PROCUREMENT EXECUTION PROCEDURE

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|  | General provisions | 1. Any supplier (contractor, contract acceptor) or several suppliers (contractors, contract acceptors) acting on behalf of the same supplier (contractor, contract acceptor) may take part in the procurement regardless of the legal form, form of ownership, location and place of origin of the capital. 2. Information and documents related to the said procurement are to be published on the official website. The official source of information about the progress and results of the procurement (official publication) is the official website referred to in the procurement execution notice. 3. From the date of the official publication of the procurement execution notice and procurement documentation (hereinafter referred to as the documentation) on the official website the documentation becomes publicly available and shall be submitted in accordance with Article 6.2.2 of the Standard. 4. Procurement participants (bidders) must monitor any published explanations and changes in the documentation, the information about any decisions made in the course of the procurement by the Procurement Committee (hereinafter referred to as the Committee) and the Procurement management company (hereinafter referred to as the Procurement Organizer) on their own. 5. The minutes made in the course of the procurement shall be posted on the official website not later than 3 (three) days from the date of signing of such minutes, but in any case the timeframe for execution, signing and posting of such minutes shall not exceed 3 (three) business days after the corresponding meeting of the committee, unless provided otherwise by this appendix. 6. In all other respects not covered by the procurement execution notice and by the documentation, the parties shall be guided by the Standard and federal laws. |
|  | Clarifications (explanations) of the procurement documentation provisions | * 1. Any interested party may send to the Procurement Organizer a request for explanation of provisions of the procurement notice and/or documentation in writing (on the bidder form or with the bidder’s seal, if any) signed by the CEO of the bidder or by an authorized person of the bidder not later than 3 (three) business days from the bid submission deadline.   If the request is received after the said period the Procurement Organizer has the right not to respond to such request.   * 1. If the request is received within the time period specified in clause 2.1, the Procurement Organizer shall post on the official website the relevant response indicating the subject matter of the request, without any reference to the bidder from whom this request was submitted * within 3 (three) business days from the date of receipt of such request; and * if necessary, in addition to that, a detailed response - within one (1) business day following the date of receipt of the answer from the customer, if such detailed response to the said request requires the answer of the customer who is not the Procurement Organizer.   In case of additional posting of detailed response, if the Procurement Organizer failed to post a detailed response to the request within 1 (one) business day prior to expiration of the bid submission deadline, the Procurement Organizer shall extend the final bid submission deadline for such number of days of delay so that from the date of posting of the detailed response the bid submission deadline shall be:   * at least 2 (two) business days;   1. Explanations of documentation provisions shall not change conditions of such documentation including the object of procurement and material conditions of the draft contract.   2. The procurement participant shall be entitled to rely only on the information obtained from the Procurement Organizer in the manner prescribed by the documentation. |
|  | Changes in the procurement execution notice and in the documentation | * 1. Within three (3) working days from the date the decision to introduce changes into the procurement execution notice and/or the documentation is made, but no later than the deadline for submission of bids such changes shall be posted by the Procurement Organizer on the official website in the manner prescribed for placement of the procurement execution notice.   2. In this case the time period for submitting the procurement bids shall be extended so that such period from the date of placement of the relevant changes on the official website up to the deadline for submitting the procurement bids is as follows: * for tender - at least 8 calendar days, at least 5 business days included * for bid request - at least 4 (four) business days; * for quotation request - at least 3 (three) business days;   Provided, in case of change of object of procurement, such deadline must be equal or more than the period of time during which the procurement notice had been posted.   * 1. For the second group customers: When making changes only pertaining to the timeframe of the procurement without changing any other provisions of the procurement notice and/or documentation the bid submission deadline must be set without regard to the deadlines specified by clause 3.2 of this section.   2. Any change in the documentation forms an integral part thereof. |
|  | Procurement bid security | 1. If the procurement execution notice contains the requirement to submit the procurement bid security, the participant shall provide such bid security in the amount and in currency in accordance with the requirements referred to in the procurement execution notice. 2. In case of provision of the procurement bid security in the form of money — money shall be transferred as per the details, indicated in the notice of the procurement, at the latest by the time and date of bid submission deadline. 3. In case of provision of the procurement bid security in the form of the independent guarantee — the independent guarantee (hereinafter, in the text of this Part, the independent guarantee is also interpreted as a bank guarantee) shall meet the following requirements: 4. The independent guarantee shall be drawn up taking into account the requirements of Articles 368-378 of the Civil Code of the Russian Federation and subject to the following terms and conditions: 5. the independent guarantee shall be irrevocable. 6. the amount of the independent guarantee shall be denominated in the currency specified in the procurement execution notice. 7. the independent guarantee shall be valid at least within the period of validity of the procurement bid. 8. the independent guarantee must be issued by a guarantor meeting the requirements specified in the procurement notice. 9. the independent guarantee shall be signed by the person who has the authority to act on behalf of the guarantor without a power of attorney in accordance with the laws, or by the person duly authorized by the latter under the power of attorney. 10. it shall be stated in the bank guarantee that the beneficiary is the Procurement Organizer, the principal is the bidder and that the guarantor is the entity by which the independent guarantee was issued. 11. the independent guarantee shall unconditionally entitle the beneficiary to reclaim the amount of the independent guarantee. 12. the independent guarantee must contain all obligations specified in the independent guarantee form provided in the documentation. 13. The independent guarantee shall contain no terms and conditions or requirements that are contrary to the above or that make the above unenforceable. 14. The Guarantor may increase the amount and/or duration of the independent guarantee without the consent of the beneficiary. The requirements for execution of such changes the independent guarantee are similar to the independent guarantee requirements. 15. Any documents confirming the fact of provision of the procurement bid security shall be provided as part of the bid no later than the deadline for submission of the procurement bids. 16. Procurement bid security shall be returned: 17. within five (5) working days from the date the decision regarding cancellation of procurement is made - to all procurement participants who submitted the procurement bids; 18. within five (5) working days from the date of receipt by the Procurement Organizer of the notice regarding withdrawal of the procurement bid by the procurement participant - to the latter who withdrawn the bid in accordance with the terms and conditions of the documentation; 19. within five (5) working days from the date of receipt of the late bid – to the procurement participant whose bid was late; 20. within ten (10) working days from the date of placement of the minutes containing the procurement results on the official website – to all procurement participants to which the security has not been returned at the preceding stages, except for the procurement winner or the sole admitted procurement participant; 21. within five (5) working days from the date of entering into the contract with the procurement winner according to the results of the executed procurement – to the procurement winner; 22. within 5 (five) working days from the date of entering into the contract with the sole procurement participant or from the date the decision regarding refusal to enter into the contract with such participant is made – to such sole procurement participant; 23. within 5 (five) working days from the date of recognition of the procurement as invalid and making the decision regarding non-conclusion of the contract based on its results – to the procurement participant to whom/which the bid security was not returned at the preceding stages. 24. In case of receipt of the complaint about the actions (lack of action) of the customer, the Procurement Organizer, the Committee, the period beginning from which the bidder has the right to return its security shall be postponed for the time of consideration of the complaint until obtaining the decision regarding the outcome of such complaint. In this case the period of return of the security after summing up the results of the examined complaint is established subject to subparagraph г) of paragraph 4.5. 25. The procurement bid security shall be withheld if the procurement winner or the sole procurement participant with whom/which the contract is entered into evades the conclusion of the contract by giving notice regarding withholding of the procurement bid security to such procurement participant |
|  | Submission and acceptance of the procurement bids | 1. The procurement bid shall constitute the proposal of the procurement participant in respect of the lot on conclusion of a contract for the supply of the products under the terms and conditions of the documentation made in writing with enclosure of the full set of documents according to the list determined by section 2 of the documentation prepared in accordance with the provisions of this subsection the contents of which meet the requirements of the documentation. 2. Any procurement participant has the right to submit a procurement bid for any lot, any number of lots or for all lots. If any procurement participant is planning to take part in the procurement for several lots, the latter must prepare the procurement bid separately for each such lot. The bidder shall be entitled to submit only one procurement bid for each lot (for the second group customers - except for permitted alternatives included in the bid if the procurement notice allows submitting alternative proposals). 3. Each document (original or copy) forming part of the procurement bid shall be signed by the person entitled to act on behalf of the procurement participant without a power of attorney under the laws or by the person duly authorized by the latter under the power of attorney (hereinafter referred to as the authorized person). In the latter case the original power of attorney is attached to the procurement bid. Facsimile signature is not allowed. 4. Each document (original or copy) forming part of the procurement bid should be sealed by the procurement participant (for legal entities), if any. 5. The requirements of paragraphs 5.3 and 5.4 do not apply to notarized copies of documents. 6. Any documents making part of the procurement bid must be clearly printed. No erasures, additional notes, corrections are permitted, except in cases where such corrections (additional notes) are certified with the handwritten inscription “Alteration valid” and with the handwritten signature of the authorized person affixed next to each correction (additional note) and sealed by the procurement participant, if any. 7. All additional information media (leaflets, books and so forth) shall be suitably marked (for example, by means of labels) and placed in separate (so-called “information”) envelopes. The said information envelopes shall be placed after the last page of the procurement bid. 8. After that any and all pages and information envelopes of the procurement bid shall be numbered (both internal numbering of pages of separate attachments and sequential numbering of all pages of the procurement bid; the information envelopes shall be numbered separately from the pages - “information envelope No.1”,“information envelope No.2” etc.). Pages of books, leaflets, magazines, etc. placed in information envelopes shall not be numbered. 9. When numbering the procurement bid pages the numbers on the original official documents issued to the bidder by the third parties and having the seal affixed (licenses, powers of attorney, copies certified by the Notary Public, etc.) shall be put in pencil at the back of the page in the bottom left corner. 10. All pages of the procurement bid with the list of the documents that form part thereof are numbered, bound into one volume using a thread glued up by paper sticker indicating the number of pages in volume thereon with the seal of the bidder (for legal entities), if any, and the signature of the latter or its authorized representative. If the procurement bid consists of several volumes, each volume shall be bound with attachment of the list of the included documents. The numbering of pages in each such volume shall follow one sequence.   Meeting by the procurement participant of the said requirements means that all the documents and information included in the procurement bid are submitted on behalf of the procurement participant and confirms the authenticity and accuracy of the documents and information included in the procurement bid.   1. The procurement participant shall prepare 1 original of the procurement bid. 2. The customer establishes a requirement on the term of validity of the procurement bid in the documentation. The term should be 60 calendar days from the deadline for submission of the procurement bid.   The validity term of the procurement bid established in the documentation can be extended by the number of days for performing the necessary measures in the following cases:   1. if in accordance with the laws of the Russian Federation the approval of the management body of the customer is required for the contract conclusion; 2. performance of additional measures according to the external customer’s requirements is required, 3. if in accordance with the legislation or mandatory legal acts of federal executive authorities any additional measures for the contract conclusion are required.   Procurement bid should be valid for at least the term specified in the documentation.   1. The procurement participant shall insert the original of the bid into separate envelope duly marked with the inscriptions “ORIGINAL”. At the same time on envelope one shall indicate the name and address of the Procurement Organizer, the name and postal address of the procurement participant, the name of the procurement, number and scope of the lot to participate in which the bid is submitted. The envelope must be sealed in the manner precluding opening the envelope without breaching their integrity. Sealed envelopes with the procurement bid is placed in one outer envelope for each lot separately. The outer envelope shall contain the following information:  * name and address of the organizer of the procurement; * subject matter of the procurement; * lot number and scope.  1. Sealed envelopes with the procurement bids shall be provided to the Procurement Organizer to the address specified in the procurement execution notice. 2. The lack of an envelope, improper execution of the envelope (including indication of the name or address of the procurement participant) is not a reason for refusal to accept the bid. 3. All bids must be submitted before the deadline set by the procurement execution notice in accordance with the requirements related to package of documents according to section 2 of the documentation. The bid is a proposal of the participant to conclude a contract (an offer) and the procurement participant shall have an obligation to conclude such contract under the terms and conditions of the documentation and its proposal. By submitting a bid under this procurement, the bidder thereby confirms that their bid confirms only publicly available information and understands that the information contained in the bid can be shared with members of the Committee, experts and other persons for the purposes of bid consideration. If the procurement participant submitted his/its bid late, it is not considered and shall be returned to the latter (including by mail) upon request of such participant. Expenses on return of the bid, coming late for participation in the procurement shall be attributed to the account of the participant that submitted such a bid. 4. In case of sending of the bid by mail the procurement participant shall bear the risk that his bid will be delivered at the incorrect address and/or after expiry of the deadline for submission of the procurement bids and will be recognized being late. 5. The Procurement Organizer shall register the received envelopes with procurement bids in the Log of registration of envelopes with the procurement bids for each lot separately. 6. At the request of the person submitting the envelope with the procurement bid the Procurement Organizer shall issue the receipt confirming the delivery of the envelope containing the procurement bid with indication of the registration number, the date and time of receipt of the envelope and shall make a note regarding the absence of breach or breach of the integrity of the envelope. 7. The procurement participant, who submitted the procurement bid in respect of any lot, shall have the right to amend or to revoke his procurement bid, submitted for this lot, at any time after its submission, but before expiration of the deadline for submission of the procurement bids on this lot, indicated in the notice of the procurement.   Withdrawal or revision of the bid submitted by the procurement participant after the deadline for submission of the bids established by the procurement documentation is not acceptable, except in cases where the bid is changed in the manner prescribed by the documentation for the reasons stipulated by the Standard.   1. If the Procurement Organizer extends the period for submission of the bids, the procurement participant, who already submitted the application, shall have the right to take any of the following decisions: 2. recall the submitted application; 3. not to withdraw its bid which has already been submitted and to amend that bid (if the bidder so wishes). 4. Submission of changes in the procurement bid shall be carried out under subparagraph б) of paragraph 5.21 of this section and shall be executed as follows: 5. the letter about changing the procurement bid in respect of this lot on the letterhead of the organization (for legal entities) is submitted; 6. the list of changes in the procurement bid indicating the documents included in the primary procurement bid to which such changes are related is submitted; 7. new versions of documents that may be changed are submitted. If the changes concern the information contained in  [Form 1](#_ЗАЯВКА_НА_УЧАСТИЕ) “Procurement Bid”, such amended [Form 1](#_Письмо_о_подаче) shall also be attached as part of the new versions of documents.   At the same time such participant shall provide the new bidder’s obligations fulfillment security with an extended period of validity, if the said security was previously provided in the form of an independent guarantee and the validity period of such previously submitted independent guarantee is less than the period of validity of the bid.   1. If there are any changes in the procurement bid one shall additionally write the phrase “Procurement bid revision (for lot)” on the envelope. 2. To withdraw the procurement bid in respect of any lot, the procurement participant having submitted the procurement bid in respect of such lot shall provide the Procurement Organizer with the written notice of withdrawal signed by the authorized person of such participant. If the notice is signed by the person authorized by the head of the bidder, the notice must be accompanied by a document confirming the authority of such person. The notice shall contain the name of the procurement indicating the name and number of the lot in respect of which such procurement bid is withdrawn, the name and postal address of the procurement participant having withdrawn the procurement bid and method of returning the procurement bid (if necessary). The costs of returning of the procurement bid withdrawn by the procurement participant shall be charged to the latter. 3. The Procurement Organizer shall provide measures of verification of the contents of the envelopes without opening them, for reasonable security. The measures taken are the same for all bidders. The Procurement Organizer may demand that the person who submits the envelope with the procurement bid provides the proof of identity document. 4. In case of non-compliance with the requirements of paragraphs 5.20 - 5.24 the Committee shall consider that the documents referred to in paragraphs 5.20 - 5.24 have not been submitted. |
|  | Opening of envelopes with the submitted procurement bids | * 1. The Procurement Committee shall open all envelopes with the procurement bids which were received by the Procurement Organizer before the deadline for submission of bids at the hour, on the date and at the address specified in the procurement execution notice. The opening is carried out at the meeting of the Procurement Committee the quorum of which is at least three members of the latter with the possible involvement of third parties (by the decision of the Procurement Organizer).   2. During opening of the submitted envelopes the Committee shall open each received envelope.   3. When holding a request for quotations, during opening of the received envelopes the following information, based on the documents and data provided in the application, shall be announced:  1. procurement name and details; 2. Starting (ceiling) price (SCP), except when during holding of the tender or request for proposals the SCP is not announced due to the fact that information about the SCP constitutes a trade secret as evidenced by the conclusion of the Permanent Technical Committee; 3. regarding the envelope contents (procurement bid, its revision, withdrawal); 4. name, INN (Taxpayer Identification Number) and or legal and actual address of the procurement participant; 5. the brief description of the subject of procurement and the bid price (or other indication of the total price of the participant’s proposal), except when during holding of the tender or request for proposals the SCP is not announced due to the fact that information about the SCP constitutes a trade secret as evidenced by the conclusion of the Permanent Technical Committee; 6. for envelopes with changed and withdrawn bids — the essence of the changes or fact of the bid withdrawal; 7. the information that the bid is not bounded, if applicable; 8. any other information the Procurement Committee considers necessary to announce (an equal set of information for every bid).    1. The bids which were not opened and not announced in the said manner set forth in no way can be accepted for consideration during this procurement.    2. If, in the course of the procurement with the contract SCP of 100 million rubles inclusive of VAT and more, held by SETA, it is established on opening of envelopes that the bid is not stitched, the procurement participant is granted a right to stitch the bid directly during the opening procedure within no more than 30 minutes in one volume or in several volumes with a thread stuck with a paper sticker with an inscription: "Stitched with one's own hand during the envelope opening procedure (time, date)" signed by the representative of such participant. The bound application, also immediately during the opening procedure shall be signed by the Committee secretary and sealed (by a specific stamp) of the Procurement Organizer to certify the fact of application binding during the envelopes opening procedure. If the procurement participant’s representative is absent during the envelopes opening procedure or refuses to bind the procurement bid documents, the unbound application (bid) shall be rejected within the selection stage.    3. The Procurement Organizer shall make audio record of the Committee meeting about envelopes opening to be stored as part of report on the procurement execution or otherwise, provided that it is secure and accessible during the period of report storage.    4. The Procurement Organizer shall also carry out video broadcasting of the envelopes opening procedure on the official procurement website of the nuclear industry and (or) the Procurement Organizer if it was specified in the documentation. Conditions of the procurement participant’s consent to video broadcasting of opening of envelopes with the procurement bids in the Internet information telecommunication network shall be given in the documentation. Video broadcasting shall have a general information character and shall not cancel envelopes opening record placement on the official website.    5. If the procurement participant having submitted the procurement bid on a timely basis intends to send its representative to the Procurement Organizer by the time of opening of envelopes with the bids, such participant shall, at least one (1) day before the deadline for submission of the bids, provide the Procurement Organizer with the application to be issued with the pass containing the following information:  * name of the procurement participant, * full surnames, first names and patronymics of the persons who will be present when opening the envelopes with the bids.   The application to be issued with the pass may be provided by any means of communication, including postal, telegraph and electronic communication, as well as by fax. However, the bidder shall be responsible for the timeliness of receipt by the Procurement Organizer of such an application to be issued with the pass.   * 1. When opening the envelopes with the procurement bids the representatives of the participants present at the meeting of the Procurement Committee must be registered in the Log of registration of bidders’ representatives.   2. If one establishes the fact of submission by one procurement participant of two or more bids in respect of the same lot, provided that the previously submitted bids in respect of such lot were not withdrawn by such participant, all procurement bids of the latter submitted in respect of such lot shall not be considered and shall be returned to such procurement participant. This fact shall be entered in the record of opening of envelopes.   3. The minutes of opening of the envelopes containing all disclosed information shall within 1 (one) business day following the day of opening of envelopes containing bids shall be drawn up by the Procurement Organizer, signed by the secretary of the committee and all attending members of the committee in accordance with the Appendix 4 of the Standard and shall be posted on the official website. |
|  | Removal of a participant from the competitive bidding | 1. The procurement participant shall be liable for providing unreliable information in the bid. 2. The Committee may decide to disqualify the procurement participant, including the same admitted to participate in the procurement at any time before the date of signing of the contract in the cases specified below: 3. if unreliable information is revealed in the procurement bid and/or its clarifications according to clause 8.5 in notices and/or documents provided for the confirmation of the compliance with the requirements and/or for the evaluation of the bid. And verification of accuracy of the data and documents submitted as part of procurement bid shall be performed in case of doubts in their accuracy and availability of the opportunity to carry out such verification, including forwarding of inquiries to state authorities or to the persons specified in the application; 4. when it detects the fact of pressure put by such procurement participant on the Committee member, the expert, the CEO of the Procurement Organizer or on the customer supported by documents. 5. if the entity, on behalf of which the independent guarantee is issued, does not confirm issue of such a guarantee.   The resolution on removal of bidder shall be executed as minutes of committee meeting.   1. Information on the procurement participant are entered into information system “Calculation of rating of business reputation of the suppliers” in accordance with the procedure, stipulated by Unified branch practical policies on evaluation of business reputation, published on the website http://rdr.rosatom.ru/ in following cases: 2. if the procurement participant provides falsify, invalid documents and (or) information as a part of the procurement bid and (or) upon conclusion of the contract; 3. if the entity, on behalf of which the independent guarantee is issued, does not confirm issue of such a guarantee.   Information on the bidder, entered into information system “Calculation of rating of business reputation of the suppliers” is used for assessment of bids to determine the final rating of the bid in accordance with the Appendix 10. |
|  | Consideration of bids (selection stages), clarification of bids | 1. The bids shall be considered in accordance Appendix 10. 2. The Committee shall consider, evaluate and compare the procurement bids in respect of each lot separately.   The Procurement Organizer by the decision of the Committee or on the customer’s instructions given in the procurement request shall engage experts for consideration of the bids. When making such a decision, the Committee shall consider the experts’ evaluations and recommendations (if they were engaged).  In case the application for participation in procurement includes provisions not complying with the selection criteria according to sub-paragraph d) (with regard to non-exceedance of SCP, unit SCP) and (or) sub-paragraph e) of paragraph 9.2, the bid of such bidder shall not be considered for compliance with the other selection criteria and information about it shall be specified in relevant minutes.   1. When considering the procurement bids the Procurement Organizer has the right to request from the relevant public authorities and from the legal entities and individuals referred to in the procurement bid and appendices thereto the information about authenticity of the data provided by the procurement participant. 2. When in doubt about the authenticity of the copy of the document the Procurement Organizer shall have right to request the document provided in the copy. If the bidder failed to provide the document within a reasonable period of time established in the request, the copy of the document shall not be considered and the document shall not be deemed to have been submitted. 3. When considering the procurement bids at the selection stage in the cases specified below, the Committee shall make a decision to clarify the procurement bid (including regarding the information and documents required for processing at the evaluation stage) on the basis of which the Procurement Organizer sends the clarifying requests:    * 1. If the following documents forming part of the procurement application are missing, contain the incomplete information or if they were submitted in unreadable form (if the requirement to submit the relevant document is stipulated by the documentation): 4. documents, confirming the powers of the person to sign the application on behalf of the participant of the procurement, 5. the constituent documents, 6. permitting documents (licenses, permits, membership in self-regulatory organizations, etc.) 7. documents proving that the bidder has the financial resources required to fulfill the contract, 8. documents from the manufacturer of the goods confirming the consent of the manufacturer to an offer within the framework of procurement of its goods by the bidder, 9. documents certifying the qualification of the procurement participant, subcontractors (joint contractors), manufacturers engaged by the latter, specified by such participant in his/its bid, 10. information to be confirmed by the bidder on a declarative basis as per the form in accordance with the requirements established by the documentation, 11. “application form of manufacturer”, “application form of contractor enterprise/service enterprise”.     * 1. The cases of detection of any arithmetic or grammatical errors in the procurement bid. When the bidder submits the corrected documents in case of presence of any arithmetic errors, the following rules shall apply:  * if there are any discrepancies between the amount specified in words and the amount in figures, the amount stated in words shall prevail; * if there are any discrepancies between the price specified in the procurement bid and the price obtained by summing the totals for each line, the total price specified in the procurement bid shall prevail; * if the results of multiplication of the unit price by the quantity have any discrepancies, the arithmetic error shall be corrected in view of the fact that the total price specified in the procurement bid is prevail.   Correction of any other errors is not acceptable.   * + 1. In cases affecting the admission of the bidder to the procurement or evaluation of his/its procurement bid:  1. the documents included in the procurement bid contain no information necessary to determine whether:  * the bidder meets the requirements of the documentation in respect of having the civil and special legal capacity, * the engaged subcontractors (joint contractors) meet the requirements of the documentation in respect of having the civil and special legal capacity, if the relevant requirements were established, * the procurement bid meets the requirements of the documentation in respect of the characteristics of the offered goods, works, services and contractual terms and conditions, calculation of the contract price;  1. the procurement bid contains any discrepancies or any ambiguous provisions that do not allow determining whether the procurement bid or procurement participant meets the requirements established by the procurement documentation or carrying out evaluation and comparison of the bids of the admitted procurement participants; 2. if the information regarding the subcontractor (joint contractor) engaged by the bidder is included in the register of bad-faith suppliers, the bidder shall be provided with the request to replace such subcontractor (joint contractor). If the requirement regarding non-presence of the subcontractor (joint contractor) in the register of bad-faith suppliers was established in the documentation, the refusal of the bidder to replace such subcontractor (joint contractor) is the reason for denial of admission to the procurement in accordance with subparagraph c) of paragraph 9.3 of this section.    * 1. Any requests aimed at changing the subject of procurement, the volume and range of the products offered by the procurement participant, the essence of the procurement bid, including changes in the terms and conditions of the bid are not acceptable. 3. When clarifying the procurement bids the Procurement Organizer shall not allow creating preferential conditions for any participant or several procurement participants. The documents stipulated by subparagraph 8.5.1 can be requested only once (with respect to each document). 4. The bidder shall not be provided with the requests subject to paragraph 8.5 of this section if in accordance with paragraph 9.3 of this section there are also any other reasons for denial of admission of such bidder to participation in the procurement. 5. The committee's resolution on elaboration of bids shall be recorded on the minutes of the committee meeting. 6. The requests shall be sent to the bidders after the minutes referred to in paragraph 7.8 of this section are posted on the official website. 7. The period established for clarification by the participants of their procurement bids is the same for all participants and makes three (3) working days. In case of procurements, carried out with the purposes of implementation of contracts, the products under which is supplied and/or used in the territory of a foreign state, as well as in case of procurements pertaining to the "complex lot" category, in case of reasonable appeal of the customer, the Authority shall extend the deadline for the bidders to elaborate their bids. Failure to submit or incomplete submission of the requested documents and (or) clarifications within the framework of selection stage of consideration of the bids prior to the deadline for the bidders to elaborate their bids is the reason for denial of admission to participation in the procurement on the grounds set forth in paragraph 9.3 of this section. 8. The time period for execution of the selection and (or) evaluation stage, and the period for choosing the procurement winner shall be extended only by the decision of the Committee (with issuance of the relevant minutes) or of its Chairman (with the issuance of the document containing his sole decision) but in any case before the expiration of the deadline for submission of the procurement bids. 9. The stages of the procurement execution (selection, evaluation stage, summing up the results and choosing the winner) can be combined by the decision of the Committee. In this case single minutes shall be drawn up. |
|  | Selection stage execution | 1. Within the framework of selection stage the Committee considers whether the bids meet the requirements provided for by the documentation and whether the bidders meet the established requirements. The purpose of the selection stage is admission of the bids meeting the requirements of the documentation submitted by the participants meeting the same requirements to further participation in the procurement and rejection of the rest bids.   Selection stage shall be completed within 20 days after publishing the envelopes opening minutes on the official website or another period specified in the procurement execution notice or in the documentation.   1. When considering the bids there are the following selection criteria: 2. compliance of the bid with the documentation requirements with regard to its essence, included package of documents, included information and execution; 3. compliance of the bidder and subcontractors (joint contractors), manufacturers proposed by the latter with the established requirements (in case of establishment of such requirements); 4. compliance of the products proposed by the bidder with the established requirements; 5. compliance of the contractual terms and conditions proposed by the bidder (including non-exceeding of the stated SCP, unit SCP) with the established requirements; 6. provision by the procurement participant of the required bid security (if necessary). Regardless of availability in the procurement bid of the document confirming the provision of the bid security the Procurement Organizer shall check whether the funds have been credited to the settlement account specified in the procurement execution notice as of the date preceding the date of the meeting of the Committee about the selection stage execution. In the case where the procurement bid contains no document confirming the provision of the bid security but there are the funds credited in accordance with the procedure provided for by the procurement execution notice and paragraph 4 of this procedure, the bid security shall be deemed as have been duly provided. 7. According to the results of the selection stage the Committee makes the decision in respect of each bidder regarding its admission to further participation in the procurement or regarding denial of admission in accordance with the selection criteria. Following issues constitute the grounds for reusing access: 8. non-compliance of the bid in relation to the package of documents (except in the cases of failure to submit the documents and (or) information required solely for the purpose of evaluating and comparing the bids if it was provided for by the documentation), contents and execution, including the submitted technical proposal; 9. non-compliance of the procurement participant with the documentation requirements; 10. non-compliance of the subcontractors (joint contractors), manufacturers, (if the requirements for them have been established) with the documentation requirements; 11. refusal or lack of consent of any manufacturer/contractor enterprise/service enterprise (when the requirement for them concerning the conduct of the audit of the reliability of data at the pre-qualification stage has been established in the documentation) to fulfil all terms and conditions provided in the requirement to pass the audit of the reliability of data; 12. non-compliance of the products specified in the procurement bid with the documentation requirements; 13. non-compliance of the contractual terms and conditions specified in the procurement bid with the documentation requirements, including:  * presence in such bid of an offer regarding the contract price exceeding the starting (ceiling) price (SCP) of the contract, the starting (ceiling) unit price of the goods, service, work; * stating an offer that contains less favourable terms and conditions of delivery of goods, performance of works or provision of services.  1. non-compliance of the amount, form, terms and conditions or procedure for providing the bid security (if required) except in the case specified in subparagraph e) of paragraph 9.2 of this procedure. 2. Denial of admission to participation in the procurement for any other reasons except for those provided for in paragraph 9.3 is not permitted. 3. Committee's resolutions on admission to further participation in procurement or on refusal of admission shall be recorded in the minutes of committee meeting for consideration of bids at the pre-selection stage. If by the deadline of submission of bids no bids are submitted, the consideration minutes shall reflect information on acknowledgment of procurement as failed and such minutes are signed by the secretary of the procurement committee. 4. Any bidder after posting the minutes of the meeting of the Committee about consideration of the bids at the selection stage may provide the Procurement Organizer with the request to clarify the reasons for denial of his/its admission to participate in the procurement. The Tendering Authority must provide the bidder with relevant written feedback within three (3) working days from the date of receipt of such a request. |
|  | Conducting negotiations with the procurement participants | 1. At any time after execution of the selection stage of consideration of applications for participation in the request for proposals (RFP bids), but before execution of the rebidding procedure (if necessary) by the decision of the Committee the negotiations with the participants admitted shall be conducted, if procurement notice provides for possibility of negotiations. The negotiations shall be conducted by the Committee. If any experts (Expert Advisory Board) are engaged, then such experts (individual members of the Expert Advisory Board) shall also be involved in the negotiations. The negotiations are conducted in relation to any aspects of the RFP bids for the purpose of clarification of the bids or in order to improve them for the benefit of the customer, except for changes in the price of proposals and subject of procurement. 2. Negotiations shall be held with all bidders that have been cleared at the selection phase. Only one round of negotiations may be held. 3. The negotiations conducted with each bidder shall be executed as separate certificates. Such certificate shall be signed by the Authority, members of the Committee present during the negotiations and by the RFP bidder. All such certificates shall be simultaneously posted at the official website within one (1) business day following the completion of negotiations with all qualified bidders. 4. The Procurement Organizer demands that all bidders participated in the negotiations submit their final proposals. 5. The RFP bidder shall be entitled to refuse to participate in the negotiations or not to submit its final proposal. In this case its application remains valid under initial conditions. |
|  | Rebidding | 1. The rebidding procedure is held by the decision of the Committee if the procurement execution notice provides for the possibility of executing such procedure.   Resolution on rebidding shall be executed as minutes which specifies parameters of rebidding.   1. Rebidding shal be held in absentia (in this case, all qualified bidders shall have the opportunity to improve their bids with regard to the parameters specified by the Committee, subject to leaving all remaining terms and conditions of their bid unchanged: to reduce the initial bid price (bid price stated in their bid), to state shorter periods for the goods delivery or to reduce the amount of the advance payment). 2. Rebidding may be repeated for any number of times. However, the timeframe for the rebidding process may not exceed 7 (seven) working days following the date the minutes with the resolution to order a rebidding process are published on the official website. 3. The start date for the rebidding is the date of the announcement of the rebidding procedure, and the deadline for submission of bids with new terms and conditions is not less than two business days, local time of the Procurement Organizer. The duration of the term of the rebidding shall commence on the day following the announcement of the rebidding procedure. 4. The form, the rebidding execution procedure, the time period and procedure for submitting the new quotations or products delivery time, or amount of the advance shall be indicated in the letters inviting the bidders to participate in the rebidding procedure being provided to all the bidders qualified for participation in the procurement at a time on the date of the announcement of the rebidding procedure. 5. All qualified procurement participants shall be entitled to participate in rebidding. The procurement participant invited for the rebidding procedure has the right not to participate in it, then his proposal remains in force with the terms and conditions previously stated in the procurement bid.   Proposals of the participant comprising worsening of the initial terms and conditions (including increase of the price, increase of unit prices) specified in the procurement bid shall not be considered, such participant shall not be deemed to have participated in the rebidding procedure and his proposal specified in the procurement bid remains valid with the previously stated terms and conditions.   1. The contractual terms providing the grounds for holding rebidding shall be specified in the documentation. 2. When holding the rebidding procedure all qualified procurement participants shall submit the documents determining the changed terms and conditions of the procurement bid (documents in hard copy form shall not be provided) by the deadline set by the Procurement Organizer in the manner prescribed for submission of the procurement bids. The participant shall be entitled to withdraw the submitted bid containing the new terms and conditions at any time before the deadline for submission of proposals with the amended terms and conditions.   Opening of envelopes with amended conditions of procurement bids shall be carried out in accordance with paragraph 6 of this section with execution of the similar minutes and its placement on the official website within the same period of time.   1. After completion of the rebidding procedure the winner shall be determined in the manner and in accordance with the evaluation criteria set out in the documentation. 2. In case of failure to submit the corrected documents or in case of submission of the documents corrected in terms of the price with indication of the price which is not compliant with the price proposed during the rebidding, the customer when preparing the contract for signing shall reduce all component parts of the price specified in the primary application of the winner in proportion to reduction of the total contract price submitted for rebidding. 3. When preparing the execution copy of the contract, the Customer shall apply amended terms and conditions of the bid, based on a bidder’s bid submitted under the rebidding procedure. If any bidder which fails to enter into the contract on such terms and conditions as have been submitted by such bidder under the rebidding procedure shall be deemed to have evaded entering into the contract. |
|  | Summing up the procurement results. Procurement winner determination | 1. The Procurement Committee shall rank the bids by the estimated hourly rate starting from the lowest. When bids, submitted by different bidders, have similar estimated hourly rate, the higher (better) rank is given to the bidder who presented its bid for participation in procurement earlier. The bidder having offered the minimum estimated hourly rate and ranking first shall be treated as a winner of request for quotation. 2. On the basis of the results of procurement a minutes of meeting of the committee for summing up the results of procurement shall be drawn up. |
|  | Pre-contractual negotiations | 1. Pre-contractual negotiations shall be conducted in the manner and within the time limits prescribed by Article 9.3 of the Standard. |
|  | Contract conclusion procedure | 1. The Customer within the time frames specified in the procurement execution notice, unless any other period is established by such notice, shall provide the person which becomes the party to the contract (the procurement winner or the sole procurement participant) with the draft contract which is drawn up by inclusion into the initial draft contract attached to the procurement documentation of the terms and conditions of the contract fulfillment proposed by the person which becomes the party to the contract in the procurement bid, subject to pre-contractual negotiations. 2. The person which becomes a party to the contract shall provide the customer within the period specified in the procurement execution notice: 3. the contract signed and sealed (if any) on his/its part within the time period specified in the procurement execution notice; 4. the information and documents confirming compliance with the requirements established on the basis of the orders of the Government of the Russian Federation or regulatory legal acts of the federal executive authorities referred to in item 2.1.1 of part 1 of the documentation before signing the contract, if it was required;   The information in respect of the bidders which are world-class foreign public companies occupying leading positions in the respective industries it is enough to submit the information about shareholders (members, partners) having a share stakes (interest) starting from 5 and more percent or replace the supporting documents by a direct link to the publicly available source which is used to disclose the required information in the manner prescribed by the applicable laws. Non-public companies should submit an acknowledgement that there are any employees of the Corporation and nuclear industry agencies among the company’s beneficiaries.  The information in respect of the bidders which are public joint-stock companies whose shares are quoted on the stock exchange or the number of shareholders of which exceeds 50 will be considered to be submitted in full, if it contains the data on the shareholders and beneficiaries (including ultimate ones) owning more than 5% stakes. The confirming documents in respect of such company shareholders (beneficiaries) may be replaced by a direct reference to a publicly accessible source disclosing the corresponding information in accordance with the law. Concerning the shareholders (beneficiaries) having the share stakes less than 5%, it’s possible to use reference to the general information on the number of such shareholders.  For bidders which are public-law entities or organizations which property is owned by public-law entities (the Russian Federation, constituent entities of the Russian Federation, local government bodies), it is sufficient to provide information about the chain of owners by specifying the head of the public-law entity without providing his passport data and by specifying the public-law entity itself as the beneficiary, as well as to provide copies of constituent documents of said organizations attested either by an authorized representative of such organization or by a notary.  For bidders which are non-profit organizations which members do not retain legal ownership of any property transferred to such organization, including public and religious organizations, foundations, autonomous non-profit organizations, it is sufficient to provide information about the chain of owners by specifying the head of the non-profit organization without providing information about its members, and by specifying the non-profit organization itself as the beneficiary, as well as to provide copies of constituent documents of said organizations attested either by an authorized representative of such organization or by a notary.   1. the documents that must be provided before entering into the contract and stipulated by the documentation and obligations recorded in the bid of such person; 2. In the case where the procurement is qualified as failed due to the fact that after the deadline for submission of the procurement bids only one procurement bid was submitted and such a bid and the participant having submitted such a bid meet all the requirements and conditions stipulated by the documentation, or if it is decided to admit only one procurement participant, the customer shall: 3. enter into a contract with such sole procurement participant in accordance with the procedure specified in this item, at the price, to the extent and under the terms and conditions specified by such sole participant in its bid, or on the best conditions for the customer reached based on the results of pre-contractual negotiations or 4. make a decision to undergo a re-procurement procedure or 5. refuse to enter into a contract in the cases specified in Part 2 of Article 9.4 of the Standard. |
|  | Cancellation of entering into the contract by the Customer | 1. Refusal of the customer to enter into a contract shall be carried out in accordance with Part 2 of Article 9.4 of the Standard. |
|  | Contract obligations fulfillment security | 1. If specified in the procurement execution notice and in the draft contract, the person which becomes a party to the contract shall provide in the manner prescribed by the procurement execution notice and/or the draft contract the contract obligations fulfillment security. 2. The form of contract obligations fulfillment security shall be determined by the person which becomes a party to the contract on its own. 3. The surety/ guarantor must meet the requirements established by Appendix 11 of the Standard, including the requirements stipulated by the draft contract (part 3 of the documentation). 4. If the draft contract provides for the advance payment and the procurement execution notice enables to reduce the amount of the advance payment or waiver of the advance payment and the bidder’s application contains a proposal to reduce the amount of the advance payment or waiver of the advance payment, or at the stage of pre-contractual negotiations with the person becomes a party to the contract, an agreement to reduce the amount of the advance payment or agreement regarding cancellation of the advance payment is reached, then amount of the advance repayment security is reduced accordingly or the advance repayment security is not provided.   In the event of a complete advance payment waiver by the respective bidder, such bidder’s failure to secure the advance repayment shall not constitute grounds to declare the party to which the contract is awarded to have evaded entering into the contract. |
|  | Consequences of a bidder’s evasion of entering into the contract; events that shall cause a bidder to be entered into the register of unfair suppliers | 1. The person which becomes a party to the contract shall be recognized as having evaded the conclusion of the contract for the reasons stipulated by Article 9.5 of the Standard. 2. If the person which becomes a party to the contract evades signing of the contract, the customer shall: 3. withholds the bid security of such procurement participant; 4. submit an offer to include the data of such participant into the corresponding register of bad-faith suppliers:  * first group customers - into the register of unreliable suppliers held pursuant to Federal Law 223-FZ enacted on 18 July 2011 “On procurement of goods, works and services by certain categories of legal entities” and shall do so in the manner and within the timeframe specified in Directive no. 1211 issued by the Government of the Russian Federation on 22 November 2012 “On holding a register of unreliable suppliers pursuant to Federal Law “On procurement of goods, works and services by certain categories of legal entities”. * second group customers - into the nuclear industry’s register of unreliable suppliers and shall do so in the manner and within the timeframe specified in the Standard (see the respective Appendix).  1. Information about the procurement participant is entered in the relevant register of bad-faith suppliers for a period of 2 years in the following cases: 2. if such a procurement participant:  * when being recognized as the procurement winner evaded the signing of the contract; * when being the sole bidder which becomes a party to the contract evaded signing of the contract; * when being the procurement winner or the sole procurement participant which becomes a party to the contract refused to provide the contract security before signing of the latter, if such a requirement is established by the documentation;  1. if the contract concluded with the bidder as a result of the procurement is terminated by court order due to a material breach by the supplier of any contractual terms and conditions.   Based on the requests of the second group customers, the information about the bidder is entered into the nuclear industry’s register of unreliable suppliers in the following cases as well:   * if such procurement participant submitted in his procurement bid any deliberately false information that is essential for making decision by the Committee regarding admission of the participant to the procurement procedure and (or) evaluation of its bid or if the law enforcement agencies conducted an investigation in the prescribed manner and the fact of provision of false information that led to the criminal punishment of guilty persons was established; * if the bidder which becomes a party to the contract according to the procurement results failed to provide the security of fulfilment of the contract after it is signed, if provision of such security after the conclusion of the contract is acceptable; * if the contract concluded with the bidder as a result of the procurement is terminated by agreement of the parties or unilaterally due to a material breach by the supplier of the contractual terms and conditions. |
|  | Procedure for appealing against the actions of the customer, the Procurement Organizer, the Committee | Procedure for submission and consideration of complaints is provided for by Chapter 10 of the Standard and Appendix 6 to the Standard.  Upon suspension of the procurement procedure before the deadline for submission of the bids the following actions are possible:   * Sending of requests for giving explanations of provisions of procurement notice and/or documentation, submission of bids before the bid submission deadline - by the bidder; * posting of clarifications of the documentation provisions, making changes to the procurement execution notice and in the documentation stipulated by item 3 of this section – by the Authority.   Upon resumption of the appealed procurement procedure suspended until the access to the bids is opened, in the case of withdrawal of the complaint or recognition of the complaint as unjustified, the deadline for submission of the procurement bids remains unchanged. If the period of granting access to the bids has already expired, the Procurement Organizer establishes the period of granting such access which is not earlier than the second working day after the resumption of the procurement procedure. The procurement bids submitted within the period from the expiry of the deadline for submission of bids until granting access to the submitted bids shall not be considered. |
|  | Communication channels through which the facts of abuse occurred during the procurement procedure can be reported | The procurement participant may report to the State Corporation “Rosatom” on the facts of abuse publicly or anonymously, using the following communication channels:  1. Hotline number: 8-800-100-07-07 (multi-channel, available 24/7, free of charge anywhere inside Russia);  2. E-mail address 0707@rosatom.ru;  3. Mailing address: 119017, Moscow, PO Box 226, Department for Protection of Assets of the State Corporation “Rosatom”. |