

COMPETITIVE BIDDING EXECUTION PROCEDURE

| Item No | Clause | Text |
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| 1 | General | <p>1.1. Open tendering allows any interested supplier (prospective contractor or service provider) to bid for the contract irrespective of its legal structure or ownership type, or its capital location and origin. Open tender information and documents will be published on the official website of Rosatom’s foreign office (hereinafter referred to as the FO). On the FO’s site shall be the link to the Rosatom’s anti-corruption hot line e-mail address 0707@rosatom.ru.</p> <p>1.2. The FO site indicated in the tender notice shall be deemed as the official source of information.</p> <p>1.3. The documents shall be considered publically available from the date of the tender notice and documents (hereinafter the documents) publication on the FO website.</p> <p>1.4. Bidders are to monitor all published clarifications on and amendments to the documents, as well as information on any decisions made by the tender committee (hereinafter the committee) and buyer (contracting entity) (hereinafter the buyer) in the course of tendering.</p> <p>1.5. Any issues not regulated by the tender notice and documents shall be governed by the laws of the Republic of India.</p> |
| 2 | Comments | <p>2.1. Any interested supplier has a right to request that a buyer provides comments on the document provisions within 3 (three) business days before the closing date. The buyer may disregard any delayed requests.</p> <p>2.2. If the case of a duly submitted, as specified in 2.1, the buyer shall publish its comments indicating the request subject-matter on the FO’s website within 1 (one) business day upon receipt of the request.</p> <p>2.3. If the buyer fails to publish its comments 2 (two) days before the closing date, it will extend the tendering period so that the comments are published at least 2 (two) business days before the closing date.</p> <p>2.4. Bidders may only refer to the information received from the buyer according to the procedure determined in the documents.</p> |
| 3 | Amendments and cancellation | <p>3.1. The buyer has a right to amend the tender notice and/or documents, and publish the amendments on the FO site before the closing date. If this is the case, the bidding period will be extended so that there are at least 2 (two) business days before the closing date from the date of the amendments publication. If the subject-matter of the contract being tendered is changed, the bidding period will be extended so that there are at least 4(four) business days before the closing date.</p> <p>3.2. Any amendments to the documents shall be considered as the integral part thereof.</p> <p>3.3. The buyer may cancel the tender at any stage thereof including the evaluation stage. The buyer will publish the tender cancellation notice on the FO’s site on the business day following the date of decision of the tender cancellation.</p> |

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| 4 | Bidding | <p>4.1. To bid for the contract, any interested supplier is to submit a bid (see tender response sample form in 4.3) within the period specified in the tender notice. The bid shall be considered as a contract offer and the bidder is obliged to enter into the contract according to the terms of the documents and the bidder's offer. No late bids will be taken under consideration.</p> <p>4.2. The bid validity period is not to be shorter than the period specified in the documents.</p> <p>4.3. Bid documents are to be submitted as hard copies following the below requirements:</p> <ul style="list-style-type: none"> - Every document (original or copy), included in the bid package, is to be signed by a person authorized to act on behalf of the bidding entity without a power of attorney according to the laws of the entity's place of business, or by a person duly authorized by the bidding entity based on the power of attorney (hereinafter referred to as the authorized person). In the latter case, the original power of attorney is to be included to the bid package. Facsimile signatures are not allowed. - Every document (original or copy), included in the bid package, is to have the bidder's seal (for legal entities), if any. - Every page of the bid documents including the document list are to be numbered, bound and have the bidder's seal (for legal entities), if any, and signed by the bidder or its authorized person. If the bid package consists of several volumes, each volume is to be bound and have the list of the included documents as attachment. The pages of such volumes are to be numbered sequentially. <p>Every extra data medium (CD-R, CD-RW, booklets, book etc.) is to be properly marked (i.e. with stickers) and submitted under separate (informational) covers. Information covers are to be placed after the last page in the bid document package.</p> <p>Every document of the bid package is to be submitted as a hard copy and as a scanned readable copy on a USB device (preferably PDF; each document is to be submitted as a separate file). Every file of the bid package is to have a title or a content identification comment. The documents are to be scanned after they are finalized according to the instructions given in the documents.</p> <p>Every document submitted as part of the bid package is to be clearly legible. No erasures, adscriptions and emendations are allowed unless each and every of these have a handwritten mark 'Alteration valid' and signature of the authorized person and the bidder's seal, if any. The original bid is to be submitted in an envelope which is to be sealed in a way preventing its nondestructive opening.</p> <p>The below information is to be specified on the envelope:</p> <ul style="list-style-type: none"> - The buyer's name and address; - Subject-matter of the contract; |
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| | | <p>The bidder's compliance with the specified requirements means that all documents and information included in the bid package are submitted on behalf of the bidder while the bidder guarantees that these documents and information are correct and true.</p> <p>Sealed envelopes with hard copy bids copies are to be sent to the buyer at the address as specified in the tender notice. All bids are to be submitted before the date, specified in the tender notice, following the requirements to its composition set out in Part 1, Section 2 of the documents. No late bids will be taken under consideration. Late bid hard copies are to be returned to the bidder by request and at expenses of the latter (including by mail).</p> <p>In the case of mailing the tender response as hard copies, the bidder will run risks of misdelivery or late delivery in which case the tender response will be considered late.</p> <p>The buyer will register all received envelopes with hard copy bids in the Bid Register.</p> <p>When the bid is received it is given a unique (as part of this procurement) serial number which is specified in the Bid Register and specified in the acquittance of request receipt.</p> <p>The buyer shall issue an acquittance receipt of the envelope to the person that submitted the procurement bid envelope with the procurement bid specifying its registration number, date and time of the envelope receipt.</p> <p>The buyer shall get the signature on the acquaintance receipt from person who get the envelope then receipt shall be copied. The copy of receipt shall be kept as an appendix to the Bid Register during two years after receiving. In the case of receiving envelope from post service company the buyer shall keep postal receipt as an appendix to the Bid Register during two years after receiving.</p> <p>Neither the Bid Register, nor the acquittance shall specify the name of the bidder or its address or other data allowing its identification.</p> <p>The buyer shall take reasonable security measures to check the envelope enclosures without opening. The same measures are to be applied for all bid envelopes.</p> <p>4.4. Any bidder may withdraw or amend its bid at any time after submission but before the closing date specified in the tender notice. No amendments or withdrawals after the closing date are allowed.</p> <p>4.5. If the buyer extends the bid period, the bidder that has already submitted its bid may opt to choose one of the following:</p> <ol style="list-style-type: none">a) Withdraw the bid;b) Amend the bid, at its discretion; <p>4.6. Hard copy bid amendments as specified in (b of 4.5 of this Section requires the following:</p> <ol style="list-style-type: none">a) Amendment notice on official stationery (for a legal entity);b) List of tender notice amendments including the list of amended documents of the original bid;c) The documents as amended. |
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| 5 | Bid opening | <p>5.1. The committee shall open all the bid envelopes in the hour, on the day and at the venue as indicated in the tender notice. The opening shall take place at the committee meeting with the quorum of at least 3 members with a possible participation of third parties (at the discretion of the buyer).</p> <p>5.2. In the course of the bid opening the committee shall open each received envelope.</p> <p>5.3. The information to be disclosed based on the bid data and documents in the process of the bid opening includes the following:</p> <ul style="list-style-type: none"> a) Procurement name; b) Basic maximum price; c) The envelope enclosures (the bid, its amendments and/or cancellation notice); d) The buyer's name, INN (TIN) and (or) the registered address or place of business; e) Summary of the contract subject-matter as indicated in the bid, and the bid price; f) For envelopes with amendments as well as in the case of a cancellation: information on amendments or cancellation; g) For unbound bids: the information thereon; h) Any other information to be disclosed at the discretion of the committee (to the same extent for every bid). <p>5.4. Bids that are not opened or read as indicated above will not be considered within a corresponding tender.</p> <p>5.5. Any bidder that timely submits its bids and is willing to appoint its representative to attend the bid opening is to request the buyer for the pass to be issued to such a representative not later than 1 (one) day before the closing date. The request is to include the following information:</p> <ul style="list-style-type: none"> - Bidder's name - Full names of the persons who are to represent the bidder at the bid opening. <p>The pass request may be sent by any communication means, the bidder being responsible for timely receipt of the pass request by the buyer.</p> <p>5.6. The bidders' representatives attending the bid opening are to check in the Representatives Register.</p> <p>5.7. If it is found that a bidder has submitted two or more bids for a particular contract without withdrawal of the previously submitted bids for the same contract, the bids of this bidder will be rejected. This fact is to be specified in the bid opening record.</p> <p>5.8. The bid opening record including all disclosed information is to be signed and published on the FO site within 3 (three) business days after the committee meeting.</p> |
| 6 | Disqualification | <p>6.1. At any time before the contract award the committee may decide to disqualify a bidder including qualified bidders, in the following cases:</p> <ul style="list-style-type: none"> a) Incorrect information is given in the bid and (or) clarifications thereof according to Article 7.4.; |

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| | | <p>b) The bidder is found to put pressure on the committee member, expert, head of the buyer's organization. The disqualification decision is to be included in the committee meeting minutes signed and published by the buyer on the FO site within 3 (three) business days after the committee meeting.</p> |
| 7 | Prequalification, evaluation, and request for information | <p>7.1. The bid consideration procedure includes the following stages: - prequalification; - evaluation.</p> <p>7.2. The committee will consider, evaluate and compare bids for every contract to be procured. A bid containing provisions that are not in compliance with the prequalification criteria according to item d of 8.2 (in part of the basic maximum price) is deemed unacceptable for further evaluation by other criteria which fact is to be included in the corresponding record.</p> <p>7.3. If any doubts arise regarding the correctness of a document copy, the buyer is entitled to request a certified copy of this document. If the bidder fails to submit the certified document copy within the reasonable period as set out in the request, the initial document copy is rejected and the document is not considered as submitted.</p> <p>7.4. In the course of bid consideration at the prequalification stage, the committee may find it necessary to obtain clarifications (related to the information and documents required for evaluation) and make a corresponding request for information.</p> <p>7.5. Any inconsistencies in the bid are to be removed by request to the bidder. The bidder's refusal to remove the inconsistencies is deemed as the basis for the bid rejection according to item a) Clause 8.3 of this Section.</p> <p>7.6. Requests to change the procured contract subject-matter, scope and range of the products indicated in the bid, as well as the bid subject-matter, including its terms and conditions are not allowed.</p> <p>7.7. In the case of a request for information the buyer is not allowed to discriminate against any of the bidders. The documents may be requested only once (one request for each document).</p> <p>7.8. No requests may be made to the bidder according to Clause 7.4 of this Section if there are any other reasons against the bidder qualification according to Clause 8.3.</p> <p>7.9. The committee decision to request the bidder for information shall be included in the committee meeting minutes which are to be signed and published on the FO site within 3 (three) business days after the meeting.</p> <p>7.10. Requests for information are to be sent to the bidders after publication of the minutes on the official site according to 7.9 of this Section.</p> <p>7.11. All bidders are to respond to the request for information within the period of 3 (three) business days. Failure to submit the requested documents and (or) clarifications, in whole or partially, at the prequalification stage within the period specified in the request for information shall be the basis for the bid rejection according to Clause 8.3 of this Section.</p> |

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| | | <p>7.12. Prequalification and (or) evaluation period as well as the contract award process may only be extended by the committee decision (to be included in the corresponding minutes) or by the decision of the committee chairman (a corresponding document about the chairman's sole decision is to be issues) within the bid validity period in both cases. Bid extension notice is to be published on the FO site within 1 (one) business day following the date when the corresponding decision is documented though not later than the last date of the corresponding stage indicated in the initial tender notice and documents.</p> <p>7.13. Procurement stages (prequalification, evaluation and contract award) may be combined based on the committee decision. If this is the case a general record is to be signed and published on the FO's site within 3 (three) business days after the committee meeting.</p> |
| 8 | Prequalification | <p>8.1. At the prequalification stage the committee will consider the bids and bidder's conformity with the requirements set out in the documents. The prequalification stage is intended to qualify the bidders that comply with the tender documents for further tender procedures and reject non-compliant bidders.</p> <p>The prequalification stage period is 20 days after the publication of the bid opening record on the FO site unless otherwise is indicated in the tender notice and documents.</p> <p>8.2. Prequalification criteria:</p> <ul style="list-style-type: none"> a) bid substantial conformity to the document requirements in terms of its composition, contents and form; b) compliance of the bidder and its subcontractors, manufacturers to the requirements (if any); c) compliance of the products offered by the bidder to the requirements; d) compliance of the contract terms and conditions offered by the bidder (including the basic maximum price of the contract) to the requirements; <p>8.3. Based on the prequalification outcomes the committee makes a decision to qualify or reject each of the bidders based on the evaluation criteria on the following grounds:</p> <ul style="list-style-type: none"> a) bid nonconformity in part of its composition (except for the cases of failure to submit documents and (or) information only required for bid evaluation and comparison according to the documents), contents and form, including the technical proposal; b) bidder incompliance to the document requirements; c) subcontractor, manufacturer incompliance to the document requirements, if any; d) bid product incompliance to the document requirements; e) incompliance of the procured contract conditions (as indicated in the bid) to the documents, including the following: <ul style="list-style-type: none"> - the procured contract price, and (or) product/service/work unit price exceeds the basic maximum price; - the terms of supply, work or services are changed to the buyer's disadvantage; <p>8.4. Bidder's rejection on any grounds other than those specified in Clause 8.3 is not allowed.</p> |

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| | | <p>8.5. The minutes of the committee prequalification meeting is to be signed and published on the FO site within 3 (three) business days after the meeting.</p> <p>8.6. Upon publication of the prequalification meeting minutes, any bidder may request the buyer for clarification of the reasons for this bidder rejection. The buyer shall provide the bidder with written clarifications within 3 (three) business days after receipt of such a request.</p> |
| 9 | Variant bid | <p>9.1. Variant bidding is subject to the committee decision provided the tender notice includes the variant bidding provision. The decision about variant bidding is to be included in the minutes. The minutes are to be signed and published on the FO site within 3 (three) business days after the committee meeting.</p> <p>9.2. Variant bids are to be submitted distantly (qualified bidders may increase their chances of winning the contract by changing the items specified by the committee including the following: reduction of the initial bid price, lead time, advance payment, provided all other tender provisions remain unchanged).</p> <p>9.3. Variant bidding date is to be on or before the second business day after publication of the minutes with the variant bidding decision on the FO site. The variant bidding is to take place during work hours, the buyer's local time.</p> <p>9.4. The form, process, dates and procedures of variant bidding with new prices, lead time, and advance payment are to be specified in variant bidding invitations that are to be sent to each qualified bidder on the day when the minutes with the decision to start variant bidding are published on the FO's site.</p> <p>9.5. Every qualified bidder may submit a variant bid. Any bidder invited to submit its variant bid may refuse to participate in which case the initial bid of such a bidder remains valid. Initial bids changed to the buyer's disadvantage (including the price, unit price increase) are not to be accepted for consideration and a variant bid of such a bidder is stated nonresponsive though its initial bid remains valid.</p> <p>9.6. The contract conditions that may be included in a variant bid are to be indicated in the documents.</p> <p>9.7. In the case of a variant bidding, qualified bidders shall submit the documents defining changed terms and conditions by the date as determined by the buyer and according to the established bidding procedure. The bidder may withdraw its variant bid at any time before the variant bid closing. Variant bid opening shall comply with the procedure described in Clause 5 of this part with similar records to be published on the FO's site within the same period.</p> <p>9.8. Upon completion of the variant bidding process the winner is to be determined according to the evaluation criteria stipulated in the documents.</p> <p>9.9. The buyer shall include the bid terms and conditions as indicated in the variant bid of the corresponding bidder.</p> |
| 10 | Evaluation | <p>10.1. As part of the evaluation stage within the period specified in the tender notice, the committee will evaluate and compare the bids of qualified bidders with the variant bids to be taken under consideration. The evaluation objective is to evaluate each bid according to the criteria and procedure specified in the documents. If a bidder fails to submit any</p> |

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| | | <p>documents or information that are only required for the bid evaluation such a failure may not be the grounds for the bidder's rejection, though this bidder will be given the lowest possible score by the corresponding criteria.</p> <p>The evaluation is to be completed within 10 days of the publication of the tender evaluation notice at the prequalification stage or any other period as specified in the tender notice and documents.</p> <p>10.2. The minutes of the evaluation committee meeting at the evaluation stage are to be signed and published on the FO's site within 3 (three) business days of the meeting.</p> <p>10.3. Any qualified bidder may request the buyer to clarify the evaluation outcomes after publication of the minutes of the evaluation committee meeting at the evaluation stage. The buyer shall provide the bidder with written clarifications within 3 (three) business days of the request.</p> |
| 11 | Contract award | <p>11.1. Upon evaluation of the bids and variant bids (if any) the committee will award the contract. The committee shall rank each bid down from the highly scored bid including the most preferable conditions. In the case of a level score the qualified bidder whose bid (or variant bid) is the earliest will rank first.</p> <p>11.2. The contract will be awarded to the bidder that offers the best contract conditions (the bid with the highest score) and whose bid ranks first.</p> <p>11.3. The minutes of the award meeting are to be signed and published on the FO's site within 3 (three) business days of the meeting.</p> |
| 12 | Contract negotiations | <p>12.1. Contract negotiations are held on the following:</p> <ul style="list-style-type: none"> a) contract price reduction without changing any other contract conditions; b) product quantity change which is not to exceed 10% without increase of unit prices though with corresponding changes of the contract price; c) lead time reduction (in whole or in part) and (or) change of the contract conditions to the buyer's advantages: cancellation of advance payment, improvement of performances, etc.; d) clarification of the contract conditions not included in the draft contract, tender documents and proposal of the preferred bidder; e) changes of the laws or regulations. <p>12.2. No contract negotiations may be conducted to introduce changes to the bidder's advantage.</p> <p>12.3. The buyer shall issue the minutes of the contract negotiations and publish them on the FO's site before the contract signing.</p> |

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| 13 | Contract signing | <p>13.1. The buyer, unless otherwise is stipulated in the tender notice, will provide the preferred bidder (the successful bidder or sole tenderer) with the draft contract within the period specified in the tender notice. The draft contract shall be the initial draft contract including the conditions offered by the preferred bidder considering the contract negotiations outcomes.</p> <p>13.2. The preferred bidder shall sign and seal (if applicable) the contract within the period indicated in the tender notice.</p> <p>13.3. If a tender process is stated failed because only one bid is submitted by the closing date provided that the bid and the bidder comply with all the requirements specified in the documents, or if a decision is made to qualify one bidder, the buyer may opt to do as follows:</p> <ul style="list-style-type: none">a) to enter into the contract with the sole bidder according to the procedure described in this part while the contract is to include the price, scope and conditions specified in the bid of the sole bidder or price, scope and conditions changed to the buyer's advantage based on the contract negotiations; orb) to repeat the tender exercise; orc) to refuse to enter into a contract. |
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