



**„Procurement of 30 pieces + maximum 50% used
low floor solo city buses of the same type, Volvo
7700 or another type of with equivalent technical
criteria**

(Procurement No.: 15/TB-470/11)

Documentation for participation

December 2011

A. General

1. The procedure

- 1.1. The Budapesti Közlekedési Zártkörűen Működő Részvénytársaság (BKV Zrt. hereinafter referred to as Tender Announcer) published a negotiated tender procedure and ask the Candidates to submit their applications to participate (hereinafter referred to as Application) in accordance with the conditions of this documentation.
- 1.2. The public procurement procedure will be conducted pursuant to the provisions of the Act No. CXXIX of 2003 on Public Procurements (hereinafter referred to as PPA). The regulation of the PPA are prevailing even if this documentation does not refer to.
- 1.3. In this stage of this procedure – the so called participation stage – the Tender Announcer shall decide about the candidate's financial and technical and professional suitability or unsuitability to deliver under the contract.
- 1.4. In the participation stage the Tender Announcer **shall not request**, and the candidate **shall not submit** a bid.
- 1.5. In the second stage of this kind of procedure – the so called tendering stage – the Tender Announcer request candidates who are qualified as competent to give their bids, and in this stage the Tender Announcer evaluate and compare the bids.

2. Short description of the subject of the procurement

- 2.1. **The Tender Announcer would like to sign a contract of buying 30 pieces + 50% the same type of used low floor city buses of two axles fitted with EURO 3 diesel engine, type Volvo 7700 or another type with equal technical criteria, year of manufacturing 2004 or later.**

During the performance of the contract the quantity can be altered with + 50 %.

- 2.2. The Parties agree that the **deadline for the delivery of the buses is 3 months from signing the contract by both Parties.**
- 2.3. Performance of the contract will be carried out on the basis of the actual order (BMR) of the Tender Announcer.

The chassis of the 30 pieces + 50 % of the same type buses cannot be corroded, damaged or subsequently modified. Furthermore, no irregular ware or damage hindering or excluding their intended use is acceptable. Every unit of the vehicle shall be operable.

The Tenderer shall provide a possibility for Tender Announcer to carry out a technical inspection of the fleet of at least 30 vehicles before signing the contract.

- 2.4. The deadline for supplying the buses in case of a batch of more than 30 vehicles is as follows: the first 30 buses within 3 months after signing the contract. The +50 %

can be supplied on call for the written Order of the Tender Announcer. The deadline to perform the order is 3 months after the call. The quantity to be called at one occasion cannot be more than 30 pieces and with the consent of both Parties. The transport of the vehicles from the premises of the Tenderer is the responsibility of the Tender Announcer according to a mutually defined schedule.

- 2.5 Place of the performance: premises of the Tenderer.
- 2.6 The detailed technical data related to the subject of the procurement can be found in **Annex 7** of this documentation for participation.

3. Communication

- 3.1. The address of the Tender Announcer:

Budapesti Közlekedési Zártkörűen Működő Részvénytársaság (BKV Zrt.)

Economic Directorate

Division of Procurement

1072 Budapest, Akácfa street 15.

Telephone number: +36-1 461-65-78

Fax number: +36-1 461-65-24

E-mail: kozbeszerzes@bkv.hu

4. Supplementary information

- 4.1. In order to be able to submit suitable applications to participate, candidates may submit requests in writing (letter, fax, or e-mail) for additional (interpretative) information regarding the contents of the invitation to participate or the participation documents from the Tender announcer no later than eight days prior to the expiry of the participation deadline.
- 4.2. Such additional information will be given no later than four days prior to the expiry of the participation deadline. The Tender announcer will send the full contents of such additional information to the candidates downloading the documentation.
- 4.3. If the Tender Announcer (contracting authority) perceives, after that the tender documentation was made available, that any element of the tender documentation is not in line with the contract notice or with PPA, or the tender documentation contains additional stipulation – beyond the specification in Paragraph 3 Article 54 – concerning any element of the contract notice, he shall communicate to the that this particular element, stipulation is invalid.

B. FORMAT OF THE APPLICATION

5. Form of Application

- 5.1. Applications shall be submitted in **one original** and **one copy** in and all counterparts shall be logically marked clearly as „Original” or „Copy” the counterparts shall be interlaced together. If any discrepancy occurs between the documents then the original document is considered valid.
- 5.2. The Tender Announcer considers the documents interlaced if the pages are fixed together and the pages can be turned over.
- 5.3. The Application shall be written by typewriter/word processor or in ink, pages containing information shall have page numbering and be initialed and all the documents in the Application shall be appropriately signed at the end by the representative of Candidate, or by his subcontractor or resource organization - by the person(s) who is(are) appropriately authorized. This authorization shall be certified in writing.
- 5.4. The Application shall not contain any added, deleted or overwritten parts unless it is the Candidate who makes his own corrections. In such cases the Candidate shall separately initial these corrections.

6. Language of the applications to participate

- 6.1. The application prepared by the Candidate (including all annexes and attached documents thereof), and all correspondence and documents exchanged between the Tender Announcer and the Candidate in relation to the tender shall be in **Hungarian or English**.
- 6.2. The Candidate shall submit documents in Hungarian or in English.

7. Sealing and marking of Applications

- 7.1. The original and the copy issue of the application shall be submitted in two or one sealed non-transparent package (envelope).
- 7.2. The package of the Application shall be marked as follows:

Application to
**„ Procurement of 30 pieces + maximum 50% used low
floor solo city buses of the same type, Volvo 7700 or
another type of with equivalent technical criteria
”**

Number of tender: **BKV Zrt. 15/TB-470/11.**

Not to open before 30 December 2011 11.00 am!

- 7.3. If the package is not marked as set out above the Tender Announcer cannot be held responsible for the loss or premature opening of the submission.
- 7.4. Applications are considered submitted before deadline only if the applications arrive before the deadline at the office determined by the Tender Announcer in the invitation to tender and received by the entitled person. [We draw your attention to that there is a reception service at the place of submission so entering the building can take some time. The application shall arrive at the office indicated in the invitation to participate before expiry of the deadline]. There is no possibility to accept applications arrived late: the Tender Announcer shall declare them invalid without substantial examination. In line with Article 7 Section (2) of PPA the applications arrived late shall be kept for five years from the date of the performance of the contract (in case of unsuccessful procedures from the date of closing the procedure) (in case a procedure for legal remedy is launched till a judgement is made which has the force of res judicata). There is no possibility to reclaim the application to participate.

C. PREPARATION OF APPLICATION

8. Content of Application

- 8.1. The candidate shall draw up and submit the application to participate in accordance with the substantive and formal requirements stipulated in the invitation to participate and the participation documents. Tender Announcer in order to enlighten the application to participate provides sample documents for the Candidates. Candidates can fulfil the requirements with statements and certificates etc. different from the sample documents if the submitted documents fulfil the requirement drawn up by the notice.
- 8.2. Candidates shall certify, the non existence of exclusion criteria, their financial and economic standing, as well as technical capability and professional qualification to perform under the contract, and shall provide such certifications by including them in the application to participate.
- 8.3. During completion of the application the conversion to Hungarian Forint of any value, data, eligibility criteria will be made by the Tender Announcer, by using the annual average price the determined by MNB (Hungarian National Bank).

9. Documents constituting the application

Applications shall be submitted with the following documents enclosed, in the following order:

- (1) List of Contents
- (2) Form of application
- (3) Statement on sub-contractors and resource organizations
- (4) Statement on downloading the documentation
- (5) Documents proving the non-existence of exclusion criteria
- (6) Specimen signatures
- (7) Documents proving the economical and financial suitability: Statement on turnover
- (8) Documents proving the technical and/or professional suitability: Description of low floor solo bus, photos
- (9) Statement of resource organization, agreement according to Point (4) b) of Article 65 of PPA (if there is no resource organization, the page crossed out)
- (10) Agreement of Joint Candidates (if applicable)
- (11) Definition of Confidentialities (in a separate annex)

10. Details of the documents constituting the application

10.1. List of Contents

The page numbering shall show in details the exact place of the documents in the Application, in order to clearly revert to the certain document in case a missing information or document has to be submitted subsequently, or if additional information is asked. Only pages containing text or pictures shall be numbered, empty pages and front and back pages are not necessary to be numbered.

10.2. Form of application

The Form of application shall be filled in and signed and submitted under the **Annex 1.** of this documentation.

The name and seat of the Candidate shall be given and the person authorized to sign contracts. In case of joint candidates the names and seats of all candidates and the authorized persons shall be listed. Only authorized persons signing this Applications have to be listed. In defining the contact persons/ contact details attention shall be paid to the Tender Announcer will send documents exclusively to these contact addresses.

10.3. Statement on sub-contractors

In the Application to Participate **the following data have to be indicated:**

- a) Part(s) of the public procurement in which the Candidate employs subcontractors for the performance of less than 10 % of contract value,
- b) Subcontractors intended to be employed for the performance of more than 10 % of contract value and the part(s) and percentage of the public procurement in which the Candidate intends to employ the indicated subcontractors
- c) Resource organizations intended to be relied on by the Candidate and the minimum suitability requirement(s) for the certification of which the Candidate relies on the resources of this organization (as well) indicating the relating point of the notice for invitation to participate. In case the Candidate intends to prove any of the suitability requirements set forth in points a)-d) of Section (1) of Article 66; points a),d)-f) of Section (1); a),d), f) of Section (2); Points a),d)-f) of Section (3) of Article 67 by the resource organization, Candidate shall make a statement if there is dominant influence between them or not.
- d) In case the Candidate intends to fulfil the suitability requirements in excess to Points a) and b) of Section (1) of Article 66 together with his Subcontractor employed in less than 10 per cent of the contract value, the name and address of the Subcontractor.

These data shall be provided under **Annex 2** of this documentation. Even if the Candidate will not employ subcontractors, this statement shall be submitted, this annex has to be crossed over or the charts left empty or indicated in writing.

10.4 Statement on downloading the documentation

Candidate shall attach to his application the form that proves the fact of downloading the documentation from Tender Announcer's web page. (**Annex 6** of this documentation for participation)

10.5 Documents proving the non-existence of exclusion criteria

Candidate **shall prove** that he is not subject to Article 60, Section (1) of PPA, in line with Article 63 Section (2)-(9) of PPA.

Concerning the certifications, statements, records, data and the methods of certification Candidates established in Hungary and in the European Union can find a guide in Hungarian language in the copy 118 /2011 of Közbeszerzési Értesítő (Public Procurement Bulletin) issued by the Public Procurement Council on 10 October 2011 (www.kozbeszerzes.hu).

Candidates (joint candidates) and Subcontractors intended to be employed for the performance of more than 10% of the contract value and resource organizations they intend to rely on shall prove the non existence of grounds for exclusion drawn up in Section (1) Article 60 of PPA by filling in **Annex 3**.

Candidates established in Hungary, their Subcontractors intended to be employed for the performance of more than 10% of the contract value and resource organizations they intend to rely on shall prove the non-existence of the exclusion criteria defined by PPA by a copy of the certificate of incorporation not older than 30 days attached to the Application to Participate. In case there is a modification in process concerning the company, the documents certifying the modifications shall be attached, too.

Candidates (joint candidates) their Subcontractors intended to be employed for the performance of more than 10% of the contract value and resource organizations they intend to rely on do not have to indicate any other facts or data which can be checked by the Tender Announcer free of charge from authentic public electronic documentations referred in Article 63, Section (2), point g) and Sections (4) and (5) of PPA and meet the prescribed conditions (maintained by an authority, electronic, free of charge). Tender Announcer requests the indication of such registrations in the application.

Pursuant to Article 63, Section (3) of PPA, in respect of subcontractors intended to be employed for the performance of less than 10% of the contract value, candidates shall formally declare in their applications to participate that they will not employ any subcontractors liable to the grounds for exclusion, by filling in **Annex 4**.

There is no need to attach Annex 4 if Candidate does not intend to employ subcontractor for the performance of less than 10 % of the contract value.

10.6 Authorization of signature (specimen signature)

The participants shall submit official documents that prove that the persons who sign the Application are entitled to represent the Candidate.

10.7 Documents proving the economical and financial suitability

Point III:2.2 of the tender notice – statement on turnover shall be submitted under **Annex 5.** of this documentation.

According to Article 69, Section (5) of PPA, in addition to the suitability requirements drawn up in Article 66, Section (1), Points a),b) of PPA Candidates (Joint Candidates) and their Subcontractors intended to be employed for more than 10% of the contract value are entitled to fulfil this requirement mutually, without respect to that the Tender Announcer ordered the proof of the suitability concerning the subcontractor or not.

According to Article 69, Section (5) of PPA, in addition to the suitability requirements drawn up in Article 66, Section (1), Points a),b) of PPA Candidates (Joint Candidates) can fulfil this requirement together with their Subcontractors intended to be employed for less than 10% of the contract value. In this case the name and address of the Subcontractor employed for less than 10% of the contract value and all the documents required by PPA has to be attached to the application.

10.8 Documents proving the technical and professional suitability

Pursuant to point d) Section (1) of Article 67 of PPA description of the solo bus and photos should be submitted and for the request of the Tender Announcer its originality has to be proven.

According to Article 69 Section (5) of PPA Candidates (Joint Candidates) can fulfil the requirements of technical and professional suitability together with their Subcontractors intended to be employed for more than 10% of the contract value without respect to that the Tender Announcer ordered the proof of the suitability concerning the subcontractor or not.

Pursuant to Article 69 Section (8) of PPA Candidates (Joint Candidates) can fulfil this requirement together with their Subcontractors intended to be employed for less than 10% of the contract value. In this case the name and address of the Subcontractor employed for less than 10% of the contract value and all the documents required by PPA has to be attached to the application.

In the certificate or statement at least the following things have to be indicated:

- time of performance

- other contracting party
- subject matter of the purchase
- sum of the compensation, or any other data concerning the quantity of the former purchase (in case it was performed by more than one companies, the value of the own part of the compensation or other data shall be indicated)
- the name and contact details of the person who is authorized to prove the performance of the purchase

10.9 Statement of resource organization

The Candidate may rely on the resources of one or more organization(s) to prove his suitability in point of minimum requirements, also in case if the Candidate only intends to complement his own partial adequacy with the resource organization.

The employed resource organization must declare that he will be in possession of the necessary resources during the performance of the contract.

10.10 Agreement of Joint Candidates

In the case of a Joint Application the partners shall submit their agreement which contains their statement on the joint responsibility for performance and contains their rights and obligations related to the joint application. This agreement shall assign the name of the representative company. The agreement shall be submitted in original or it shall be attested by notary public.

10.11 Scope of confidentialities - if any

The application to participate may contain facts, information, solutions or data which Candidates consider as **business secrets**. Candidates shall clearly indicate that it has to be handled confidentially and it has to be included **in a separate Annex**. Candidates may prohibit the public release of **business secrets** submitted in the above way.

Candidates are not allowed to consider the following things as business secret:

- their name, address (seat, residence).
- data belonging to the scope of public interest and which are stipulated by law

Candidates shall define the scope of confidentialities according to Article 73 of PPA.