of the tender bids, verification of the correct execution and preparation of the documents, conformance with the qualification requirements the evaluation and determination of the winner take place. The Customer evaluates only the tender bids having been not rejected.</p> <p>27.2. When evaluating the tender bids the Customer applies the criteria and methods indicated in Annex 8 of the present Instruction on the basis of the following criteria:</p> <ul style="list-style-type: none"> • Price; • Warranty period. <p>27.3. The general period of the tender bids evaluation and determination of the winner will not be more than 20 working days since the opening of the tender bids.</p> <p>27.4. The winner is the Participant, the tender bit of whom has got the largest number of points when checked by the evaluation criteria.</p> <p>27.5. The decision of the Evaluation Committee about the determination of the winner is taken by voting of the Evaluation Committee members having the right to vote by simple majority of the votes.</p> <p>27.6 The decision of the Committee is fixed in the protocol which is signed by all members of the evaluation Committee. In case of the same number of points the winner is selected by the voting of the Evaluation Committee members having the right to vote by simple majority of the votes.</p>
<p>28. Tender bids rejection</p>	<p>28.1. The Customer rejects the tender bid if:</p> <ul style="list-style-type: none"> ○ The participant doesn't meet the qualification criteria described in the present tender documentation; ○ The participant's tender bid doesn't meet the requirements of the present tender documentation; ○ The participants is not agree with the correction of the arithmetic mistake discovered by the Customer; ○ There is any apocryphal information stated by the participant in the tender bid which is essential when the tender results are defined; ○ The Customer has the incontestable proves that the Participant offers, acts or agrees to give directly or indirectly to the Customer's official the remuneration in any form (job offer, material valuables, a service etc.) aiming to influence a decision taken process about the winner selection or application of the certain purchase procedure by the Customer; ○ The Participant was brought to the responsibility because of the corruption crime; ○ There was the fact about the agreement existing between the Participants discovered; ○ The physical person who is the Participant or the head/director of the Participant was convicted for the crime due to the violation of the purchase procedure, fraud or any other illegal activities having a negative impact on the interests of Ukraine or European Union; ○ The official of the Participant authorized by the Participant to

	<p>represent his interests in the purchase procedure was convicted for the crime due to the violation of the purchase procedure, fraud or any other illegal activities having a negative impact on the interests of Ukraine or European Union;</p> <ul style="list-style-type: none"> ○ The tender bid submitted by the tender Participant is somehow connected with other tender Participants; ○ The participant is recognized a bankrupt in an established order and the liquidation procedure has been started for him.; ○ The Participant is accused in violation of the professional discipline or ethics, non-fulfillment of the obligations; ○ The Participant has the debts on the compulsory payments such as taxes, collections, social payments and other compulsory fees.
29. Tender cancellation	<p>29.1. The Customer will cancel the tender if:</p> <ul style="list-style-type: none"> ○ There is no more need in the purchase; ○ There is agreement between the Participants; ○ Less than two tender bids have been submitted; ○ Rejection of all tender bids in line with the present tender documentation; ○ Less than two participants can be evaluate; ○ The most reasonable price given in the tender bids exceeds the amount planned by the Customer for the present purchase; ○ The purchase is impossible due to the force-major circumstances; ○ The Project coordinator or the Contracting authority of the EU Commission recommends to cancel the tender; <p>29.2. Notification about the tender cancellation will be sent to all tender participants within three days since the decision is taken by the Customer.</p>
30. Acceptance of the tender bids	<p>30.1. On the day when the winner is defined the Customer accepts the tender bid considered the most economic reasonable due to the evaluation.</p>
31. Notification of the Participants about the tender results (according to art. 32 of the Law)	<p>31.1. The Customer notifies in written all the Participants, <u>the tender bids of whom has been evaluated</u> about the tender results or tender cancellation within 30 days since the decision about the winner or cancellation is taken by the Customer.</p>
VI. Conclusion of the purchase contract	
32. Conclusion of the Purchase Contract	<p>32.1. The Customer concludes the purchase contract with the Participant, the tender offer of whom has been accepted, no later than in 30 calendar days since the acceptance.</p>
33. Essential conditions which are to be included in the Purchase Contract	<p>33.1. The essential conditions of the purchase contract are the following:</p> <ul style="list-style-type: none"> - the subject of the contract (name, set); - number of the goods and the quality requirements to them; - payment method; - contract price;

	<ul style="list-style-type: none"> - delivery location and term of the goods; - contract duration; - rights and obligations of the parties; - responsibility of the parties; - <u>warranty.</u> <p>33.2. The price of the subject of purchase should not include the Value Added Tax (VAT). The price is fixed and is not a subject of review.</p> <p>33.3. Delivery location: on DDP conditions – n/n Melioratoriv str., Velyka Dobron, Uzhhorod District, Transcarpathia 89463 (machinery division of Uzhhorod inter-district department on melioration and water management) – <u>for legal entities and private entrepreneurs of Ukraine;</u></p> <p>or</p> <p>on DDU conditions – temporary storage warehouse of the branch of «Ukrinteraautoservice-Zakarpattya» 3 Skhidna str., Velyki Lazy, Uzhhorod District, Transcarpathia, Ukraine) - <u>for non-residents of Ukraine.</u></p> <p>33.4. The delivery term: no longer 30 (thirty) days since the sales-purchase contract signing with a possibility of a prescheduled delivery.</p> <p>33.5. The payment for the subject of the purchase is provided when delivered.</p> <p>33.6. The seller has to provide 2-days training at his own expense for the Customer’s personnel how to work with the machine.</p> <p>33.7. ¶The Contract is terminated unilaterally if the financing by the Contracting Authority of the EU Commission is stopped or limited.</p> <p>33.8. The conditions of the purchase contract are not to be differ from the conditions described in the present tender documentation, content of the tender participant’s bid who has determined as a winner and are not to be changed after the signing of the purchase contract before the full execution of the obligations if the parties do not agree otherwise.</p>
<p>34. Provision of the Purchase Contract fulfillment</p>	<p>34.1 Provision of the Purchase Contract fulfillment is not required.</p>
<p>35. Actions of the Customers when the winner refuses to sign the Purchase Contract</p>	<p>35.1. If the winner refuses in written to sign the Purchase Contract according to the requirements of the tender documentation or in case if the purchase Contract is not concluded due to the fault of the winner, no later than 30 calendar days since the acceptance of the tender bid the Customer again defines the most economical reasonable tender bid of those which are still valid or announces about a new tender.</p>
<p>VII. Information about the tender documentation</p>	

36. Receiving of the present tender documentation:	36.1. Provision of the explanation about the present tender documentation is done by downloading the PDF-file «Tender documentation for TRUXOR DM 5000 or its equivalent» from the Customer’s web-site: www.vodhosp.uzhgorod.ua. or from the web-site of Ministry of Economy of Ukraine: www.tender.me.gov.ua.
37. Provision of the explanation about the present tender documentation	37.1. The person having received the tender documentation has the right to ask for an explanation of the tender documentation addressing the question to the Customer not later than <u>10 days ahead</u> the submission deadline to the e-mail: office@vodhosp.uzhgorod.ua . The Customer has to locate the reply on the participant’s request on its web-site www.vodhosp.uzhgorod.ua within three days and it will be accessible for other potential Participants.

TO BE DONE ON A PARTICIPANT'S LETTERHEAD PAPER

REGISTER OF THE DOCUMENTS

to be included in the tender bid

*subject of the purchase: Multifunctional amphibian machine TRUXOR DM 5000
according to the technical specifications or its equivalent*

No	Document title	Page No
1.	Register of the documents included in the tender bid (according to the sample given in the present tender documentation)	
2.	Information about the Participant (according to the sample given in the present tender documentation)	
3.	Commercial bid (according to the sample given in the present tender documentation)	
4.	Certificate confirming the availability of the equipment and material facilities;	
5.	Certificate confirming the employees, their qualification and working experience;	
6.	Certificate about the execution of the similar orders, purchase contracts;	
7.	Document supporting the authorization of the official of the Participant to sign the present tender bid, in particularly one of the following documents: proxy letter, extract from the protocol of founders, notary verified copy of the Order about the designation or other document , or its notary verified copy confirming the authority of the representative of the Participant to sign the proposal of the tender bid proposal on behalf of the Participant;	
8.	Original or notary verified copy of the document stating the state registration of the Participant;	
9.	Participant's verified copy of the Statute or any other constitutive document of the enter[prise – for legal entities or the copy of the passport – for physical persons;	
10.	Participant's verified copy of the certificate about the registration in USREOI where the activities types are registered (<u>only the Participants- legal entities having state registration of Ukraine</u>);	
11.	Participant's verified copy of the certificate of the VAT payer or the copy of the certificate on the one tax payment (<u>only the Participants- legal entities and private entrepreneurs having state registration of Ukraine</u>);	
12.	Bankruptcy certificate executed in line with the national law of the Participant stating that the Participant is not a bankrupt and is not in the data base of the legal entities having the proceedings about the bankruptcy, valid on the day of the tender bids opening session and issued no longer than thirty days before it;	
13.	Official certificate issued by the tax authority of the Participant according to the national law about no debts due to the tax and collections payment as well as the compulsory social fees payments according to the law of the country of origin of the Participant, valid on the day of the tender bids opening session and issued no longer than ten days before it;	
14.	Certificate about no proceedings due to the corruption issues in relation to the officials of the Participants;	
15.	Certificate about no outstanding conviction of the officials of the Participants for the crime due to the tender procedure violation or any other crime of the lucrative impulses;	
16.	Certificate of the goods origin issued by the official authorized	

	organization in accordance with the national law of the Participants (is required to meet the conditions of the rule of origin for the subject of purchase);	
17.	Residence Certificate apostilled using the recommended sample of this tender documentation - Annex 6 (<u>only for the Participants – non-residents of Ukraine</u>);	
18	Participant's verified copy of the balance sheet for the last reporting period sealed and signed by the Participant;	
19.	Participant's verified copy of the financial report for the last reporting period sealed and signed by the participant;	
20.	Participant's verified copy of the report on the costs movement sealed and signed by the Participant;	
21.	Certificate from the bank about no debts for the credits for a period not more that one month concerning the date of opening session;	
22.	Information about the technical data of the subject of the purchased offered including the corresponding technical specification;	
23.	Participant's verified copy of the documents from the manufacturer supporting the representative authority (dealing, agency, distribution etc.) of the Participant (<u>to be submitted by all Participants except the manufacturers of the subject of purchase</u>).	
24.	Declaration of the tender participant	
Total pages	

**Director of enterprise –
Tender participant**

Place of seal

(signature)

Full name

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(only for legal entities)

INFORMATION ABOUT THE PARTICIPANT

(FOR A LEGAL ENTITY)

1. Full title: _____;
2. USROIE code (only for the participants from Ukraine) _____;
3. Legal address: _____;
4. Post address: _____;
5. Phone: _____;
6. Fax: _____;
7. Email: _____;
8. Core activities: _____;
9. Bank title, which services the Participant: _____;
10. Current account: _____;
11. MFO: _____;
12. Full name of the director: _____;
13. Director position title: _____;
14. Other information* _____

(position)

(signature)
Place of seal

(full name)

Note:

* - any information at choice of the Participant.

INFORMATION ABOUT THE PARTICIPANT
(FOR A PHYSICAL PERSON)

- 1) Full name: _____;
- 2) Passport data (series, passport number, where and by whom issued):
_____;
- 3) Residential address: _____;
- 4) Post address: _____;
- 5) Identification code of a physical person – payer of the taxes and other compulsory fees – for a physical person (only for the participants from Ukraine) _____;
- 6) Phone: _____;
- 7) Email: _____;
- 8) Bank title, which services the Participant: _____;
- 9) Current account: _____;
- 10) MFO: _____;
- 11) Other information* _____.

(position)

(signature)

(full name)

Note:

* - any information at choice of the Participant.

TO BE DONE ON A PARTICIPANT'S LETTERHEAD PAPER

COMMERCIAL OFFER

We (title of a Participant) submit our tender bid to participate in the tender to purchase the «**Multifunctional amphibian machine TRUXOR DM 5000 according to the technical specifications or its equivalent**» in line with the Customer's tender documentation on the following conditions

№	Name of the subject of the purchase	Year of manufacturing	Warranty period (calendar months)	Price per unit, in UAH or Euro without VAT
1.	<i>Example:</i> « <i>Multifunctional amphibian machine TRUXOR DM 5000</i> »			
Total without VAT: (<i>amount in words</i>)				

Manufacturer _____ (*the title of the manufacturer and the country of origin are indicated*).

We are ready to supply the subject of the purchase not later (*in figures and words*) since the corresponding contract is signed.

We are ready to ensure the warranty service for (name of the subject of the purchase offered) for (*in figures and words*) since the delivery day of the subject of the purchase.

We state that according to our national law we have the right to provide the economic activity envisaged by the present purchase procedure, we have all necessary documents required and demanded by our national law.

We state we are now a bankrupt and there are bankruptcy no proceedings, we have no debts due to the tax, social or other compulsory payments, no official was brought to criminal responsibility because of the violation of the tender procedure, fraud or other illegal actions which has negative impact on the interests of Ukraine or European Union. We are not accused in violation of the professional discipline or ethics as well as non-fulfillment of the obligations.

We agree to follow the terms and conditions of the present tender offer within **120 (One hundred twenty) calendar days** ДНІВ since the day of the tender bids opening session. You can refuse our tender bid in accordance with the conditions of your tender documentation at any time or at any tender procedure phase because of the better tender offers on your point of view.

If our present tender bid is accepted we are obliged to sign the Contract on terms and conditions indicated in the tender documentation and to get committed to execute all conditions of the Contract.

The contact person authorized to negotiate on behalf of the Participant about the conclusion of the Purchase Contract is (full name, position, phone number).

**Director of the enterprise –
Tender Participant**

Place of seal

(Signature)

Full name

Residence Certificate

Non-resident's name (in foreign language) _____

Address _____

Country _____

Non-resident's identification code in the country with which the
International Treaty has been concluded | | | | | | | | | | | |

Hereby confirmed that the declarant of this certificate is an
actual resident

within the meaning of the Double Taxation treaty between Ukraine
(the Government of Ukraine) and _____

(name of the country)

Name of the competent authority _____

Date and place of filling in the certificate _____

Position and name of the authorized
person _____

Stamp

Signature _____

Sample of the Apostil

The apostil must be a square shape; the side length is at least 9 cm

<p>APOSTILLE (Convention de La Haye du 5 octobre 1961)</p>	
1. Country: _____	
The present official document is	
2. signed _____	
3. as _____	
4. sealed / stamped _____	
Confirmed	
5. in _____	6. date _____
7. by _____	
8. N _____	
9. Seal/ stamp	10. Signature
_____	_____

Recommended sample of the envelope preparation

Not to be open before *11 o'clock 00 min. on 08.11.2011*

SENDER:

*Full title (full name),
Location (residential address),
Contact phones numbers of the
Tender Participant*

TENDER BID

Subject of the Purchase

Multifunctional amphibian machine *TRUXOR DM 5000* according to the technical specifications or its equivalent

RECIPIENT:

*Tisza river basin water
resources directorate*

**5 Slovyanska quay, Uzhhorod
Transcarpathia, Ukraine 88018**

LIST OF THE CRITERIA AND EVALUATION METHOD OF THE TENDER BIDS

**Subject of the purchase: Multifunctional amphibian machine
TRUXOR DM 5000 according to the technical specifications,
or its equivalent**

The evaluation of the tender bids is performed based on the criterion

1. «Price» - weight coefficient – 90
2. «Warranty period» - weight coefficient – 10

1. The number of points by criterion "**Price**" is defined in the following way:

The tender bid having the value of the criterion "**Price**" the best (the lowest) receives the maximum possible number of points (-90 points). The number of points for other bids is determined by formula:

$B_{\text{calcul}} = U_{\text{min}} / U_{\text{calcul}} * 90$, where
 B_{calcul} = calculated number of points;
 U_{min} – the lowest value on criterion "**Price**";
 U_{calcul} – the value of the current criterion of the tender, the number of points for is calculated;
 90 - maximum possible number of points by criterion "**Price**"

2. The number of points by for criterion «Warranty period» is determined in the following way:

The tender bid offering the best value for the «Warranty period» (the possible longest warranty period) receives the maximum possible number of points (-10 points). The number of points for other bids is determined by formula:

$B_{\text{calcul}} = U_{\text{calcul}} / U_{\text{max}} * 10$, where
 B_{calcul} = calculated number of points;
 U_{max} – the longest possible period of warranty service (in calendar months)
 U_{calcul} – the value of the current criterion of the tender, the number of points for is calculated;
 10 - maximum possible number of points by criterion "**Warranty period**".

The general number of points by all criteria is calculated by formula:

Number of points for "Price" + number of points for «Warranty period».

The Winner is the Participant, whose offer has received **the largest number of points.**

TECHNICAL SPECIFICATION

SUBJECT OF THE PURCHASE:

“29.52.2 Earthwork machinery: Multifunctional amphibian machine TRUXOR DM 5000 according to the technical specifications, or its Length of no more than 5m”

1. Technical data of the base vehicle TRUXOR 5000 (item No 94-5000) or its equivalent:

Engine: diesel engine Kubota D1305, 29 hp, Euro 3

Electrical system: 12 volt, generator 40 ah, battery 45 ah.

Cooler system: Combi cooler for engine and hydraulic system.

Driver’s cabin: Foldable cabin, ergonomic, adjustable and electrically heated driver’s seat, adjustable co-ordinate levers, control panel with number of revolutions, control lamps, hydraulic oil thermometer, gauges for hydraulic pressure and fuel gauge.

Speed: 0-100 per min.

Front lift: Lift capacity 250kg, holder for a quick change of tools

Material: pontoons manufactured from corrosion resistant material (with protective coating, galvanized and so on).

Measures: Length of no more than 5m. Width no more than 2.50m. Height 2.5m. Truxor DM 5000 or its equivalent has to be CE-marked.

2. Adjustable tools for Truxor DM 5000 or its equivalent:

Standard rakes (item No 94-22500)

- Front mounted standard rake with immovable tothing. The rake’s parameters should be suitable for collecting cut aquatic vegetation in lakes and waterways.

Technical data:

Working width: unfolded – 3 m and more.

3. Strain plates (item No 94-29600) – accessories to the standard rakes:

4. Cutter for reeds Dorocutter 3091T (item No 94-3091T) or its equivalent

Working width – no less than 3,5 m.

Cutting depth – no less than 1,2 m.

5. Additional set of the knives (item No 95-70022) or its equivalent

6. Cutter for reeds Dorocutter ESM 1700 (item No 90-ESM1700) or its equivalent

Requirements: the cutter is mounted on platform’s side. Possibility to adjust the working corner of the cutter allows cutting the vegetation along banks.

Availability of a stone release system protecting the knives from damage by solid objects.

Technical data

Working depth – no less than 1,5 m

Cutting depth – no less than 0.5 m.

7. Excavator with a bucket and supporting legs (item No 77-1800) or its equivalent

Digging radius – no less than 3 m

Digging depth – no less than 2 m

8. Additional equipment for the excavator or its equivalent

Perforated bucket (item No 77-12000) – working width no less than 850mm

9. Dredge pump Doropump with feeding screw for Truxor DM 5000 (item No 78-2502) or its equivalent:

Capacity 10-40 m³ per hour.

Dredge depth 1.7 – 2.4 m.

Standard set: 3 m of spiral tubing, 25 metres of flat tubing (D = 100 mm for Truxor DM 5000), cam lids, 10 floating tubing pieces, 1 end piece, 1 quick connection, 1 splice coupling at 0.9 m, 1 telescope extension at 0.7 m.

10. Additionally:

Flat tubing (D = 100 mm) (length 50 m) (item No 78-102) or its equivalent

Cam lid, Female 4'' – 2 items (item No 78-5626102) or its equivalent

Cam lid, Male 4 '' – 2 items (item No 78-5646102) or its equivalent

Tubing clips 110 mm – 4 items (item No 01-110D20) or its equivalent

11. Telescopic arm to increase the work depth (item No 94-58400) or its equivalent – 1 item.

12. Trailer LMT 2500 for Truxor DM 5000 transportation (item No 75-5200) or its equivalent.

13. Additional accessories for the trailer LMT 2500 (set of the ramps and straps) (item No 75-17100) or its equivalent.

14. Spare parts set for Truxor DM 5000 (item No 94-101700) or its equivalent.

The offered article must be new, not exploited and produced in 2010-2011.

TO BE DONE ON A PARTICIPANT'S LETTERHEAD PAPER

№ _____ DATE _____

**Tisza river basin water resources
directorate**

**To head of the Evaluation
Committee within the projects of
the CBC-ENPI programme**

Mr. Kysil O.

5 Slovyanska quay, Uzhhorod

DECLARATION OF TENDER PARTICIPANT

We (*title of a participant*) declare that we have no agreements with other tender participants for the purchase of the «*Multifunctional amphibian machine TRUXOR DM 5000 according to the technical specification or its equivalent*» aimed at the price determination or other conditions of the tender bids on the artificial or non-competitive grounds with or without knowledge of the Customer.

Our enterprise (*title of a participant*) is not somehow connected with other tender participants. We do not perform the economic control (management) on other tender participants; we are not under their economic control (management) and are not under the common control (management) of the third party together with one or several tender participants.

We state that there are no facts or grounds in the past or present and possible in the nearest future which can in any way influence our independence in the present tender; in case if in the tender procedure we get known about such facts or grounds we will immediately notify about them.

We (*title of a participant*) also guarantee to provide the full confidentiality of the information about the price or other conditions of our tender bids, nondisclosure of it to the potential participants and other persons before the start of the tender.

**Director of the enterprise –
Tender participant**

Place of Seal

(Signature)

Full Name