**STATE CUSTOMS SERVICE OF UKRAINE**

**(State Customs Service)**

**APPROVED**

The authorized person   
of the State Customs Service of Ukraine

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Oleksiy ZITS

by protocol decision

dated May 9, 2023 (Protocol No. 11)

by protocol decision

dated May 15, 2023 (Protocol No. 13) (changes 1)

by protocol decision

dated May 18, 2023 (Protocol No. 14) (changes 2)

by protocol decision

dated June 8, 2023 (Protocol No. 16) (changes 3)

by protocol decision

from June 12, 2023

(Protocol No. 17) (changes 4)

by protocol decision

dated June 14, 2023 (Protocol No. 18) (changes 5)

according to the protocol decision of the authorized person

Taras PASICHNYK

dated June 28, 2023 (Protocol No. 20) (changes 6)

by protocol decision

dated July 7, 2023 (Protocol No. 21) (changes 7)

by protocol decision

from July 20, 2023 (Protocol No. 22) (changes 8)

according to the protocol decision of the authorized person

Iryna Okhrymchuk

dated August 17, 2023 (Protocol No. 56) (changes 9)

BIDDING DOCUMENTS (Changes 9)

Procurement procedure: **open bidding**.

The procurement item: **Reconstruction of the International Crossing Point for Road Service «Sheghini» on the Ukrainian-Polish Border.**

Code DK 021:2015: **45200000-9 Works Related to Completed or Uncompleted Construction Projects and Civil Works Facilities.**

Kyiv - 2023

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| **s/n** | **Name of part/section** | **Content of part/section** |
| **Section 1. General provisions** | | |
| 1 | Terms used in the bidding documents | These bidding documents were developed in accordance with Article 22 of the Law of Ukraine "On Public Procurement" (hereinafter - the " **Law**"), the Contract between the Government of Ukraine and the Government of the Republic of Poland on the provision of credit on the terms of tied aid, concluded on September 9, 2015 in Warsaw, ratified by the Law of Ukraine "On the ratification of the Contract between the Government of Ukraine and the Government of the Republic of Poland on the provision of credit on the terms of tied aid" (hereinafter - the "**Contract between the Government of Ukraine and the Government of the Republic of Poland"** ), as amended by the Protocols of 3 of October 2018, dated September 15, 2021, dated December 14, 2022, and taking into account the provisions of the Resolution of the Cabinet of Ministers of Ukraine dated February 14, 2017 No. 73 "Some issues of the implementation of the Contract between the Government of Ukraine and the Government of the Republic of Poland on the provision of credit on the terms of assistance", as well as the Contract between Ukraine and the Republic of Poland on legal assistance and legal relations in civil and criminal cases signed on behalf of Ukraine in Kyiv on May 24, 1993, which entered into force on August 14, 1994.  The provisions of these bidding documents are applied to take into account the need to comply with the provisions of the first part of Article 9 of the Constitution of Ukraine, the provisions of Article 3 of the Law of Ukraine "On International Private Law" and the provisions of the first part of Article 6 of the Law, which recognize the priority in applying the provisions of an international treaty of Ukraine, consent to the obligation the validity of which is granted by the Verkhovna Rada of Ukraine, over the national legislation of Ukraine.  These bidding documents were designed in accordance with the Model Bidding documents for the procurement procedure - open bidding, approved by the order of the Ministry of Economic Development and Trade of Ukraine dated April 13, 2016 No. 680, which is formed and submitted in electronic form in accordance with the requirements of the Law of Ukraine "On Electronic Documents and electronic document flow", taking into account the features of Public Procurement of goods, Works and services for Buyers, provided for by the Law of Ukraine "On Public Procurement", for the period of the legal regime of martial law in Ukraine and within 90 days from the date of its termination or cancellation, approved by the **Cabinet** resolution of Ministers of Ukraine dated October 12, 2022 No. 1178 (hereinafter - " **Specifics of Public Procurement"**), as well as in compliance with the requirements of the laws of Ukraine "On architectural activity", "On regulation of urban planning activity", "On labor protection", "On ensuring sanitary and epidemic well-being of the population".  The terms of the bidding documents were developed taking into account the need to comply at all stages of the implementation of the procurement contract with the provisions of urban planning documentation, state construction standards DBN A.2.2-3:2014 "Composition and content of project documentation for construction", approved by order of the Ministry of Regional Development, Construction and Housing of the Utility Industry of Ukraine dated June 4, 2014 No. 163 (hereinafter - DBN A.2.2-3:2014) with all amendments, estimating norms of Ukraine in construction "Instruction on determining the cost of construction" (with amendment No. 1) (hereinafter - the Instruction on determining the cost of construction) and "Instructions on determining the cost of design, scientific design, research Works and examination of design documentation for construction" (hereinafter - Instructions on determining the cost of design Works and examination), approved by the order of the Ministry of Development of Communities and Territories of Ukraine dated November 1 2021, No. 281 (hereafter referred to as “Estimating Standards of Ukraine”), branch construction standards GBN G.1-218-182:2011 “Repair of public highways. Types of repairs and a list of Works" approved by the order of the State Highway Service of Ukraine (Ukravtodor) dated August 23, 2011 No. 301, building codes, standards and rules, codes of established practice, and other regulatory documents of a technical nature, which are mandatory for implementation in accordance with the legislation of Ukraine.  Bidding documents are created and submitted electronically following the requirements of the Law of Ukraine "On Electronic Documents and Electronic Document Management".  In these bidding documents, the terms and abbreviations are used in the meanings defined by the Law, the laws of Ukraine "On electronic documents and electronic document flow", "On architectural activity" and "On regulation of urban planning activity", the resolution of the Cabinet of Ministers of Ukraine dated [February 24 , 2016 No. 166 "On approval of the Procedure for the functioning](https://ips.ligazakon.net/document/view/kp160166?ed=2022_10_12) [of](https://ips.ligazakon.net/document/view/kp200822?ed=2022_06_24) [the electronic procurement system and authorization of electronic platforms "](https://ips.ligazakon.net/document/view/kp160166?ed=2022_10_12) , [dated September 14, 2020 No. 822 "On the approval of the Procedure for the formation and use of the electronic catalog "](https://ips.ligazakon.net/document/view/kp200822?ed=2022_06_24) , the Procedure for the approval of construction projects and their examination, approved by the resolution of the Cabinet of Ministers of Ukraine dated May 11, 2011 No. 560, the Procedure for the development of project documentation for the construction of facilities, approved by the order of the Ministry of Regional Development , construction and housing and communal services of Ukraine No. 45 dated May 16, 2011, registered in the Ministry of Justice of Ukraine on June 1, 2011 under No. 651/19389, DBN A.2.2-3:2014, DBN A.2.1-1-2008. |
| 2 | Information about the Buyer: |  |
| 2.1 | Full name | The State Customs Service of Ukraine **(hereinafter referred to as the "Buyer")**. |
| 2.2 | Location | Dehtiarivska Street, building 11G, Kyiv city, 04119 |
| 2.3 | Surname, first name and patronymic, position, and e-mail address of one or more officials of the Buyer authorized to communicate with the Bidders | On issues of conducting the procurement procedure - Taras PASICHNYK, deputy head of the department - head of the department of organization of purchases and contractual work of the Department of Material and Technical Support of the Department of Accounting, Planning, Financial and Economic Work of the State Customs Service, Degtyarivska street, building 11g, room 319, Kyiv, 04119, phone: +38(044) 481-19-62, e-mail: t.pasichnyk@customs.gov.ua  On issues related to the technical requirements and conditions of the draft procurement contract – Kamila LUBARSKA, deputy head of the department - head of the construction organization department of the Construction and State Property Department of the Department of Accounting, Planning, Financial and Economic Work of the State Customs Service, str. Degtyarivska 11g, room 318, Kyiv, 04119.  Phone: +38(044)4811824, e-mail: k.lybarska[@customs.gov.ua](mailto:o.zits@customs.gov.ua). |
| 3 | Procurement procedure | Procurement procedure: open auctions with features.  The Buyer procures Works per [the Law](https://ips.ligazakon.net/document/view/t150922?ed=2022_08_16), using the electronic procurement system through the use of open bidding in the manner determined by the Specifics of Public Procurement. |
| 4 | Information about the subject of procurement : |  |
| 4.1 | The name of the procurement item | The procurement item: **Reconstruction of the International Crossing Point for Road Service "Sheghini" on the Ukrainian-Polish Border** (hereinafter referred to as "**Works**" and/or "**Subject of the procurement**").  Type of procurement: **Works**.  The procurement item is determined under clause 4 of Section I of the Procedure for determining the subject of the procurement, approved by order of the Ministry of Economic Development, Trade and Agriculture of Ukraine on April 15, 2020 No. 708, registered in the Ministry of Justice of Ukraine on June 9, 2020, under No. 500/34783, under Clause 27 of the first part of Article 1 of the Law on construction projects and taking into account the Estimates norms of Ukraine, as well as branch construction norms GBN G.1-218-182:2011 "Repair of public roads. Types of repairs and the list of Works", approved by the order of the State Highway Service of Ukraine dated August 23, 2011 No. 301.  The name and code of the procurement item, determined by the index of the third digit of the main dictionary of the national classifier of Ukraine DK 021:2015 "Uniform procurement dictionary", approved by the order of the Ministry of Economic Development and Trade of Ukraine dated December 23, 2015 No. 1749: **45200000-9 Works related to completed or uncompleted construction projects and civil works facilities** |
| 4.2 | Description of a separate part or parts of the subject of procurement (lot) for which bids may be submitted (if Bidders are allowed to submit a bid for part of the subject of procurement (lot)) | The contract does not specify individual parts of the subject of procurement (lots) for which biddings may be submitted**.** |
| 4.3 | The quantity of the goods and the place of their delivery, or the place where the Works or services must be performed their volumes | **The place where the Works must be performed:** Lviv region, Yavorivskyi district, 201 Druzhby street, the international crossing point for the "Sheghini" road connection (hereinafter referred to as **the "Construction Site** ").  **Scope of works:** 1 work performed by the "design and construction" method, in accordance with the technical, qualitative, and quantitative characteristics of the procurement item, specified in **Appendix 1** to the Bidding documents. |
| 4.4 | Terms of delivery of goods, performance of Works, provision of services | **Period of execution of Works:** the estimated period of execution of Works is **26 months**, and is determined under the approved project documentation for construction**.**  The total term of performance of the procurement contract should not exceed **60 months** from the date of entry into force of the procurement contract. |
| 5 | Non-discrimination of Bidders | By the second part of Article 3 of the Contract between the Government of Ukraine and the Government of the Republic of Poland, the procurement contract is concluded with entrepreneurs located in the Republic of Poland (hereinafter referred to as "**Polish entrepreneurs**" and/or "**Bidders/participants in the procurement procedure**").  During open bidding, all interested persons located in the Republic of Poland have the right to submit biddings.  Each Bidder has the right to submit only one bidding proposal, including those specified in the Bidding documents of a part or parts of the subject of procurement (lot).  According to Clause 31 of the **Specifics of Public Procurement**, bids are submitted under the procedure defined by [Article 26](https://zakon.rada.gov.ua/laws/show/922-19#n1461) of the Law, except for the provisions of parts [four](https://zakon.rada.gov.ua/laws/show/922-19#n1469), [six,](https://zakon.rada.gov.ua/laws/show/922-19#n1471) and [seven](https://zakon.rada.gov.ua/laws/show/922-19#n1472) of Article 26 of the Law.  Bidders of all forms of ownership and organizational and legal forms participate in the procurement procedure on equal terms.  The Buyer ensures free access of all Bidders to information about the procurement provided for by the Law.  The Buyer has no right to impose any discriminatory requirements on Bidders.  In accordance with paragraphs two, three, paragraph 2 of the Resolution of the Cabinet of Ministers of Ukraine dated October 12, 2022 No. 1178 "On approval of the specifics of Public Procurement of goods, Works and Services for Buyers provided for by the Law of Ukraine "On Public Procurement", for the period of the martial law regime in Ukraine and within 90 days from the day of its termination or cancellation" (with changes), [it is prohibited to carry out Public Procurement of Goods, Works and Services from: citizens of the Russian Federation / the Republic of Belarus (except for those who live on the territory of Ukraine on legal grounds); legal entities created and registered in accordance with the legislation of the Russian Federation / Republic of Belarus; legal entities created and registered in accordance with the legislation of Ukraine, the ultimate beneficial owner, member or Bidder (shareholder), having a share in the authorized capital of 10 percent or more, which is the Russian Federation / Republic a citizen of Belarus, a citizen of the Russian Federation / Republic of Belarus (except for those residing on the territory of Ukraine on legal grounds), or legal entities created and registered in accordance with the legislation of the Russian Federation / Republic of Belarus ;](https://ips.ligazakon.net/document/view/kp230157?ed=2023_02_17&an=18) and it is also prohibited [to carry out Public Procurement of goods originating from the Russian Federation / the Republic of Belarus, with the exception of goods necessary for the repair and maintenance of goods procured before the entry into force of this resolution.](https://ips.ligazakon.net/document/view/kp230157?ed=2023_02_17&an=19)  In accordance with paragraph 10 of the first part of Article 4 of the Law of Ukraine "On Sanctions", decrees of the President of Ukraine dated March 18, 2023 No. 163/2023 "On the decision of the National Security and Defense Council of Ukraine dated March 18, 2023 "On the application and introduction of changes to personal special economic and other restrictive measures (sanctions)", dated March 10, 2023 No. 145/2023 "On the Decision of the National Security and Defense Council of Ukraine dated March 10, 2023 "On the application and introduction of changes to personal special economic and other restrictive measures (sanctions) ", dated February 26, 2023 No. 116/2023 "On the decision of the National Security and Defense Council of Ukraine dated February 26, 2023 "On the application of personal special economic and other restrictive measures (sanctions)", dated February 26, 2023 No. 115/2023 " On the decision of the National Security and Defense Council of Ukraine dated February 26, 2023 "On the application of personal special economic and other restrictive measures (sanctions)", dated February 26, 2023 No. 114/2023 "On the decision of the National Security and Defense Council of Ukraine dated February 26, 2023 of the year "On the application and introduction of amendments to personal special economic and other restrictive measures (sanctions)", dated February 19, 2023 No. 82/2023 "On the decision of the National Security and Defense Council of Ukraine dated February 19, 2023 "On the application and introduction of amendments to personal special economic and other restrictive measures (sanctions)", dated February 12, 2023 No. 75/2023 "On the decision of the National Security and Defense Council of Ukraine dated February 12, 2023 "On the application of personal special economic and other restrictive measures (sanctions)", dated February 5, 2023 No. 57/2023 "On the implementation of the decision of the National Security and Defense Council of Ukraine dated February 5, 2023 "On the application and introduction of changes to personal special economic and other restrictive measures (sanctions)", dated January 28, 2023 No. 50/2023 "On the decision of the National Security and Defense Council of Ukraine dated January 28, 2023 "On the application and introduction of changes to personal special economic and other restrictive measures (sanctions)", dated January 24, 2023 No. 43/2023 "On the decision of the Council of National Security and Defense of Ukraine dated January 24, 2023 "On Amendments to Personal Special Economic and Other Restrictive Measures (Sanctions)", dated January 23, 2023 No. 26/2023 " On the Decision of the National Security and Defense Council of Ukraine dated January 23, 2023 "On the application of personal special economic and other restrictive measures (sanctions)", dated January 12, 2023 No. 14/2023 "On the decision of the National Security and Defense Council of Ukraine dated January 12, 2023 "On the application of personal special economic and other restrictive measures (sanctions)", dated December 11, 2022 No. 863/2022 "On the decision of the National Security and Defense Council of Ukraine dated December 11, 2022 "On the application of personal special economic and other restrictive measures (sanctions)", dated December 1, 2023 No. 820/2022 "On the decision of the National Security and Defense Council of Ukraine dated December 1, 2022 "On certain aspects of the activities of religious organizations in Ukraine and the application of personal special economic and other restrictive measures (sanctions)", dated October 19, 2023 No. 727/2022 "On the decision of the Council of National Security and Defense of Ukraine dated October 19, 2022 "On the application and introduction of changes to personal special economic and other restrictive measures (sanctions)", dated October 19, 2023 No. 726/2022 "On the decision of the National Security and Defense Council of Ukraine dated October 19 of 2022 "On the application and introduction of amendments to personal special economic and other restrictive measures (sanctions)", dated October 12, 2023 No. 694/2022 "On the decision of the National Security and Defense Council of Ukraine dated October 12, 2022 "On the application and introduction of amendments to personal special economic and other restrictive measures (sanctions)", dated September 7, 2023 No. 637/2022 "On the decision of the National Security and Defense Council of Ukraine dated September 7, 2022 "On the application and introduction of changes to personal special economic and other restrictive measures (sanctions) ", dated June 9, 2022 No. 401/2022 "On the decision of the National Security and Defense Council of Ukraine dated June 9, 2022 "On the application of personal special economic and other restrictive measures (sanctions)", dated June 9, 2022 No. 400 /2022 "On the decision of the National Security and Defense Council of Ukraine dated June 9, 2022 "On the application of personal special economic and other restrictive measures (sanctions)", dated May 24, 2022 No. 364/2022 "On the decision of the National Security and Defense Council of Ukraine from February 11, 2022 "On Amendments to Personal Special Economic and Other Restrictive Measures (Sanctions)", dated May 24, 2022 No. 363/2022 "On the Decision of the National Security and Defense Council of Ukraine dated May 24, 2022 "On the Application of Personal Special Economic and other restrictive measures (sanctions)", dated May 24, 2022 No. 362/2022 "On the decision of the National Security and Defense Council of Ukraine dated May 24, 2022 "On the application of personal special economic and other restrictive measures (sanctions)", dated February 16 2022 No. 57/2022 "On the decision of the National Security and Defense Council of Ukraine dated December 30, 2021 "On introducing changes to personal special economic and other restrictive measures (sanctions)", dated February 11, 2022 No. 52/2022 "On the decision of the Council of National Security and Defense of Ukraine dated February 11, 2022 "On the application of personal special economic and other restrictive measures (sanctions)", dated February 11, 2022 No. 51/2022 "On the decision of the National Security and Defense Council of Ukraine dated February 11, 2022 "On application of personal special economic and other restrictive measures (sanctions)", dated January 21, 2022 No. 22/2022 "On the decision of the National Security and Defense Council of Ukraine dated December 30, 2021 "On the application of personal special economic and other restrictive measures (sanctions) ", dated January 21, 2022 No. 21/2022 "On the decision of the National Security and Defense Council of Ukraine dated December 30, 2021 "On the application of personal special economic and other restrictive measures (sanctions)", dated January 21, 2022 No. 20/2022 " On the decision of the National Security and Defense Council of Ukraine dated December 30, 2021 "On the application and cancellation of personal special economic and other restrictive measures (sanctions)", dated January 21, 2022 No. 19/2022 "On the decision of the National Security and Defense Council of Ukraine dated 30 of December 2021 "On the application of personal special economic and other restrictive measures (sanctions)", dated March 23, 2021 No. 109/2021 "On the decision of the National Security and Defense Council of Ukraine dated March 23, 2021 "On the application of personal special economic and other restrictive measures (sanctions)", dated May 14, 2020 No. 184/2020 "On the decision of the National Security and Defense Council of Ukraine dated May 14, 2020 "On the application, cancellation and amendment of personal special economic and other restrictive measures (sanctions)". dated December 20, 2019 No. 924/2019 "On the decision of the National Security and Defense Council of Ukraine dated December 7, 2019 "On introducing changes to personal special economic and other restrictive measures (sanctions)", dated March 19, 2019 No. 82/2019 " On the decision of the National Security and Defense Council of Ukraine dated March 19, 2019 "On applying, canceling and amending personal special economic and other restrictive measures (sanctions)", dated June 21, 2018 No. 176/2018 "On the decision of the National Security Council and of Defense of Ukraine dated June 21, 2018 "On the application and introduction of changes to personal special economic and other restrictive measures (sanctions)", dated May 14, 2018 No. 126/2018 "On the decision of the National Security and Defense Council of Ukraine dated May 2, 2018" On the application and cancellation of personal special economic and other restrictive measures (sanctions)", dated March 6, 2018 No. 57/2018 "On the decision of the National Security and Defense Council of Ukraine dated March 1, 2018 "On the application of personal special economic and other restrictive measures ( sanctions)", dated May 15, 2017 No. 133/2017 "On the decision of the National Security and Defense Council of Ukraine dated April 28, 2017 "On the application of personal special economic and other restrictive measures (sanctions)", Public Procurement is not carried out in the event that a Bidder of the procurement procedure, or the ultimate beneficial owner, member or Bidder (shareholder) of a legal entity - a Bidder in the procurement procedure is a person to whom a sanction has been applied in the form of a ban on Public Procurement of goods, Works and services from it in accordance with the Law of Ukraine "On Sanctions".  The Buyer carries out the procurement taking into account the restrictions established by the resolutions of the Cabinet of Ministers of Ukraine dated December 16, 2015 No. 1035 "On restrictions on the supply of certain goods (Works, services) from the temporarily occupied territory to another territory of Ukraine and/or from another territory of Ukraine to the temporarily occupied territory" (with amendments), dated December 30, 2015 No. 1147 "On the prohibition of importation into the customs territory of Ukraine of goods originating from the Russian Federation" (with amendments), dated December 30, 2015 No. 1146 "On import duty rates for goods originating from the Russian Federation" (with changes). |
| 6 | The currency in which the price of the bid must be specified | The currency of the bid is Euro. |
| 7 | The language(s) in which bids must be made | Documents submitted as part of the bid and prepared directly by the Bidder are written in Ukrainian and English.  All other documents (including permits and title deeds) written in a language other than Ukrainian or English, and not prepared directly by the Bidder, are provided as part of the bid together with their translation into Ukrainian and English, certified by the translation. At the same time, all the texts of the documents must be authentic, the text written in English is decisive.  Documents required from the Bidder by the terms of this Bidding documents, but not provided for by the national legislation of Ukraine, international legislation, or the legislation of the country in which the Bidder is registered, are not provided as part of the bid documents of such a Bidder. At the same time, to replace a document that is not provided for the Bidder by the national legislation of Ukraine, international legislation or the legislation of the country in which it is registered, the Bidder must provide a similar document in accordance with the law (if available) and a written explanation of the reasons for not providing it as part of the bid documents the document required by the terms of the Bidding documents.  The originals of official documents, which are provided by the Bidder as part of the bid documents to confirm their validity and use on the territory of Ukraine, require legalization in the prescribed manner, namely:  a) according to the simplified procedure for affixing an Apostille ( Apostille ) per Articles 3 and 4 of the Hague Convention of October 5, 1961  or  b) according to the procedure of consular legalization in accordance with the Vienna Convention "On Consular Relations" of 1963  or  c) notarized (if the document does not require legalization following the concluded international contract (convention, etc.) between the state of Ukraine and the country in which the registered Bidder is a non-resident of Ukraine). In this case, the Bidder who is not a resident of Ukraine must explain, with reference to the relevant international contract (convention, etc.) concluded between the state of Ukraine and the country in which he is registered. |
| 8 | Information on the acceptance or rejection of a bid for consideration, the price of which is higher than the expected value of the procurement item, specified by the Buyer in the announcement of open bidding | According to Clause 32 **of the Specifics of Public Procurement**, the price of the bid cannot exceed the expected value of the procurement item specified in the announcement of open bidding, taking into account the second paragraph of Clause 28 **of the Specifics of Public Procurement.**  The Buyer does not accept for consideration a bid, the price of which is higher than the expected value of the procurement item, defined in the announcement of open bidding. |
| **Section 2. The procedure for making changes to the Bidding documents and providing clarifications to it** | | |
| 1 | The procedure for providing clarifications regarding the bidding documents | According to the second paragraph of Clause 51 of **the Specifics of Public Procurement,** a natural person/legal entity has the right no later than **3 (three) days** before the deadline for submitting a bid to contact the Buyer through the electronic procurement system for clarifications regarding the Bidding documents and/or to contact the Buyer with a requirement to eliminate the violation during the bidding. All appeals for clarifications and appeals to remedy the violation are automatically published in the electronic procurement system without the identification of the person who addressed the Buyer. The Buyer must, **within 3 (three) days** from the date of their publication, explain the appeal by publishing it in the electronic procurement system.  If the Buyer fails to provide clarifications regarding the content of the Bidding documents promptly, automatically stops the course of open bidding.  To renew the course of open bidding, the Buyer must post an explanation regarding the content of the Bidding documents in the electronic procurement system with a simultaneous extension of the deadline for submitting a bid **for at least 4 (four) days.** |
| 2 | Amendments to the bidding documents | Following the third paragraph of Clause 51 of **the Specifics of Public Procurement,** the Buyer has the right on his own initiative or in case of elimination of violations of the requirements of legislation in the field of Public Procurement, set out in the opinion of the state financial control body in accordance with Article 8 of the Law, or [based](https://zakon.rada.gov.ua/laws/show/922-19#n960) on the results of appeals, or based on a decision the appeal body to make changes to the Bidding documents. In the case of changes to the Bidding documents, the deadline for submitting a bid is extended by the Buyer in the electronic procurement system in such a way that **at least 4 (four) days** remain from the moment of making changes to the Bidding documents until the end of the deadline for submitting the bid.  In accordance with paragraph four of item 51 of the **Specifics of Public Procurement,** changes made by the Buyer to the Bidding documents are posted and displayed in the electronic procurement system in the form of a new edition of the Bidding documents in addition to the initial edition of the Bidding documents. The Buyer, together with the changes to the Bidding documents, publishes the list of changes made in a separate document. Changes to the Bidding documents in a machine-readable format are posted in the electronic procurement system **within 1 (one) day** from the date of the decision to make them. |
| **Section 3. Guidelines for preparing a bid** | | |
| 1 | The content of the bid and the method of submitting the bid | Bids are submitted per the procedure defined by Article 26 of the Law, except for the provisions of parts four, six, and seven of Article 26 of the Law.  The bid is submitted electronically through the electronic procurement system by filling out electronic forms with separate fields where information about the price, other evaluation criteria (if established by the Buyer), information from the Bidder of the procurement procedure about his compliance with the qualification (qualification) criteria and requirements is indicated under the legislation, the presence/absence of grounds for a refusal to participate in open biddings established by Clause 44 of the Specifics of Public Procurement and in the Bidding documents, information (full name and location) about each business entity that the Bidder plans to involve in the performance of services as co-executor in the amount of at least 20 percent of the value of the procurement contract and by uploading the necessary documents required by the Buyer in the Bidding documents, namely:  1) documents confirming the Bidder's compliance with the qualification criteria (qualification criteria) in accordance with Article 16 of the Law, in accordance with the list determined by the fifth part of Section 3 of the Bidding documents;  2) information and documents confirming the compliance of the bid with the technical, qualitative and quantitative characteristics of the subject of procurement, which are listed in Appendix 1 to the Bidding documents, in accordance with the list determined by part six of Section 3 of the Bidding documents;  3) documents confirming the place of registration of the Bidder and the legality of conducting business activities on the subject of the procurement, namely: copies of registration and founding documents in full in the version valid on the date of submission of the bid, in accordance with (based on) which the Bidder carries out his activities (extract/information from the Register of Entrepreneurs of the National Court Register, Statute, Regulations, Constituent Contract, etc.);  4) information about the Bidder in the following form:   |  |  |  | | --- | --- | --- | | **Bidder’s details**1) | | | | 1 | Full name: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | 2 | Short name: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | 3 | Legal address: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | 4 | Actual address: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | 5 | Position, surname, first name and patronymic of the manager: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | 6 | Phone number: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | 7 | Email: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | 8 | Ownership: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | 9 | The name of the founding document, according to which the Bidder carries out economic activity: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | 10 | The main types of economic activity: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | 11 | Place and year of registration actions: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | 12 | The name, bank code and details of the opened account(s), which will be specified in the procurement contract: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | 13 | Identification/registration code of the Bidder: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | 14 | The authorized person of the Bidder to sign the bid (bid documents) (surname, patronymic, position): | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | 15 | The authorized person of the Bidder for concluding and signing the contract based on the results of the procurement procedure (surname, patronymic, position): | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | 16 | Information about the taxation system in which the Bidder is a subject of entrepreneurial activity: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |   1) *Details, data, and information specified by the Bidder of the procurement procedure by filling in separate fields in the specified places of the corresponding forms, tables, rows and columns*;  5) documents confirming that the Bidder has provided collateral for the bid (if such collateral is provided for in the announcement of a competitive procurement procedure);  6) decision/document on the creation of an association of Bidders (if the bid is submitted by an association of Bidders);  7) a letter drawn up in an arbitrary form certifying the unconditional consent of the Bidder in the procurement procedure to enter into a procurement contract in accordance with the project specified in **Appendix 2** to the Bidding documents;  8) a guarantee letter, which contains the obligation of the Bidder of the procurement procedure to obtain the necessary permit and/or license for the right to engage in the relevant economic activity that is the subject of the procurement upon the commencement of work under the contract of purchase (in the event that obtaining such a permit and/or license is provided for by the legislation of Ukraine) as well as other documents of a permissive nature, which are necessary in accordance with the legislation for the execution of the purchase contract;  9) a letter drawn up in an arbitrary form, which contains information that the Bidder of the procurement procedure, or the ultimate beneficial owner, member or Bidder (shareholder) of a legal entity - a Bidder of the procurement procedure, is not a person to whom a sanction has been applied in the form of a ban on it has Public Procurement of goods, Works and services in accordance with the Law of Ukraine "On Sanctions";  10) a letter drawn up in an arbitrary form, which contains information that the Bidder of the procurement procedure:  is not a citizen of the Russian Federation / the Republic of Belarus (except for those who live on the territory of Ukraine on legal grounds);  is not a legal entity created and registered per the legislation of the Russian Federation / Republic of Belarus;  is not a legal entity created and registered in accordance with the legislation of Ukraine, the ultimate beneficial owner, member, or Bidder (shareholder), having a share in the authorized capital of 10 percent or more, which is the Russian Federation / Republic of Belarus, a citizen of the Russian Federation / Republic of Belarus (in addition, residing on the territory of Ukraine on legal grounds), or a legal entity created and registered under the legislation of the Russian Federation / Republic of Belarus;  does not offer goods originating from the Russian Federation / the Republic of Belarus in the bid (except goods necessary for the repair and maintenance of goods procurement d before the entry into force of the Resolution of the Cabinet of Ministers of Ukraine dated October 12, 2022 No. 1178 "On approval of the specifics of Public Procurement of goods, Works and services for Buyers provided for by the Law of Ukraine "On Public Procurement" for the period of the legal regime of martial law in Ukraine and within 90 days from the date of its termination or cancellation;  11) a letter drawn up in an arbitrary form, which contains information about the lack of economic activity, economic obligations and cooperation of the Bidder with business entities in the temporarily occupied territories of Ukraine and in the territory of the Russian Federation after 2014, as defined by the Law of Ukraine "On Sanctions ", the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons", Resolution of the Cabinet of Ministers of Ukraine of March 3, 2022 No. 187 "On Ensuring the Protection of National Interests in Future Lawsuits of the State of Ukraine in Connection with the Military Aggression of the Russian Federation" (as amended ), by Resolution No. 426 of the Cabinet of Ministers of Ukraine dated April 9, 2022 "On the application of the ban on the import of goods from the Russian Federation" (with amendments), by Resolution No. 1035 of the Cabinet of Ministers of Ukraine dated December 16, 2015 "On limiting the supply of certain goods (Works, services ) from the temporarily occupied territory to another territory of Ukraine and/or from another territory of Ukraine to the temporarily occupied territory" (with amendments), by Resolution of the Cabinet of Ministers of Ukraine dated December 30, 2015 No. 1147 "On the prohibition of importation into the customs territory of Ukraine of goods originating from the Russian Federation" (as amended), by the Resolution of the Cabinet of Ministers of Ukraine of December 30, 2015 No. 1146 "On import duty rates for goods originating from the Russian Federation" (as amended);  12) other documents / copies of documents and information, the requirements for the presence of which are provided for by the terms of the Bidding documents and the legislation of Ukraine.  For the correct preparation of the bid, the Bidder studies all the instructions, forms of documents, terms specified in the Bidding documents.  When using the electronic procurement system to submit a bid and their evaluation, documents and data are created and submitted taking into account the requirements of the laws of Ukraine "On electronic documents and electronic document management" and "On electronic trust services" by imposing an electronic signature on them, based on a qualified electronic signature certificate of an official or a representative of a Bidder in the procurement procedure, whose powers are confirmed in accordance with the requirements of the Bidding documents.  The conditions of the Bidding documents do not require Bidders to certify with their handwritten signature or a signature equivalent to the handwritten signature of an authorized person of the Bidder documents (materials and information) submitted as part of the bid with the seal and signature of an authorized person of the Bidder, if such documents (materials and information) provided in the form of an electronic document through an electronic procurement system with an overlay of an electronic signature based on a qualified electronic signature certificate, under the requirements [of the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2155-19) "On Electronic Trust Services".  The documents submitted as part of the bid and which contain information about the personal data of a natural person - the subject of personal data, are made public and processed by the Bidder in the procurement procedure (the owner of personal data) taking into account the requirements of the provisions of the Law of Ukraine "On the Protection of Personal Data", and are submitted as part of the bid together with relevant documents confirming the consent given by the subject of personal data to the owner of personal data for the processing of personal data.  Requirements for the Bidder's documents submitted as part of the bid by uploading to the electronic procurement system:  - the documents submitted as part of the bid must be uploaded by the Bidder to the electronic procurement system in the form of scanned documents/copies of documents in an electronic form suitable for machine reading (electronic file in the format of the extension \*. pdf, \*. jpeg and/or program extensions, which perform data archiving (for example, WinRAR, 7-Zip)), the content and appearance of which must correspond to the originals of the relevant documents from which such copies are made and/or in the form of an electronic document;  - documents submitted as part of the bid in the form of electronic files must be of appropriate image quality and available for viewing. It is forbidden to restrict the viewing of documents uploaded to the electronic procurement system by setting passwords on them or in any other way;  - documents submitted as part of a bid in the form of electronic files must have a name that allows identification of the document according to its content, and must not contain any overlays, drawings, or figures (for example, superimposed signatures, seals, third-party marks, etc.).  If the electronic documents and/or documents in electronic form uploaded to the electronic procurement system do not meet the requirements of the Bidding documents, or such documents have an incomplete/unclear / partially scanned image, contain overlays/drawings/figures, and/or are not submitted in full , defined in the document itself or regulatory legal act, which approved its form (volume, composition, list of appendices, etc.), the Buyer can decide on the non-compliance of the bid the requirements established in the Bidding documents in accordance with the first paragraph of the [third part of Article 22 of the Law](https://ips.ligazakon.net/document/view/t150922?ed=2022_08_16&an=1435) and to reject such a bid on the basis of Clause 41 of the Specifics of Public Procurement;  The Buyer does not require documentary confirmation of information about the absence of grounds for rejecting the bid of the Bidder in the procurement procedure and/or the winner, defined in clause 44 of the Specifics of Public Procurement, in the event that such information is public, disclosed in the form of open data in accordance with the Law of Ukraine "On access to public information", and/or contained in open public electronic registers, access to which is free, and/or can be obtained by the electronic procurement system by exchanging information with other state systems and registers.  Documents that are not provided for by law for Bidders - legal entities, natural persons, including natural persons-entrepreneurs, are not submitted by them as part of the bid.  The absence of documents that are not provided for by law for Bidders - legal entities, natural persons, including natural persons-entrepreneurs, in the bid, as well as the absence of a Bidder's electronic signature in accordance with the legislation of the country in which such a Bidder is registered, cannot be grounds for rejection of the bid. |
| 2 | Size, type, term and conditions for providing collateral for the bid (if the Buyer requires it to be provided) | The terms of the bidding documents do not provide for the provision of collateral for the bid. |
| 3 | Caution regarding cases when the collateral for the bid is not returned to the Bidder | The terms of the bidding documents do not provide for the provision of collateral for the bid. |
| 4 | Period of the bid, during which the bids are considered valid | According to Clause 31 **of the Specifics of Public Procurement,** bids remain valid for the period specified in the Bidding documents, which may be extended if necessary  Before the expiration of the specified period, the Buyer has the right to demand from the Bidders of the procurement procedure an extension of the validity period of the bid. A Bidder in the procurement procedure has the right to:  to reject such a demand, without losing the collateral of the bid provided by him ;  of the bid submitted by him and the bid collateral provided.  If necessary, the Bidder of the procurement procedure has the right to extend the validity period of his bid on his own initiative, informing the Buyer about this through the electronic procurement system.  The period during which the bids remain valid is 120 (one hundred and twenty) days from the date of the deadline for submitting the bid. |
| 5 | One or more qualification criteria in accordance with Article 16 of the Law, taking into account the provisions of **the Specifics of Public Procurement** and information on the method of confirming the compliance of the Bidders of the procurement procedure with the established criteria and requirements in accordance with the law.  Grounds for refusal to participate in open biddings, established by Clause 44 **of the Specifics of Public Procurement** and information on the method of confirming the absence of grounds for rejecting a bid | According to Clause 45 **of the Specifics of Public Procurement,** during the procurement of goods, the Buyer may not apply the qualification criteria defined by [Article 16 of the Law to the Bidders of the procurement procedure](https://ips.ligazakon.net/document/view/t150922?ed=2022_08_16&an=1263).  The Buyer requires the Bidders of the procurement procedure to submit documented information about their compliance with the following qualification criteria:  **1)** **Bidder of the procurement procedure has employees of appropriate qualifications who have the necessary knowledge and experience";**  **2) the presence of documented experience in the execution of a similar (similar) contract (contracts)** in terms of the subject of procurement.  1.1. In order to confirm compliance with the qualification criterion " a Bidder of the procurement procedure has employees of appropriate qualifications who have the necessary knowledge and experience ", the Bidder must provide a certificate drawn up according to the form below, which contains information on the quantitative composition and qualification level of employees of the relevant professions (specialties) who directly will be engaged to perform the Works:   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | No | Specialty (position) | P.I.B. | Qualification certificate (series, number and date of issue) | Work record in the industry, years | A full-time employee (part-time) or an employee working under a civil law contract or other contract, or an employee of a subcontractor | | 1 | 2 | 3 | 4 | 5 | 6 | |  |  |  |  |  |  | |  |  |  |  |  |  | | Total employees: | | | | | |   The certificate must contain the information, qualification level and profession (specialty) of employees who meet the following requirements:  - certified leading consulting engineer (construction)\* with work experience of at least 3 years, which is confirmed by the date of issuance of the certificate - at least 1 person;  - certified leading consulting engineer (construction)\* with work experience of at least 2 years, which is confirmed by the date of issuance of the certificate - at least 2 persons;  - certified labor protection engineer (construction)\* not lower than II category with work experience of at least 2 years, which is confirmed by the date of issuance of the certificate - at least 1 person;  - certified road safety auditor\*\* - at least 1 person (taking into account the Law of Ukraine "On Motor Roads", the Law of Ukraine "On Amendments to Certain Laws of Ukraine Regarding the Management of Road Safety", the Law of Ukraine "On Road Traffic");  \* the certificate must be issued in the manner established by the provisions of [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2407-14) "On Accreditation of Conformity Assessment Bodies", by conformity assessment bodies accredited for compliance with the requirements of ISO/IEC 17024:2012, DSTU EN ISO/IEC 17024:2014 at the National Accreditation Agency of Ukraine that issued the certificate(s), information about the certificate must be entered into the Unified State Electronic System in the field of construction;  \*\* the certificate must be issued in accordance with the procedure established by the provisions of [the Law of Ukraine](https://zakon.rada.gov.ua/laws/show/2407-14) "On Accreditation of Conformity Assessment Bodies", by conformity assessment bodies accredited for compliance with the requirements of ISO/IEC 17024:2012, DSTU EN ISO/IEC 17024:2014 at the National Accreditation Agency of Ukraine that issued the certificate(s), information about the certificate must be contained in the Register of road safety auditors of the Ministry of Infrastructure;  1.2. To confirm civil liability insurance against third parties in the course of professional activity, the participant, who is a member of the tender offer, provides the original/copy of the insurance contract and/or insurance policy of the leading consulting engineers (construction), specified in the certificate in accordance with the requirements of clause 1.1 of section 3 of the tender documentation.  1.3. Copies of documents confirming that the Bidder has labor and/or civil legal relations with employees, information about which is indicated in the certificate in accordance with the requirements of clause 1.1 of section 3 of the Bidding documents.  2. In order to confirm the compliance with the qualification criteria "availability of documents that approve one’s experience in performing of a similar contract (one or several) in terms of the subject of procurement, the participant must provide a copy (copies) of the contract (contracts), the subject (content) of which is the performance of construction or reconstruction works with the arrangement of the adjacent territory, alongside the copies of primary documents (or original letters of recommendation/references) signed by the customers, which confirm the full implementation of the contract (contracts). |
| 6 | Information on the necessary technical, qualitative and quantitative characteristics of the subject of procurement, including the relevant technical specification | The Bidders of the procurement procedure must provide as part of the tender offer information containing a technical description of the subject of procurement, as well as documents confirming the compliance of the bid with the technical, qualitative and quantitative characteristics of the subject of procurement, established in **Appendix 1** to the Bidding documents, namely:  1) The offer of the CONTRACT PRICE, drawn up in the form established in Appendix 3 to the tender documentation, calculated using aggregated indicators of the cost of works, the volumes and types of which are provided for in Appendix 1 to the tender documentation.  The offer of the CONTRACT PRICE is fixed and calculated using the information on the scope of work and the information on resources for it, set out in Appendix 1 to the tender documentation;  2) A letter of guarantee in an arbitrary form, confirming the obligation to perform work in accordance with the project documentation for construction, in compliance with the technology of performance of work, which ensures the reliability, strength, stability and durability of structures;  3) A certificate in an arbitrary form, which confirms the compliance of the tender offer of the participant of the procurement procedure with the technical, qualitative, and quantitative characteristics of the subject of procurement, defined in the tender documentation and its appendices, as well as compliance with the requirements of the estimate norms and regulations on pricing in construction, which are used to determine the cost construction works;  4) A letter of guarantee in an arbitrary form, confirming the obligations of the participant of the procurement procedure regarding the timely removal of construction waste and cleaning at the Construction Site and its adjacent territory during the execution of works, as well as the application of other environmental protection measures in accordance with the law;  The offer of the CONTRACT PRICE is drawn up in accordance with the rules for the application of estimated standards and regulations on pricing in construction, taking into account the requirements of regulatory and technical documents used to determine the cost of construction works, which include a set of estimated standards, indicators, provisions, requirements, instructions, instructions, guidelines , methodological recommendations, building regulations, standards and rules, codes of established practice, which, in accordance with the legislation of Ukraine, must be taken into account during the preparation of estimates.  The Buyer provides the contractor with project documentation for the construction, which contains a complex of technical, economic and organizational measures, effective control at all stages of the execution of the procurement contract and provides for the performance of Works in strict accordance with the current DSTU, DBN, GOST, SNiP, TU, NPB, PPB, SanPiN with high quality, taking into account the specifics of the construction facility's functioning, with minimal costs.  A necessary prerequisite for the performance of Works under the procurement contract is the preparation of the Working Documentation for the construction at the design stage - (R) "working project" (two-stage design).  The composition of the design and estimate documentation and the content of its sections are determined in accordance with the design stages and technical complexity of the construction facility in accordance with the Instruction on determining the cost of construction (with mine No. 1).  The project documentation contains a separate section "Project of preparatory Works", the composition and content of which is determined by DBN A.3.1-5:2016 " Organization of construction production", which provides for the performance of preparatory Works on the Construction Site. Preparatory work on the Construction Site can be performed by the contractor during the development of the Work Documentation and does not require the presence of documents of a permissive nature, including the corresponding permit for the performance of construction work.  The beginning of the execution of works is the date of signing the purchase agreement, provided that the Contractor has the authorization documents necessary for the execution of the works in accordance with the legislation.  **The class of consequences (responsibility) (average consequences of SS2)** of the construction facility is characterized by the possible consequences of its failure and is determined in accordance with the requirements of DSTU 8855:2019 "Buildings and structures. Determination of the class of consequences (responsibility)".  In accordance with the Resolution of the Cabinet of Ministers of Ukraine dated August 1, 2005 No. 668 "On approval of the General Terms and Conditions for concluding and awarding subcontracts in capital construction", the warranty period for the operation of the Construction Facility is **10 (ten) years** from the date of signing the act of acceptance and handover of completed Works construction facility).  Warranty terms for the quality of finished Works, operation of assembled structures are established in the procurement contract, taking into account the requirements for these Works and structures, defined in the project documentation. The Bidder guarantees the quality of the work performed during the warranty period of **5 years** in accordance with the Resolution of the Cabinet of Ministers of Ukraine dated August 1, 2005 No. 668 "On approval of the General Terms and Conditions for concluding and awarding subcontracts in capital construction".  During the performance of Works, the Bidder must apply environmental protection measures provided for by the legislation of Ukraine. The work must be performed in compliance with the requirements of safety rules, which include, in particular, the use of environmentally safe materials in accordance with the Project Documentation for construction, timely removal of garbage, etc.  Works must be carried out without stopping (interrupting) the working regime of enterprises, institutions and organizations located on the Construction Site.  The technology of work performance must correspond to the established/registered/adopted in Ukraine normative legal acts, which provide for the application of environmental protection measures.  The Contractor is fully responsible for compliance with the requirements of the legislation on labor protection, fire safety and safety technology during the execution of work at the Сonstruction Site. |
| 7 | Information on labeling, test reports or certificates confirming compliance of the procurement d item with the requirements established by the Buyer (if necessary) | The Works are performed using the contractor's materials. All materials, equipment, devices and Works included in the bidding must fully comply with the relevant international and Ukrainian rules and standards on the date of the auction.  The materials that will be used by the Bidder to perform the work must have quality (conformity) certificates, conclusions of sanitary-epidemiological (sanitary-hygienic) examination. Certificates for construction materials, constructions, products that will be used in the work and that require mandatory certification are provided after signing the contract and purchasing specific material resources. As part of the bid, the Bidder must provide a letter of guarantee regarding the provision of certificates for the performance of Works.  Markings[, however, when tests and certificates provided by a Bidder in the procurement procedure to confirm that the proposed Works in terms of their environmental or other characteristics meet the requirements established in the Bidding documents must be issued by conformity assessment bodies whose competence is confirmed by accreditation or by other means, defined by legislation.](https://ips.ligazakon.net/document/view/t190114?ed=2019_09_19&an=705)  If the Bidder does not have the appropriate markings, test reports or certificates and is unable to obtain them before the end of the bidding submission deadline for reasons beyond his control, he may submit a technical passport to confirm compliance with the same facilityive criteria. The Buyer is obliged to review the technical passport and determine whether it really confirms compliance with the established requirements, with the justification of his decision.  If the Buyer refers in the Bidding documents to specific markings, test reports or certificates, he is obliged to accept markings, test reports or certificates confirming compliance with equivalent requirements and issued by conformity assessment bodies, the competence of which is confirmed by accreditation or by other means specified by law. |
| 8 | The requirement for the Bidder to indicate in the bid information about each business entity that the Bidder plans to involve in the performance of Works or services as a subcontractor / co-contractor in the amount of at least 20 percent of the value of the procurement contract (in the case of procurement of Works or services) | When submitting a bid, the Bidder indicates information [(full name and location)](https://ips.ligazakon.net/document/view/t190114?ed=2019_09_19&an=691) about each business entity that the Bidder plans to involve in the performance of Works as a subcontractor in the amount of at least 20 (twenty) percent of the value of the procurement contract by filling in the fields in the electronic procurement system. |
| 9 | Making changes or withdrawing the bid by the Bidder.  The validity period of the bid. | In accordance with paragraphs two to six of Clause 31 **of the Specifics of Public Procurement**, bids remain valid for the period specified in the Bidding documents , which may be extended if necessary.  Before the expiration of the specified period, the Buyer has the right to demand from the Bidders of the procurement procedure an extension of the validity period of the bid. A Bidder in the procurement procedure has the right to:  to reject such a demand without losing the collateral of the bid provided by him;  to agree to the request and extend the validity period of the bid submitted by him and the bid collateral provided.  If necessary, the Bidder of the procurement procedure has the right to extend the validity period of his bid on his own initiative, informing the Buyer about this through the electronic procurement system. |
| 10 | Description and examples of formal (insignificant) errors, the admission of which by Bidders will not lead to the rejection of their bids | Errors related to the preparation of the bid and do not affect the content of the bid, namely technical errors and typos, are considered formal (insignificant).  Description and examples of formal (insignificant) errors, the admission of which by Bidders will not lead to the rejection of their bids:  1. The information/document submitted by the Bidder of the procurement procedure as part of the bidding proposal contains an error(s) in the part:  capitalization;  use of punctuation marks and declension of words in a sentence;  use of a word or phrase borrowed from another language;  indication of the unique number of the announcement of the competitive procurement procedure assigned by the electronic procurement system and/or unique number of the notice of intention to enter into a procurement contract - an error in numbers;  application of the rules for transferring part of a word from line to line;  writing words together and/or separately, and/or with a hyphen;  numbering of pages/sheets (including several pages/sheets having the same number, missing numbers of individual pages/sheets, no numbering of pages/sheets, the numbering of pages/sheets does not correspond to the list specified in the document).  2. An error made by a Bidder in the procurement procedure during the drafting of the text of the document/entering information in separate fields of the electronic bid form (including computer proofreading, replacement of letter(s) and/or numbers(numbers), rearrangement of letters(numbers) in places, omission of letters (numbers), repetition of words, no gaps between words, rounding of numbers), which does not affect the price of the bid of the Bidder of the procurement procedure and does not lead to its distortion and/or does not relate to the characteristics of the subject of the procurement, qualification criteria for the Bidder of the procurement procedure/  3. Incorrect name of the document (documents) submitted by the Bidder of the procurement procedure as part of the bid, the content of which corresponds to the requirements specified by the Buyer in the Bidding documents.  4. A separate page (pages) of the copy of the document (documents) is not certified by the signature and/or seal of the Bidder of the procurement procedure (if it is used).  The bid does not contain any document(s) referred to by the Bidder of the procurement procedure in his bid, and the Buyer is not required to submit such a document in the Bidding documents.  6. Submission of a document (documents) by a Bidder in the procurement procedure as part of the bid, which does not contain the handwritten signature of an authorized person of the Bidder in the procurement procedure, if this document (documents) has his qualified electronic signature.  7. Submission of a document (documents) by a Bidder in the procurement procedure as part of a bid, which is drawn up in an arbitrary form and does not contain an original number.  8. Submission of a document by a Bidder in the procurement procedure as part of a bid, which is a scanned copy of the original document/electronic document.  9. Submission of a document by the Bidder of the procurement procedure as part of the bidding, which is certified by the signature of the authorized person of the Bidder of the procurement procedure and additionally contains the signature (visa) of the person whose authority has not been confirmed by the Bidder of the procurement procedure (for example, the translation of the document is certified by a translator, etc.).  10. Submission of a document (documents) by a Bidder in the procurement procedure as part of a bid, which contains (contain) outdated information about the name of a street, city, name of a legal entity, etc., since such names have been changed under the law after the relevant document(s) has been submitted.  11. Submission of a document (s) by a Bidder in the procurement procedure as part of a bid, in which the position of the number (numbers) in the amount is incorrect, while the amount specified in writing is correct.  12. Submission of the document(s) by the Bidder of the procurement procedure as part of the bid in a format different from the format required by the Buyer in the Bidding documents, while this format of the document provides the possibility of its review.  A bid containing other errors not classified as formal (insignificant) in accordance with the terms of the Bidding documents will be rejected by the Buyer in accordance with Article 31 of the Law. |
| **Section 4. Submission and disclosure of bids** | | |
| 1 | Deadline for submission of bids | According to Clause 34 **of the Specifics of Public Procurement,** the deadline for submitting a bid cannot be less than 7 (seven) days from the date of publication of the announcement on conducting open biddings in the electronic procurement system.  The deadline for submitting a bid:  date: September 17, 2023;  time: 00 hours 00 minutes, Kyiv time.  In accordance with clause 33 **of the Specifics of Public Procurement** bids after the deadline for their submission are not accepted by the electronic procurement system. |
| 2 | Date and time of bidding opening | According to Clause 35 **of the Specifics of Public Procurement,** open auctions are conducted without the use of an electronic auction.  In accordance with Clause 36 **of the Specifics of Public Procurement**, the electronic procurement system, after the deadline for submitting biddings specified by the Buyer in the announcement of open biddings, discloses all the information specified in the bidding, including information on the price / quoted price of the bidding.  Information that is reasonably determined to be confidential shall not be disclosed Information that is reasonably determined by the Bidder to be confidential shall not be disclosed, including information containing personal data. Information about the proposed price, other evaluation criteria, technical conditions, technical specifications and documents confirming compliance with the qualification criteria in accordance with Article 16 of the Law, and documents confirming the absence of grounds specified in Clause 44 of the Specifics of Public Procurement cannot be classified as **confidential**.  The Buyer, the appeals body and the State Audit Service have access in the electronic procurement system to information that is designated as confidential by the Bidder in the procurement procedure.  The bidding opening protocol is created and published by the electronic procurement system automatically on the day of opening of bids. The bidding opening protocol must contain information on:  name, location and identification code of the Buyer in the Unified State Register of Enterprises and Organizations of Ukraine, its category;  the unique number of the announcement of open biddings assigned by the electronic procurement system;  the name of the subject of procurement ;  date and time of opening of bids;  name (for a legal entity) or surname, first name, patronymic (if available) (for an individual) of the Bidder(s) of the procurement procedure;  information and documents confirming the Bidder's compliance with the qualification criteria and requirements for the subject of procurement, as well as information and documents containing a technical description of the subject of procurement;  information on the bid quotation.  bidding disclosure protocol may contain other information. |
| **Section 5. Evaluation of bids** | | |
| 1 | The list of bidding evaluation criteria (with an indication of the specific weight of each criterion) and bidding evaluation methodology.  The procedure and term for consideration and evaluation of bids.    The procedure for determining the winner of the procurement procedure and making a decision on the intention to conclude a procurement contract | According to Clause 37 **of the Specifics of Public Procurement,** the evaluation of the bid is carried out by the electronic procurement system automatically on the basis of the criteria and evaluation methodology specified by the Buyer in the Bidding documents, by determining the bid as the most economically advantageous.  The bid evaluation criterion is "quotation" (specific weight of the criterion is 100%) (without VAT\*\*).  The term "quotation" means the price of the Bidder's offer, calculated taking into account the requirements for the technical, qualitative and quantitative characteristics of the subject of procurement, determined by the terms of the Bidding documents**.**  According to the method of evaluating bids, the electronic procurement system determines the bid with the lowest quotation/quoted price as the most economically advantageous.  biddings specified by the Buyer in the announcement of open biddings has expired, the electronic procurement system automatically determines the indicators of other evaluation criteria and gives the price, after which the information about the given the price and a list of all quoted prices of bids, arranged in order from the lowest to the highest price.  If the Buyer uses other evaluation criteria in addition to the price, their value equivalent or specific weight of such criteria in the overall evaluation of bidding proposals is determined in the Bidding documents. The specific weight of the price criterion cannot be lower than 70 percent.  In accordance with clause 38 **of the Specifics of Public Procurement,** the Buyer considers the bid, which is determined to be the most economically advantageous according to **the Specifics of Public Procurement**, in terms of its compliance with the requirements of the Bidding documents.  The term of consideration of the most economically advantageous bid should not exceed **5 (five) working days** from the date of its determination by the electronic procurement system as the most economically advantageous. Such a period can be extended by the Buyer up to **20 (twenty) working days**. In the event of an extension of the deadline, the Buyer publishes a notice in the electronic procurement system **within 1 (one) day** from the date of the relevant decision.  In the case of rejection by the Buyer of the most economically advantageous bid in accordance with **the Specifics of Public Procurement,** the Buyer considers the next bidding in the list of proposals, which are arranged according to the results of their evaluation, starting with the best, in the order and period determined by **the Specifics of Public Procurement**.  The Buyer and the Bidders of the procurement procedure cannot initiate any negotiations regarding changes to the content or price of the submitted bid.  The Bidder in the procurement procedure who submitted the most economically advantageous bid, which is abnormally low, must provide, **within 1 (one) working day** from the date of determination of the most economically advantageous bid, justification in any form regarding the prices or cost of the relevant goods, Works or services of the bid.  The rationale for an abnormally low bid may include information on:  achieving savings due to the applied technological process of production of goods, order of service provision or construction technology;  favorable conditions under which the Bidder of the procurement procedure can supply goods, provide services or perform work, in particular, a special price offer (discount) of the Bidder of the procurement procedure;  receipt by the Bidder of the procurement procedure of state aid in accordance with the legislation.  In accordance with the second paragraph of Clause 39 **of the Specifics of Public Procurement,** the Buyer has the right to apply for confirmation of the information provided by the Bidder of the procurement procedure to state authorities, enterprises, institutions, and organizations in accordance with their competence.  According to Clause 40 **of the Specifics of Public Procurement,** if the Buyer, during the consideration of the bid of the Bidder of the procurement procedure, discovers inconsistencies in the information and/or documents submitted by the Bidder of the procurement procedure in the bid and/or the submission of which was provided for in the Bidding documents, he shall place within the term that cannot be less than 2 (**two) working days** before the end of the bid review period, a notification with the requirement to eliminate such inconsistencies in the electronic procurement system.  A discrepancy in the information and/or documents submitted by the Bidder in the procurement procedure as part of the bid and/or the submission of which is required by the Bidding documents includes the absence in the bid of information and/or documents, the submission of which is required by the Bidding documents (except in cases lack of collateral for the bid, if such collateral was requested by the Buyer, [and/or lack of information](https://ips.ligazakon.net/document/view/kp230157?ed=2023_02_17&an=97) (and/or documents) about the technical and quality characteristics of the procurement item offered by the Bidder in the procedure in his bid). Inconsistencies in the information and/or documents provided by the Bidder of the procurement procedure to meet the requirements of the technical specification for the subject of procurement are considered errors, the correction of which does not lead to a change in the subject of procurement proposed by the Bidder of the procurement procedure as part of his bid, the name of the product, brand, model etc.  **1 (one) notice** regarding the same Bidder in the procurement procedure with the requirement to eliminate inconsistencies in the information and/or documents submitted by the Bidder in the procurement procedure as part of the bid, except in cases related to the implementation decision of the appeal body.  In accordance with the first paragraph of Clause 39 **of the Specifics of Public Procurement**, based on the results of the review and evaluation of biddings, the Buyer determines the winner of the procurement procedure and decides on the intention to enter into a procurement contract following the Law, taking into account **the Specifics of Public Procurement**.  In accordance with paragraph four of Clause 39 **of the Specifics of Public Procurement,** in the event that a Bidder in the procurement procedure becomes the winner of several or all lots, the Buyer may enter into a single procurement contract with the winner by combining the lots.  According to the first paragraph of Clause 46 **of the Specifics of Public Procurement,** the decision on the intention to enter into a procurement contract is made by the Buyer in accordance with [Article 33](https://zakon.rada.gov.ua/laws/show/922-19#n1611) of the Law and Clause 46 **of the Specifics of Public Procurement**.  In accordance with the second paragraph of Clause 46 **of the Specifics of Public Procurement** notification of the intention to enter into a procurement contract is automatically generated by the electronic procurement system **within 1 (one) day** from the date of publication by the Buyer of the decision to determine the winner of the procurement procedure in the electronic procurement system.  In accordance with the fifteenth paragraph of Clause 44 of the **Specifics of Public Procurement,** the winner of the procurement procedure, within a period not exceeding 4 (four) days from the date of publication in the electronic procurement system, must notify the Buyer of the intention to enter into a procurement contract by publication in the electronic to the procurement system documents confirming the absence of grounds specified in subsections 3, 5, 6 and 12 and in the fourteenth paragraph of clause 44 **of the Specifics of Public Procurement, namely:**  **1)** **For natural persons:** a document (excerpt, full) in electronic form, or a copy of an electronic document, reproduced on paper by the software of the information and analytical system "According to information about bringing a person to criminal responsibility and having a criminal record" in accordance with the Procedure for access to information and analytical [information system" According to the information about bringing a person to criminal responsibility and the existence of a criminal record ", approved by the order of the Ministry of Internal Affairs of Ukraine dated March 30 , 2022 No. 207](https://ips.ligazakon.net/document/view/re37762?ed=2022_03_30&an=132) , which contains current information on the date of its submission to the Buyer about the absence of a natural person who is a Bidder in the procedure procurement, criminal record or restrictions provided for by the criminal procedural legislation of Ukraine *( subparagraph 5 of paragraph 44 of the Specifics of Public Procurement);*  **For legal entities:** document (Excerpt, complete) in electronic form, or a copy of an electronic document, reproduced on paper by the software of the information and analytical system "Accounting of information on bringing a person to criminal responsibility and the presence of a criminal record" in accordance with the Procedure for access to information of the information and analytical system " [Accounting of information on bringing a person to criminal responsibility and having a criminal record " , approved by the order of the Ministry of Internal Affairs of Ukraine dated March 30, 2022 No. 207](https://ips.ligazakon.net/document/view/re37762?ed=2022_03_30&an=132) , which contains current information on the date of its submission to the Buyer about the lack of a criminal record or restrictions provided for by the criminal procedure the legislation of Ukraine *(under Clause 6 of Clause 44 of the Specifics of Public Procurement)* ;  **2) For individuals and legal entities:** a certificate drawn up in an arbitrary form, which confirms that the manager of a Bidder in the procurement procedure, a natural person who is a Bidder in the procurement procedure, has not been held liable in accordance with the law for committing an offense related to with the use of child labor or any forms of human trafficking *(under Clause 12 of Clause 44 of the Specifics of Public Procurement)*;  **3) For individuals and legal entities:** a certificate drawn up in an arbitrary form, with information about the lack of [a procurement procedure for the Bidder](https://ips.ligazakon.net/document/view/t190114?ed=2019_09_19&an=548) [unfulfilled obligations under the previously concluded procurement contract with the Buyer, which led to its early termination, and the lack of **within 3 (three) years** from the date of early termination of such an contract, sanctions applied to the Bidder of the procurement procedure in the form of fines and/or compensation for damages](https://ips.ligazakon.net/document/view/t190114?ed=2019_09_19&an=547) , or with information about the Bidder taking appropriate measures to prove its reliability, in particular about the payment of relevant obligations and/ or compensation for damages and/or the obligation to pay the corresponding obligations and/or to compensate damages *( paragraph fourteen of clause 44 of the Specifics of Public Procurement)* .  In accordance with the fifteenth paragraph of Clause 44 **of the Specifics of Public Procurement, the Buyer does not require documentary confirmation of public information published in the form of open data in accordance with the Law of Ukraine "On Access to Public Information" and/or contained in open public electronic registers, access to which is free, or public information that is available in the electronic procurement system, except when access to such information is limited at the time of publication of the announcement of open bidding.** |
| 2 | Miscellaneous | The Bidder independently obtains and bears the costs of obtaining all documents of a permissive nature for the right to engage in the relevant activity, which is the subject of the procurement of these biddings, provided that such activity requires the presence of documents of a permissive nature in accordance with the legislation, and also receives all other documents related to the submission his bid. Any Bidder's expenses related to obtaining documents of a permissive nature, preparing and submitting a tender offer are not reimbursed by the Buyer, regardless of the results of open bidding.  The offer of the CONTRACT PRICE, drawn up in the form established in Appendix 3 to the tender documentation, is the basis for calculating the Contract Price based on aggregated cost indicators, drawn up in the form given in Appendix 31 to the Guidelines for determining the cost of construction, based on the volumes and types of work provided for approved Project documentation for construction.  The contract price based on aggregated cost indicators, compiled according to the form given in Appendix 31 to the Guidelines for determining the cost of construction, is an estimate of the cost of works used in mutual calculations.  When forming the offer price (contract price), the participant of the procurement procedure makes calculations taking into account the requirements of the Guidelines for determining the cost of construction, Guidelines for the development of resource elemental estimate standards, Guidelines for determining the cost of design, scientific design, prospecting works and examination of project documentation for construction, Guidelines regarding the determination of the cost of scientific and scientific-technical works in construction, collections of estimate norms of Ukraine, collections of consolidated estimate norms, branch normative documents on pricing adopted in accordance with the legislation of Ukraine.  The price must be calculated by the Bidder taking into account the requirements for the technical, qualitative and quantitative characteristics of the subject of procurement, specified in the Bidding documents, other taxes and fees, etc. provided for by the current legislation, and must be included in the cost of **the Works**.  When forming a contract price, which is set as a rigid one, the participant in the procurement procedure must take into account in the price of the bid:  - expenses for reimbursement of the cost of design work (the cost of work on the preparation of Detailed Design Documentation for construction at the design stage - (D) "detailed design"), in the amount not less than EUR 90,000;  - expenses for reimbursement of the cost of carrying out architectural supervision of construction Works, which will be carried out during the entire period of construction in order to control the compliance of construction and installation Works of the project, in accordance with the Procedure for the implementation of architectural supervision during the construction of an architectural facility, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 11 July 2007 No. 903,  in the amount not less than EUR 3,346;  - funds to cover risks related to construction works – EUR 593,569.  The total value of the bidding must be definitively determined without any reference, limitation or reservation.  The Bidder of the procurement procedure confirms compliance with the requirements for Polish entrepreneurs set forth in the letter of the Ministry of Finance of the Republic of Poland dated 04/25/2017 No. DG 5.9300.19/2017 by submitting the following documents as part of the bid:   1. confirming the payment of all taxes and social insurance fees - a document (certificate, extract, etc.) issued by the relevant authorized state body of the Republic of Poland, which contains information on the payment/non-payment of all taxes and social insurance fees; 2. that confirm financial capacity - financial reports (in the prescribed form) for the last three years and explanatory notes (signed by an authorized person of the Bidder) containing information on achieving a positive financial balance or explaining the reasons for financial losses during this period; 3. that confirm the conduct of economic activity on the territory of the Republic of Poland for at least the last three years - a document (certificate, extract, etc.) issued by the relevant authorized state body of the Republic of Poland, which contains the above information; 4. that confirm the presence of experience in the implementation of projects in the relevant sector, which is confirmed by recommendations; 5. and \_ absence of bribery of foreign government officials when concluding an export contract – the original consent letter containing the above information (signed by the authorized person of the Bidder).   The Bidder is responsible for the reliability of the information provided in his bid. |
| 3 | Rejection of a bid | In accordance with Clause 41 **of the Specifics of Public Procurement,** the Buyer rejects the bid with an indication of the reasoning in the electronic procurement system in the event that:  1) a Bidder in the procurement procedure:  noted inaccurate information in the bid that is essential for determining the results of open biddings, which was discovered by the Buyer in accordance with the second paragraph of Clause 39 of the **Specifics of Public Procurement**;  did not provide collateral for the bid, if such collateral was required by the Buyer;  did not correct inconsistencies in the information and/or documents submitted by him as part of his bidding proposal discovered by the Buyer after opening the biddings, and/or changed the subject of procurement (its name, brand, model, etc.) during the correction of inconsistencies discovered by the Buyer within 24 hours from the moment the Buyer places a notice in the electronic procurement system with the requirement to eliminate such inconsistencies;  did not provide justification for the abnormally low price of the bid within the period specified by the fifth paragraph of Clause 38 of **the Specifics of Public Procurement**;  defined as confidential information that cannot be defined as confidential in accordance with the requirements of the second paragraph of Clause 36 **of the Specifics of Public Procurement**;  is a citizen of the Russian Federation / the Republic of Belarus (except for the fact that he lives on the territory of Ukraine on legal grounds); a legal entity created and registered in accordance with the legislation of the Russian Federation / Republic of Belarus; a legal entity created and registered in accordance with the legislation of Ukraine, the ultimate beneficial owner, member or Bidder (shareholder), having a share in the authorized capital of 10 percent or more, which is the Russian Federation / Republic of Belarus, a citizen of the Russian Federation / Republic of Belarus (in addition , residing on the territory of Ukraine on legal grounds), or a legal entity created and registered in accordance with the legislation of the Russian Federation / Republic of Belarus; or offers in the bid goods originating from the Russian Federation / Republic of Belarus (with the exception of goods necessary for the repair and maintenance of goods procured before the entry into force of the Resolution of the Cabinet of Ministers of Ukraine dated October 12, 2022 No. 1178 "On approval of the specifics of Public Procurement of goods, Works and services for Buyers provided for by the Law of Ukraine "On Public Procurement" for the period of the legal regime of martial law in Ukraine and within 90 days from the date of its termination or cancellation" (Official Gazette of Ukraine, 2022, No. 84, page 5176);  2) bid:  does not meet the terms of the technical specification and other requirements regarding the subject of procurement of the Bidding documents, except for inconsistencies in information and/or documents, which can be eliminated by the Bidder of the procurement procedure in accordance with clause 40 of the Specifics of Public Procurement;  is expired;  is one whose price exceeds the expected value of the subject of procurement, determined by the Buyer in the announcement of open bidding, if the Buyer in the Bidding documents did not indicate the acceptance for consideration of a bid, the price of which is higher than the expected value of the subject of procurement, determined by the Buyer in the announcement of holding open biddings, and/or did not specify an acceptable percentage of excess or the percentage of excess is greater than specified by the Buyer in the Bidding documents;  does not meet the requirements established in the Bidding documents in accordance with the first paragraph of the [third part of Article 22 of the Law](https://ips.ligazakon.net/document/view/t150922?ed=2022_08_16&an=1435);  3) the winner of the procurement procedure:  refused to sign the procurement contract in accordance with the requirements of the Bidding documents or conclude the procurement contract;  did not submit, in the manner specified in the Bidding documents, documents confirming the absence of grounds specified in Clause 44 of **the Specifics of Public Procurement**;  did not provide a copy of the license or permit document (if available) in accordance with the second part of Article 41 of the Law;  did not provide collateral for the performance of the procurement contract, if such collateral was required by the Buyer;  provided inaccurate information that is essential for determining the results of the procurement procedure, which was discovered by the Buyer in accordance with the second paragraph of Clause 39 of the **Specifics of Public Procurement**.  According to clause 42 **of the Specifics of Public Procurement,** the Buyer can reject the bid with an indication of the reasoning in the electronic procurement system in the event that:  1) the Bidder of the procurement procedure provided an improper justification regarding the price or value of the relevant goods, Works or services of the bid, which is abnormally low;  2) the Bidder of the procurement procedure did not fulfill his obligations under the previously concluded procurement contract with the same Buyer, which led to the application of sanctions in the form of fines and/or compensation for damages within **3 (three) years** from the date of their application, with the provision of documentary evidence the application of sanctions to such a Bidder (a court decision or the fact of voluntary payment of a fine or compensation for damages).  In accordance with clause 43 **of the Specifics of Public Procurement,** information on the rejection of a bid, including the grounds for such rejection (with reference to the relevant provisions of the **Specifics of Public Procurement** and the conditions of the Bidding documents , which such a bid and/or Bidder do not meet, with an indication, what exactly is this discrepancy), **within 1 (one) day** from the date of adoption, the decision is published in the electronic procurement system and automatically sent to the Bidder/winner of the procurement procedure, whose bid was rejected, through the electronic procurement system.  In the event that a Bidder in the procurement procedure, whose bid is rejected, considers the reasoning specified in the notice to be insufficient, such a Bidder may turn to the Buyer with a request to provide additional information about the reasons for the non-compliance of his bid with the terms of the Bidding documents, in particular the technical specification, and/or its non - compliance qualification criteria, and the Buyer is obliged to provide him with an answer within the time limits specified by the Law and the Specifics of Public Procurement.  In accordance with the sixth paragraph of Clause 38 **of the Specifics of Public Procurement** the Buyer can reject an abnormally low bid if the Bidder has not provided adequate justification for the price or value specified in it, and rejects an abnormally low bid in the event that such justification is not received within the period specified in the fifth paragraph of Clause 38 **of the Specifics of Public Procurement**.  In accordance with the third paragraph of Clause 39 of the **Specifics of Public Procurement** in the event of receiving reliable information about the non-compliance of the Bidder of the procurement procedure with the requirements of the qualification criteria, the existence of the grounds specified in Clause 44 of the **Specifics of Public Procurement**, or the fact that any unreliable information, which is essential, is indicated in the bid during the determination of the results of open biddings, the Buyer rejects the bid of such a Bidder in the procurement procedure.  In accordance with the fifth paragraph of Clause 46 of the **Specifics of Public Procurement,** in case of rejection of a bid on the grounds specified in [Sub-Clause 3](https://zakon.rada.gov.ua/laws/show/1178-2022-%D0%BF?find=1&text=%D0%B2%D0%B8%D0%B2%D1%87%D0%B5%D0%BD%D0%BD#n148) of Clause 41 **of the Specifics of Public Procurement**, the Buyer shall determine the winner of the procurement procedure among those Bidders in the procurement procedure, the bid (the validity period of which has not yet expired ) which meets the criteria and conditions specified in the Bidding documents and can be recognized as the most economically advantageous in accordance with the requirements [of the Law](https://zakon.rada.gov.ua/laws/show/922-19) and **the Specifics of Public Procurement**, and decides on the intention to enter into a procurement contract in the manner and on the conditions specified by [Article 33](https://zakon.rada.gov.ua/laws/show/922-19#n1611) of the Law and Item 46 **of the Specifics of Public Procurement.**  In accordance with the sixth paragraph of Clause 46 **of the Specifics of Public Procurement** , in case of rejection of a bidding that is determined to be the most economically advantageous according to the results of the evaluation, the Buyer considers the next bidding in the list of biddings arranged according to the results of their evaluation, starting with the best one, which is considered to be in the most economically advantageous case, in accordance with the procedure and terms determined by **the Specifics of Public Procurement.** |
| **Section 6. Results of bidding and conclusion of the procurement contract** | | |
| 1 | Cancellation of bids by the Buyer or recognizing them as having not taken place | In accordance with clause 47 **of the Specifics of Public Procurement,** the Buyer cancels open biddings in the event of:  1) there is no further need to procurement goods, Works or services;  2) the impossibility of eliminating violations that occurred due to detected violations of legislative requirements in the field of Public Procurement, with a description of such violations;  3) reducing the volume of expenses for the procurement of goods, Works or services;  4) when the procurement became impossible due to force majeure.  In case of cancellation of open biddings, the Buyer, **within 1 (one) working day** from the date of adoption of the relevant decision, notes in the electronic procurement system the grounds for adoption of such decision.  In accordance with clause 48 **of the Specifics of Public Procurement,** open biddings are automatically canceled by the electronic procurement system in the event of:  1) rejection of all bids (including if one bid was submitted, which was rejected by the Buyer) in accordance with **the Specifics of Public Procurement;**  2) failure to submit any bid for participation in open biddings within the period established by the Buyer in accordance with the **Specifics of Public Procurement;**  Information on the cancellation of open biddings is automatically made public by the electronic procurement system **within 1 (one) working day** from the date of occurrence of the grounds for cancellation of open biddings, specified in Clause 48 **of the Specifics of Public Procurement**.  According to Clause 49 **of the Specifics of Public Procurement,** open biddings may be canceled partially (per lot).  According to Clause 50 **of the Specifics of Public Procurement,** information on the cancellation of open biddings is automatically sent by the electronic procurement system to all Bidders in the procurement procedure on the day of its publication. |
| 2 | Terms of conclusion of the procurement contract | In accordance with paragraph four of Clause 46 **of the Specifics of Public Procurement,** the Buyer concludes a procurement contract with the Bidder who is recognized as the winner of the procurement procedure, during the validity period of his proposal, not later than **15 (fifteen) days** from the date of the decision on the intention to conclude the contract about the procurement in accordance with the requirements of the Bidding documents and the bid of the winner of the procurement procedure. In case of justified necessity, the term for concluding the contract can be extended **up to 60 (sixty) days** . If a complaint is filed with the appeals body after the notice of intention to conclude a procurement contract has been published in the electronic procurement system, the expiration of the term for concluding a procurement contract is stopped.  In accordance with the third paragraph of Clause 46 **of the Specifics of Public Procurement,** in order to ensure the right to appeal the Buyer's decisions to the appeal body, the procurement contract cannot be concluded earlier than **5 (five) days** from the date of publication of the notice of intent in the electronic procurement system conclude a procurement contract. |
| 3 | Draft procurement contract with mandatory indication of the procedure for changes to its terms | According to Clause 17 of **the Specifics of Public Procurement,** the procurement contract based on the results of the procurement (Contract) is concluded in accordance with the Contract between the Government of Ukraine and the Government of the Republic of Poland, the Civil and Economic Codes of Ukraine, taking into account the provisions of Article 41 of the Law, except parts three to five, seventh to ninth Article 41 of the Law and **Specifics of Public Procurement.**  According to part one St. Atty 3 of the Contract between the Government of Ukraine and the Government of the Republic Poland (hereinafter referred to as the Contracting **Parties**), Contracts, in accordance with which are implemented projects financed by the Credit are concluded according to the regulations Contract between the Government of Ukraine and the Government of the Republic of Poland.  The provisions of the Contract between the Government of Ukraine and the Government of the Republic of Poland have force majeure over provisions internal legislation of Ukraine, which they can allow the Government of Ukraine to unilaterally suspend or to stop implementation obligations under the Contract between the Government of Ukraine and the Government of the Republic of Poland until all there will be obligations for him performed.  According to part four St. Atty 3 of the Contract between the Government of Ukraine and the Government of the Republic Poland, Contract I agree by the Contracting Parties in accordance with such procedures:   1. Ministry of finance of Ukraine in writing form informs Ministry of finance Republic Poland on approval The contract in appropriate central executive bodies authorities of Ukraine; 2. in the future, the Ministry of Finance of the Republic of Poland provides the Ministry of Finance of Ukraine with its written confirmation of the Contract; 3. The contract will enter into force 15 (fifteen) days from the date of sending the written confirmation of the Ministry of Finance of the Republic of Poland to the Ministry of Finance of Ukraine; 4. reconciliation procedure for each The Contracting Party cannot exceed 45 (forty- five) days.   According to part two St. Atty 4 of the Contract between the Government of Ukraine and the Government of the Republic Poland, all prices are set according to the world market of prices, and the price The contract is expressed in euros.  In accordance with the third part of Article 4 of the Contract between the Government of Ukraine and the Government of the Republic Poland, all goods which are exported from the Republic Poland to Ukraine under the Treaty between the Government of Ukraine and the Government of the Republic of Poland, cannot be re-exported to third parties countries without written permission Minister of finance Republic Poland.  In accordance with the fourth part of Article 4 of the Contract between the Government of Ukraine and the Government of the Republic Poland, cost of goods, Works and services Polish origin under the Contract, which financed under the Contract between the Government of Ukraine and the Government of the Republic of Poland, cannot be less than 60% (sixty percent) from cost this Contract in Detailed information on execution this one requirements , including granting relevant documents, for example certificates of origin, maybe demand from exporter by the Contracting Parties.  In accordance with the fifth part of Article 4 of the Contract between the Government of Ukraine and the Government of the Republic of Poland, the cost of technical means of customs control of Polish origin within the framework of the Contract, procurement d for the State Customs Service of Ukraine, may be reduced to 0% (zero percent) of the value of the Contract.  In accordance with the first part of Article 11 of the Contract between the Government of Ukraine and the Government of the Republic of Poland, any taxes, fees and other payments that may arise in connection with the performance of the Contract concluded in accordance with the Contract between the Government of Ukraine and the Government of the Republic of Poland shall be paid by each party to the procurement contract in its respective country and are not financed by the Credit.  In accordance with the second part of Article 11 of the Contract between the Government of Ukraine and the Government of the Republic of Poland, goods, Works and services financed under the Contract are exempt from paying any taxes, duties or other fees or mandatory payments established by Ukraine or on its territory in accordance with the current legislation of Ukraine.  In accordance with clause 17 of **the Specifics of Public Procurement,** the procurement contract based on the results of the procurement is concluded in accordance with the Civil and Economic Codes of Ukraine, taking into account the provisions of Article 41 of the Law, except for parts three to five, seven to nine of Article 41 of the Law and **the Specifics of Public Procurement.**  According to Clause 18 **of the Specifics of Public Procurement,** the terms of the procurement contract must not differ from the content of the bid of the winner of the procurement procedure, except in the following cases:  1) determination of the monetary equivalent of the obligation in foreign currency;  2) recalculation of the price in the direction of a decrease in the price of the bid of the winner without reducing the procurement volume.  According to Clause 21 **of the Specifics of Public Procurement,** the procurement contract is null and void if:  1) when the Buyer concluded a procurement contract in violation of the requirements specified in [clause 5](https://zakon.rada.gov.ua/laws/show/1178-2022-%D0%BF?find=1&text=%D0%B2%D0%B8%D0%B2%D1%87%D0%B5%D0%BD%D0%BD#n24) **Specifics of Public Procurement**;  2) concluding a procurement contract in violation of the requirements of Clause 18 of **the Specifics of Public Procurement**;  3) conclusion of a procurement contract during the period of the appeal of open biddings in accordance with [Article 18](https://zakon.rada.gov.ua/laws/show/922-19#n1284) of the Law and **Specifics of Public Procurement**;  4) conclusion of a contract in violation of the terms stipulated in the [third](https://zakon.rada.gov.ua/laws/show/1178-2022-%D0%BF?find=1&text=%D0%B2%D0%B8%D0%B2%D1%87%D0%B5%D0%BD%D0%BD#n169) and [fourth paragraphs of](https://zakon.rada.gov.ua/laws/show/1178-2022-%D0%BF?find=1&text=%D0%B2%D0%B8%D0%B2%D1%87%D0%B5%D0%BD%D0%BD#n170) Clause 46 **of the Specifics of Public Procurement**, except for cases of suspension of the term in connection with consideration of a complaint by the appeal body in accordance with [Article 18](https://zakon.rada.gov.ua/laws/show/922-19#n1284) of the Law, taking into account **the Specifics of Public Procurement**;  5) when the name of the subject of procurement with the indication of the code according to the Unified Procurement Dictionary does not correspond to the goods, Works or services procurement d by the Buyer.  A draft procurement contract with a mandatory indication of the procedure for changes to its terms, set out in **Appendix 2** to the Bidding documents (submitted through the electronic procurement system in a separate file).  The terms of the draft procurement contract are not final and exhaustive and may be changed, supplemented, or adjusted during the direct conclusion of the procurement contract with the winner of the procurement procedure. In this regard, the Buyer reserves the right to change the terms of the draft procurement contract in accordance with the procedure established by the **Specifics of Public Procurement.** |
| 4 | Essential conditions that must be included in the procurement contract | The essential conditions of the procurement contract are the subject (name, quantity, quality), price, and term of the contract. Other conditions of the procurement contract are not essential and may be changed in accordance with the norms of the Economic and Civil Codes, taking into account the features defined by the **Contract between the Government of Ukraine and the Government of the Republic of Poland**.  According to Clause 19 **of the Specifics of Public Procurement,** the essential terms of the procurement contract cannot be changed after it is signed until the parties fulfill their obligations in full, except in the following cases:  1) reduction of procurement volumes, in particular, taking into account the actual volume of the Buyer's expenses;  2) improvement of the quality of the subject of the procurement, provided that such improvement does not lead to an increase in the amount specified in the procurement contract;  3) extension of the term of validity of the procurement contract and/or the term of performance obligations as regards the performance of **Works** in the event of the occurrence of documented objective circumstances that caused such an extension, including circumstances of force majeure, delays in financing the costs of the Buyer, provided that such changes do not lead to an increase in the amount specified in the procurement contract;  4) approval of a downward price change in the procurement contract (without changing the quantity (volume) and quality of **Works**);  5) price changes in the procurement contract in connection with a change in the rates of taxes and fees and/or a change in the conditions for granting tax benefits - in proportion to the change in such rates and/or tax benefits, as well as in connection with a change in the system taxation in proportion to the change in the tax burden as a result of the change in the taxation system;  6) changes in the consumer price index established in accordance with the legislation by the state statistics authorities, changes in the foreign currency exchange rate, changes in stock exchange quotations or indicators of Platts, ARGUS, regulated prices (tariffs), standards, weighted average prices for electricity on the "day-ahead" market, which are applied in the procurement contract, in case the procedure for changing the price is established in the procurement contract;  7) changes in conditions in connection with the application of the provisions of part six of Article 41 of the Law. |
| 5 | Actions of the Buyer in case of refusal of the winning Bidder to sign the procurement contract | In the event that the winner of the procurement procedure refused to sign the procurement contract in accordance with the requirements of the Bidding documents or the conclusion of the procurement contract, the Buyer rejects the bid with an indication of the reasoning in the electronic procurement system on the basis of [subsection 3](https://zakon.rada.gov.ua/laws/show/1178-2022-%D0%BF?find=1&text=%D0%B2%D0%B8%D0%B2%D1%87%D0%B5%D0%BD%D0%BD#n148) of clause 41 **of the Specifics of Public Procurement** and, in accordance with paragraph of the fifth paragraph 46 of **the Specifics of Public Procurement**, determines the winner of the procurement procedure among those Bidders in the procurement procedure, whose bid (the validity period of which has not yet expired) meets the criteria and conditions specified in the Bidding documents , and can be recognized as the most economically advantageous, respectively to the requirements [of the Law](https://zakon.rada.gov.ua/laws/show/922-19) and **the Specifics of Public Procurement** , and makes a decision on the intention to enter into a procurement contract in the order and under the conditions specified by [Article 33](https://zakon.rada.gov.ua/laws/show/922-19#n1611) of the Law and Clause 46 **of the Specifics of Public Procurement.**  The refusal of the winner of the procurement procedure to sign the procurement contract under the requirements of the Bidding documents or the conclusion of the procurement contract shall be considered as a failure to submit to the Buyer, **within 15 (fifteen) days** from the date of the decision on the intention to conclude a procurement , contract 2 (two) copies of the procurement contract, signed following the requirements of the Bidding documents and the submitted bid and copies of the license or permit document (if available) by the [second part of Article 41 of the Law](https://ips.ligazakon.net/document/view/t150922?ed=2022_08_16&an=1775). |
| 6 | The amount, type, terms, and conditions for providing, returning, and non-returning of collateral for the performance of the procurement contract (if the Buyer requires such collateral to be provided) | The Buyer does not require the winner of the procurement procedure to provide collateral for the procurement contract. |

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