



Procurement on 1 unit of new catenary vehicle

SUPPLEMENTARY DOCUMENTATION

(Procurement number: 15/TB-26/13)

2013

A. GENERAL INFORMATION

1. The procedure

- 1.1. The Budapesti Közlekedési Zártkörűen Működő Részvénytársaság (BKV Zrt. hereinafter referred to as Tender Announcer) has launched a negotiated tender procedure with a notice 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. This public procurement procedure is carried out pursuant to the Public Procurement Act, No. CVIII of 2011 (hereinafter referred to as PPA). Rules of PPA are applicable even if this documentation does not specifically refer to them.
- 1.3. In this stage of this procedure – the so called participation stage – the Tender Announcer shall decide about the Candidate's financial, technical and professional suitability or unsuitability 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 based on criteria and compare the bids.

2. Description of the subject-matter of the public procurement procedure

In order to be able to submit suitable Applications and bids, the Tender Announcer gives a short description of the subject of the procurement as follows.

2.1. Supply of 1 unit of catenary vehicle

The vehicle is to help the repair-, refurbishment- and maintenance works on the overhead line network and signaling equipment of the Tender Announcer.
The vehicle shall be a rail-road vehicle.

The vehicle is required to carry out the above mentioned tasks in itself without an escort car, it shall integrate in its design the capacity to transport safely the necessary staff, and shall have appropriate storage room for the equipments and materials in its body.

When designing the vehicle attention shall be paid to the transport safety regulations concerning vehicles with flashing lights. The construction of the vehicle shall in total satisfy the transport, safety and ergonomic requirements.

The Candidate or his subcontractor shall have his own or a contractual Service Centre in Hungary.

3. Communication

3.1. Contact of the Tender Announcer:

Budapesti Közlekedési Zártkörűen Működő Részvénytársaság (BKV Zrt.)
Economic Directorate
Procurement Division
1972 Budapest, Akácfa utca 15.
Phone: (+36-1) 322-64-38
Fax: (+36-1) 461-65-24
E-mail: kozbeszerzes@bkv.hu

4. Supplementary information

- 4.1. In order to be able to submit suitable Applications, Candidates may submit requests in writing (letter, fax or e-mail) for additional (interpretative) information – the questionable part is exactly marked - regarding the contents of the invitation to participate or the supplementary documentation from the Tender Announcer no later than eight days prior to the expiry of the participation deadline.
The Tender Announcer requests the document which contains the questionable part in form edited MS Word, too.
- 4.2. Such additional information will be given in writing 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 supplementary documentation and sending the Confirmation Data Sheet back.
- 4.3. If the Tender Announcer perceives, after that the Supplementary Documentation was made available, that any elements of the Supplementary Documentation is not line with the notice or with PPA, or the Supplementary Documentation contains additional stipulation – beyond the specification in Article 49 (3) – concerning any element of the notice, he shall communicate to the Candidates that this particular element, stipulation is invalid.

B. FORMAT REQUIREMENTS OF THE APPLICATION

5. Form of Application

5.1. Applications shall be submitted in one original and one copy and all counterparts shall be logically marked clearly as „Original” or „Copy” the counterparts shall be interlaced together. Tender Announcer considers the documents interlaced if the pages are fixed together and the pages can be turned over (it can be done with interconnection, string, glue or rail etc.).

The knot has to be fixed to the front or back page with a sticker and the sticker shall be sealed and signed by the representative of the company in a way that the signature shall be partly on the sticker and partly on the paper.

If any discrepancy occurs between the documents the original document is considered as valid. Page numbering of the Application shall be made as required in point 10.1 of this Supplementary Documentation.

The Tender Announcer requests the Application made available in electronic media, too, in a word and excel file in editable form. On the electronic media the name of Candidate and the number of the public procurement shall be indicated.

5.2. In case the original copy of the Application is not interlaced or it is not interlaced as stipulated in Point 5.1 of the Supplementary Documents – in case the concerned Candidate is present on the Opening – for the request of and with the materials provided by the Tender Announcer shall interlace the Application or complete it. In case he is not present the representative of the Tender Announcer is entitled to interlace the original copy according to the above point with the difference that in this case the Tender Announcer is entitled to stamp and sign the stickers. If the original copy is not indicated one of the two copies shall be marked as “original” – and shall be appropriately interlaced if required. Tender Announcer notes that he cannot be made responsible for the consequences of not appropriate interlacing.

5.3. The Application shall be written by typewriter/word processor or in ink, pages containing information shall be appropriately signed at the end by the representative of Candidate, or by his subcontractor or a participating organization by the person(s) who is (are) appropriately authorized. This authorization shall be certified in writing.

5.4. Tender shall not contain any added, deleted or overwritten parts unless it is the Tenderer who makes his own corrections. In such cases the Tenderer shall separately initial these corrections.

6. Language of the Application

6.1. The Application prepared by the Candidate (including all Annexes and attached documents), and all correspondence and documents exchanged between the Tender Announcer and the Candidate in relation to the Application shall be in Hungarian and English.

- 6.2. The Candidate can submit documents in other language but shall attach a non-official Hungarian or English translation to all these documents. Under responsible translation the Tender Announcer understands translation declared as it is in compliance with the original text in all aspects by the representative of the company. Candidate shall take the responsibility if translation mistakes occur. Hungarian and/or English translation shall prevail in case of uncertain understanding.

7. Sealing and wrapping of Applications

- 7.1. The original and the copy issue of the Application shall be submitted in one single or in two separate package(s) or (envelope(s)).
- 7.2. The package of the Application shall be marked as follows:

Application to
**„PROCUREMENT OF 1 UNIT OF NEW CATENARY
VEHICLE**
Number of notice: **BKV Zrt. 15/TB-26/13.**
NOT OPEN BEFORE 10th JULY 2013. 10:00 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 they arrive before deadline in the office determined by the Tender Announcer in the invitation to tender and are 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 arriving late: the Tender Announcer shall declare them invalid without substantial examination. The Applications arrived late – like any other document of the public procurement procedure – shall be kept by the Tender Announcer for a period determined by Article 34, Section (2) of PPA. There is no possibility to reclaim the Application.

C. PREPARATION OF THE APPLICATION

8. Content of Application

- 8.1. The Candidate shall draw up and submit the Application in accordance with the substantive and formal requirements stipulated in the invitation to participate and the Supplementary documentation. In order to enlighten the application to participate Tender Announcer 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 this Supplementary documentation.
- 8.2. Candidates shall certify their financial and economic suitability, as well as technical and professional suitability to perform the contract, and they shall provide such certifications by including them in the Application to participate.
- 8.3. Conversion of values, data (e.g. price data in reference statement/certificate) and eligibility criteria to Hungarian Forint in the Application will be made by the Tender Announcer using
 - the annual average MNB (Hungarian National Bank) rate of the year of performance

9. List of documents constituting the Application

The Applications shall include the following documents:

- (1) Table of contents
- (2) Form of Application
- (3) Statement on the subcontractors and resource organisations
- (4) Statement on the non existence of grounds for exclusion
- (5) Specimen signatures, authorization
- (6) Documents certifying the financial and economic suitability:
 - (a) Statement on turnover
- (7) Documents certifying the technical and professional suitability:
 - (a) Description of the product to be procured
- (8) Statement of the entity providing resources (if applicable)
- (9) Agreement between of joint Candidates (if applicable)
- (10) Scope of business secrets (in a separate Annex)
- (11) Statement determined by Article 60, Section (5) of PPA

10. Detailed requirements of the documents to be submitted

10.1. Table of Contents

With page numbering. It shall show in full details which document is on which page of the Application, so that the place of a document should be clearly identifiable in case a missing document is requested, or if the Tender Announcer has to ask clarification of some ambiguous statements in the Application. It is

enough to number the pages containing text, pictures or figures. It is not necessary to number empty pages but it is possible. It is not necessary to number the first (cover) page and the back page (if any) but it is possible.

10.2. Form of Application

Candidate shall fill in, officially sign the Form of Application and attach it to the Application, according to the sample in Annex 1 of this Supplementary Documentation.

Name of the Candidate company, its seat, its registration number, tax number and the name of the person representing the company shall be given in the Form of Application. In case of a joint Candidates these data shall be given for each Candidates. Only authorized persons signing the Application (or those who give authorisation to signature) have to be listed. When giving the contact name and the details, please note that Tender Announcer will send the documents only to that person, to the given contact details during the procedure.

10.3. Statement on subcontractors and resource organisations

In the Application the following data have to be indicated:

- a) Part(s) of the public procurement in which the Candidate intends to employ subcontractors,
- 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) Organizations (or persons) to be involved by the Candidate and their suitability requirements. The relating point of the notice for invitation to participate shall be indicated as well to identify the suitability criterion for what the Candidate relies on the resources of this organization.

The above data shall be provided by filling in the Annex 2. which can not be dated earlier that 30 days before the date of the dispatch of the notice.

This statement shall be submitted even if Candidate does not employ any of the above mentioned organisations. In this case the tables are to be kept empty or crossed out, or express it in text.

10.4. Documents proving the non-existence of exclusion criteria

Candidate (joint Candidate) shall certify in the Application that it is not subject to Article 56, Points (1)-(2) of PPA, pursuant to Article 2-10 of Government Regulation 310/2011 (XII.23.). We draw your kind attention to that Candidate can prove the non existence of the exclusion criteria set forth by Article 56 Section (1) of PPA, Points f) and i) by submitting his declaration authorized by a public notary or by an economic or trade chamber (Annex 3), which cannot be older than 30 days before the dispatch of the notice.

Pursuant to Art. 56 Section (1) Point c) of PPA, in case the Candidate does not classify as a company, he can prove the non existence of the exclusion criteria by submitting his declaration authorized by a public notary or by an economic or trade chamber.

Pursuant to Art. 56 Section (1) Point k) and kc) and Art. 56 Section (2) of PPA Candidates shall prove that they do not fall under the scope of the exclusion criteria as defined by Art. 2 ib) and Art. 2 j) of Government Decree No. 310/2011. Annex 4 is to help Candidates to prove the non existence of the exclusion criteria according to Art. 56 Section (1) Point k) and kc) and Art. 56 Section (2), which cannot be dated earlier than 30 days before the dispatch of the notice.

In case of a current process for the change in the register, Candidates shall attach the request handed in for the Registry Court and the certificate on its receipt sent by the Registry Court.

Tender Announcer asks Candidates to list in the Application those (official, electronic and free of charge) registers (other than the electronic register pursuant to Article 2, Point d) and f) and Article 20, Point (2) of Government Regulation 310/2011 (XII.23.)) which can be used to certify the non existence of other exclusion criteria.

Pursuant to Article 58, Point (3) of PPA, Candidate shall declare in his Application that he does not employ any subcontractor which is subject to the exclusion grounds referred in Article 56 of PPA, and that any other organisation involved to certify its suitability is not subject to the exclusion grounds referred in Article 56 of PPA.

The statement shall be made by filling Annex 5. There is no need to attach this Annex if Candidate does not employ subcontractor or other organisation to certify his suitability.

10.5. Specimen signatures

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

10.6. Documents proving the economical and financial suitability

Statement on the total turnover, according to Point III.2.2) of invitation to participation under Annex 6. of this Supplementary documentation.

The specified suitability criteria may be met jointly as well by joint Candidates, and the criteria which apparently concern each economic operator individually, may be met only by one of them.

Candidates may also meet suitability criteria by relying on the capacity of any other entity (person), regardless of the legal nature of their relation. In such cases, the Application shall designate that entity and the suitability criterion (criteria), indicating the related point of the notice launching the procedure, for the certification of which the Candidate relies (also) on the resources of that entity. The entity providing resources shall certify by the same means as the ones prescribed for the Candidate that it is able to perform the contract and shall declare that the resources needed for the performance of the contract will be at his disposal during the period of implementation of the contract.

The Candidate may rely on the capacity of another entity for the certification of its suitability in the following cases:

- where the Candidate will actually use the resources presented during the certification of suitability and provided by that other entity in the course of the performance of the contract and it makes a statement on the method of its use; if the entity has been designated as a subcontractor, this fact also qualifies as such a declaration, or
- where the Candidate submits in his Application a statement made by that other entity participating in the certification of suitability stating that, in the event of insolvency of the Candidate, that other entity undertakes guarantee to recover all those damages incurred by the Tender Announcer, which derived from the non-performance or defective performance of the Candidate and has not been recovered through the enforcement of other guarantees.

10.7. Documents proving the technical and professional suitability

The references shall be certified pursuant to Art. 16 (1)-(3) of Government Decree No. 310/2011 as follows:

- where the other contracting party is other than the entities according to Article 6(1)(a)-(c) of the PPA or – in case of entities not established in Hungary – an entity not being a contracting authority pursuant to Directive 2004/18/EC of the European Parliament and Council, with the certificate issued or signed by it, or, by the statement of the other entity supporting the Candidate with its capacity – depending on the performance of the Candidate or that of the other entity is certified by the reference.
- where the contracting party is an entity pursuant to Art. 6 (1) a)-c) or – in case of entities not established in Hungary – an entity being a contracting authority pursuant to Directive 2004/18/EC of the European Parliament and Council, with the certificate issued or signed by it.

The statement satisfying the above criteria can be Annex 7 or an other document containing the data requested in it filled in and submitted.

The certification satisfying the above criteria can be Annex 8 filled in or another document containing at least the data requested in it issued and signed by the other contracting entity and submitted.

In the certificate or statement at least the following data 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 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

- statement on the suitable performance

The certificate or statement shall contain all the information necessary for the assessment of suitability.

The specified suitability criteria may be met jointly as well by joint Candidates.

Candidates may also meet suitability criteria by relying on the capacity of any other entity (person), regardless of the legal nature of their relation. In such cases, the Application shall designate that entity and the suitability criterion (criteria), indicating the related point of the notice launching the procedure, for the certification of which the Candidate relies (also) on the resources of that entity. The entity providing resources shall certify by the same means as the ones prescribed for the Candidate that it is able to perform the contract and shall declare that the resources needed for the performance of the contract will be at his disposal during the period of implementation of the contract.

The Candidate may rely on the capacity of another entity for the certification of its suitability in the following cases:

- where the Candidate will actually use the resources presented during the certification of suitability and provided by that other entity in the course of the performance of the contract and it makes a statement on the method of its use; if the entity has been designated as a subcontractor, this fact also qualifies as such a declaration, or
- where the Candidate submits in his Application a statement made by that other entity participating in the certification of suitability stating that, in the event of insolvency of the Candidate, that other entity undertakes guarantee to recover all those damages incurred by the Tender Announcer, which derived from the non-performance or defective performance of the Candidate and has not been recovered through the enforcement of other guarantees.

10.8. Statement of the entity providing resources

Candidate may also meet suitability criteria by relying on the capacity of any other entity (person), regardless of the legal nature of their relation.

The entity providing resources shall certify by the same means as the ones prescribed for the Candidate that it is able to perform the contract and shall declare that the resources needed for the performance of the contract will be at his disposal during the period of implementation of the contract.

10.9. 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 tender. This agreement shall assign the name of the representative company and the scope of its authorization.

10.10. Scope of confidentiality

The Application may contain facts, information, solutions or data which Candidate considers as business secrets. Candidates shall clearly indicate that it has to be handled confidentially and it has to be included in a separate Annex. Candidate 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 subject to data supply and information obligation specified in a separate act of legislation pertaining to data of public interest and data publicised in the public interest.

Candidate shall define the scope of business secrets considering Article 80 of PPA.

10.11. Statement determined by Article 60, Section (5) of PPA

Candidate shall declare pursuant to Article 60 Section (5) of PPA if they classify as micro enterprise, small enterprise, medium sized enterprise or they do not belong in the scope of the Act. (Annex 9)

ANNEXES

Annex 1

FORM OF APPLICATION

Annex 2

SUBCONTRACTORS AND RESOURCE ORGANIZATIONS

Annex 3

STATEMENT ON THE NON EXISTENCE OF GROUNDS FOR EXCLUSION

Annex 4

STATEMENT UPON ACT 56 SECTION (1) kc) AND SECTION (2)

Annex 5

**STATEMENT ON THE NON EXISTENCE OF GROUNDS FOR EXCLUSION IN
CASE OF SUBCONTRACTORS AND OTHER ORGANIZATIONS CERTIFYING
SUITABILITY**

Annex 6

STATEMENT ON TURNOVER

Annex 7

STATEMENT ON REFERENCE

Annex 8

CERTIFICATE ON REFERENCE

Annex 9

STATEMENT DETERMINED BY ARTICLE 60, SECTION (5) OF PPA

Annex 10

CONFIRMATION DATA SHEET

FORM OF APPLICATION

I. Data of Application:

- a. Name:
- b. Registered seat:
- c. Company registration number
- d. Tax number:
- e. Name of authorized representative:.....
- f. Contact person/entity in the present procedure:
 - i. Name, position:
 - ii. Phone:
 - iii. Fax:
 - iv. E-mail:

II. In case of joint Candidates, names of the involved companies:

- a. Name:
- b. Registered seat
- c. Company registered number.....
- d. Tax number:
- e. Name of authorized representative:.....
- f. Contact person/entity in the present procedure:
 - i. Name:
 - ii. Registered seat:
 - iii. Company registration number
 - iv. Tax number
 - v. Name of authorized representative:

.....2013

.....
Name

SUBCONTRACTORS AND RESOURCE ORGANIZATIONS

	Name and seat of Subcontractors intended to be employed for the performance of more than 10 % of contract value	Denomination of the part(s) of the public procurement in which they are employed	Percentage of the part(s) of the public procurement in which they are employed
1.			
2.			

	Name and seat of organization providing resources	Minimum suitability requirement(s) for the certification of which the Tenderer relies on the resources of this organization (as well) (indicating the relating point of the invitation to tender)
1.		
2.		

	Part(s) of the public procurement in which sub-contractors are employed in less than 10 % of the contract value	Name and address of the subcontractor employed in performance of less than 10 per cent of the contract value (in case of mutual fulfilment of the suitability requirements)
1.		
2.		

....., 2013

.....
Name

STATEMENT ON THE NON EXSITENCE OF EXCLUSION CRITERIA

I the undersigned....., the representative acting on behalf of hereby declare, that our company is not subject to the grounds for exclusion set forth in Article 56, Section (1), Point f) and i) which regulates that the following economic operators are excluded from participating in the procedure as a tenderer, a Tenderer or a subcontractor, and may not contribute to the certification of suitability either:

Article 56 (1)

(f) who supplied false data in an earlier contract award procedure (concluded within the previous three years) and was therefore excluded from the procedure, or the supply of false data was ascertained by a final judgment, until the time-limit set with the force of res judicata.

(i) who, in relation to a contract concluded as a result of an earlier contract award procedure after 15 September 2010, failed to meet, towards their subcontractor, more than 10% of their payment obligation (originating from a final or partial invoice), established by an enforceable administrative or court judgement which has been pronounced within the last two years, within the time limit set in such judgement, although the party entering into the contract as contracting authority paid them in due time.

..... 2013

.....

Name

Annex 4**STATEMENT**

upon Act 56 Sections (1) kc) and Section (2)

I the undersigned....., the representative acting on behalf of..... hereby declare, that concerning Act 56 Sections (1) kc) for the company represented by me is not listed in a non-official stock exchange.

We declare that in the company represented by us – as defined by Article 3(r) of the Act CXXXVI of 2007 on the Prevention and Combating of Money Laundering and Terrorist Financing – the following actual owners have proprietary rights:

Name	Address

We declare that the represented company is not subject to the exclusion grounds referred in Article 56 Section (2) of PPA and that the below indicated legal entities or organisations without a legal entity dispose of ownership share exceeding 25 %:

Name of organization with proprietary rights or ownership share exceeding 25%-	Address of organization with proprietary rights or ownership share exceeding 25%-

Concerning the above listed organizations the exclusion grounds defined by Article 56 Section (2) of PPA do not exist.

..... 2013

.....
Name

Annex 5

**STATEMENT ON THE NON EXISTENCE OF GROUNDS FOR EXCLUSION IN
CASE OF SUBCONTRACTORS AND OTHER ORGANIZATIONS CERTIFYING
SUITABILITY**

I the undersigned....., the representative acting on behalf of..... hereby declare, that for fulfilling the contract I will not employ any subcontractor which is subject to the exclusion grounds referred in Article 56 of PPA and that any other organisation involved to certify its suitability is not subject to the exclusion grounds referred in Article 56 Section (1) of PPA.

....., 2013

.....

Name

STATEMENT ON TURNOVER

I the undersigned....., the representative acting on behalf of hereby declare that the turnover without VAT of our Company is the following:

Year	Total turnover (HUF)
2010.	
2011.	
2012.	

..... 2013

.....
Name

Annex 7

STATEMENT ON REFERENCE

Time of performance (year)	Other contracting party	Subject matter and the quantity of the purchase	Sum of the compensation (annually)	Statement of suitable performance	The name and contact details of the person who is authorized to prove the performance of the purchase

.....2013

.....

Name

CERTIFICATE ON REFERENCE
(filled by the company issuing reference)

1. Name of organization issuing reference
2. The person issuing this reference
 - a. Name:
 - b. Position:
 - c. Contact:
3. Name of Contracting Enterprise:
4. Data of performance:
 - a. Subject matter of performance:
 - b. Time of performance:
 - c. Sum of the compensation:
 - i. annually:
 1. 20....:
 2. 20....:
 3. 20....:
5. Statement that performance was executed according to the requirements and contract.

..... 2013

.....
Name
(on behalf of Issuer of this reference)

Annex 9

STATEMENT DETERMINED BY ARTICLE 60, SECTION (5) OF PPA

I, undersigned, as the person having the right to represent the company declare that

Pursuant to the Act 2004. XXXIV. Section 3. on supporting the development of the small and medium sized enterprises, our Company is:

- micro enterprise
- small enterprise
- middle sized enterprise
- out of the scope of the Act*

.....,2013

.....
Signature

* *please underline as appropriate*

CONFIRMATION DATA SHEET

on download the Supplementary documentation

I, the undersigned..... as representative of
..... (name the company)
..... (address of company) I confirm downloading
Supplementary Documentation in public procurement procedure No. BKV Zrt. 15/TB-
26/13 in subject-matter of „**Procurement of catenary vehicle**” from the website of Tender
Announcer by sending this data sheet for BKV Zrt. Economic Directorate, Procurement
Division (Gazdasági Igazgatóság, Beszerzési Főosztály).

Name of contact person:

Position:

Address:

Phone:

Fax:

E-mail:

..... 2013

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Signature