NOTICE

ON PREQUALIFICATION PROCEDURE

This text of the notice is approved by Decision of the Evaluation Commission for closed targeted tender No 1 of 15.03.2023 and is published

pursuant to Article 24 of the Law of the Republic of Armenia "On procurement"

Code of the procedure: HH PN-PNMASHDZB-23-10/9

I. DESCRIPTION OF THE SUBJECT OF PROCUREMENT

The contracting authority the Ministry of Defence of the RA, located at the following address: in Bagrevand 5,with the view of determining the potential bidders of the closed targeted tender to be arranged for acquisition of construction works gives notice of the prequalification procedure.

II. CONDITIONS OF PARTICIPATION IN THE PROCEDURE

2. Pursuant to Article 7 of the Law of the Republic of Armenia "On procurement", any person, irrespective of the fact of being a foreign natural person, an organisation or a stateless person, shall have equal right to participate in the prequalification procedure.

3. A bidder intending to participate in the prequalification procedure

- for some works must have the license for the following fields: “Residential, public, industrial”, “Energy”, “Hydrotechnical”, “Transport” and “Communication”.

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- meet the qualification criterion "Compliance of professional activities with activities provided for by the contract", stipulated by point 1 of part 3 of Article 6 of the Law of the Republic of Armenia "On procurement". Moreover, the fact of having performed the woks shall be considered as analogous (in case of construction projects the same groups of economic activities are defined taking into account the type of activity subject to licensing in the field of urban development and the enclosures. The bidder shall be considered as meeting the qualification criterion, provided within the license “Residential, public, industrial”, “Energy” Construction of GBK (gas distribution station), “Hydrotechnical”, “Transport” and “Communication” or by this subpoint, where the bidder has submitted, in a bid, the required information; /for some works/.

- meet the qualification criterion "Compliance of professional activities with activities provided for by the contract", stipulated by point 1 of part 3 of Article 6 of the Law of the Republic of Armenia "On procurement". Moreover, the fact of having performed the woks shall be considered as analogous (in case of construction projects the same groups of economic activities are defined taking into account the type of activity subject to licensing in the field of urban development and the enclosures. The bidder shall be considered as meeting the qualification criterion, provided within the license “Residential, public, industrial”, “Energy” and “Hydrotechnical” or by this subpoint, where the bidder has submitted, in a bid, the required information; /for some works/.

4. The bidders may participate in the prequalification procedure as a joint venture (as a consortium). In such a case:

(1) the prequalification bid shall also include a joint venture agreement;

(2) when evaluating the prequalification bid the combined qualifications of all the members to the joint venture agreement shall be considered (the qualification of each member to the joint venture agreement must comply with the qualification requirements — stipulated by this invitation — assumed under that agreement by the member concerned);

(3) the bidders shall be held liable jointly and severally;

(4) the party (parties) to the joint venture agreement may not submit separate bid (bids) for the same procedure;

(5) where a member of the consortium withdraws from the consortium, the contract concluded by the contracting authority with the consortium shall be rescinded unilaterally and the sanctions provided for by the contract shall be imposed upon the members of the consortium.

5. While conducting the closed targeted tender, the bidders may become aware of or be entrusted with information containing state secret, disclosure (in any manner) whereof to another person (including the relatives) may entail liability stipulated by the legislation of the Republic of Armenia.

III. THE PROCEDURE FOR RECEIVING CLARIFICATION AND MAKING MODIFICATION TO THE NOTICE

6. The participant has the right to request an explanation of the pre-qualification statement in writing at least five calendar days before the deadline for submission of pre-qualification applications. The clarification shall be provided in writing to the requesting participant within two calendar days following the date of receipt of the request. In case of providing information of any participant, the client must ensure the availability of that information for all potential participants.

 If the request specified in this point is submitted by e-mail, the participant sends the printed version of the original letter to the e-mail address of the secretary of the committee.

If the request is submitted by e-mail, the printed version of the letter on its clarification is sent to the secretary of the commission by sending the request to the e-mail address of the participant from the e-mail specified in this invitation.

7. The statement about the content of the request and clarifications is published in the bulletin on the day of providing the clarification to the participant who made the request, without specifying the data of the participant who made the request, and in the case of purchases containing state secrets, the clarification about the content of the request and clarifications is provided to the invited participants.

8. Clarification is not provided if the request was made in violation of the term established by this section, as well as if the request is outside the scope of the content of this statement. Moreover, the participant is notified in writing about the reasons for not providing an explanation within two calendar days following the day of receiving the request.

9. Changes may be made to this announcement at least two calendar days before the deadline for submission of applications. On the first working day following the day of making the change, the secretary of the commission publishes the announcement about making the change in the bulletin.

10. In case of changes in the pre-qualification announcement, the deadline for submitting the pre-qualification applications is counted from the date of publication of the announcement in the bulletin about those changes.

IV. PROCEDURE FOR SUBMITTING A PREQUALIFICATION BID

11. A bidder shall submit a bid to the commission in order to participate in this procedure.

12. A bidder may submit a prequalification bid to the commission: in hard copy — in a closed envelope, glued. The following shall be indicated on the envelope in the language of the prequalification bid:

a. name of the contracting authority and the venue (address) of submission of the bid;

b. code of the procedure;

c. the words "do not open until the session for bid opening";

d. name, registered office and telephone number of the bidder.

13. Bids for the procedure shall be submitted to the commission no later than *31.03.2023 at 15:00pm.*

Prequalification bids submitted in hard copy, shall be submitted to the commission prior to the expiry of the deadline stipulated by this point, at the following address: Yerevan, Bagrevand 5, Department of Formulation Procurement documents of the Logistic Support Department of the Ministry of Defence of the Republic of Armenia.

14. The prequalification bids submitted in a hard copy shall be received and registered in the bid register by the secretary of the commission *M.Hokheyan.*

The secretary shall register the bids in the bid register in the order of receipt, by indicating in the register the registration number, date and time. A statement of information thereon shall be issued by the request of the bidder. The bids submitted after the expiry of the deadline for submission of bids shall not be registered in the register and shall be returned by the secretary within two working days following the date of their receipt.

15. The bidder shall submit the following in the prequalification bid:

(1) written application certified by the bidder for participation in the prequalification procedure pursuant to *Annex 1;*

(2) statement certified by the bidder on compliance with the requirements of qualification criterion prescribed by this notice pursuant to *Annex 2;*

(3) copy of the license (enclosure) provided for by this notice;

(4) copy of the joint venture agreement, where bidders participate in this procedure as a joint venture (as a consortium).

16. Bidder submits the prequalification bid: in hard copy all documents included in the bid, except for the document provided for by subpoint 4 of point 15 of this notice, shall be submitted in original and two copies. The words "original" and "copy" shall be respectively marked on the packages of documents. Notary certified copies of the original documents may be submitted instead of the original documents;

17. The prequalification bids may, in addition to Armenian, also be submitted in English or Russian.

18. The envelope and the documents provided for by this invitation, drawn up by the bidder shall be signed by the person submitting them or the authorised person thereof (hereinafter referred to as “the agent”). Where the prequalification bid is submitted by the agent, a document certifying the power thereof to submit a bid shall be submitted in the bid. Where appropriate, the bidder may submit the required information in forms other than the forms proposed by this notice, by observing the required requisites.

*V. OPENING, EVALUATION OF THE PREQUALIFICATION BIDS AND SUMMARISATION OF THE RESULTS*

19. Opening, evaluation of the prequalification bids and summarisation of the results shall be carried out at the prequalification bid opening session,
at the following address: Yerevan, 5 Bagrevand, at *15:00pm, 31.03.2023.*

 Moreover, bids shall be evaluated within three working days counting from the deadline for the submission of the bids.

20. At the session for prequalification bid opening and evaluation:

(1) the secretary of the commission shall provide information on the records made in the register and forward the bid register, other documents forming an integral part thereof and the registered chairperson of the commission;

(2) after the documents referred to in subpoint 1 of this point are forwarded to the chairperson (person presiding over the session), the commission shall evaluate:

a. the compliance of the preparation and submission of the envelopes containing the bids with the prescribed procedure and open the bids evaluated as complying with the prescribed procedure;

b. the availability of the required (prescribed) documents in each of the opened envelopes and the compliance of preparation thereof with the requisites defined in the invitation;

21. Bids complying with the conditions provided for by this notice shall be evaluated as satisfactory. The prequalification bids shall otherwise be evaluated as unsatisfactory and be rejected.

Where as a result of the evaluation conducted at the prequalification bid opening session, inconsistencies with regard to the requirements of this notice are detected in the bid of the bidder, the commission shall suspend the session for one working day, and the secretary of the commission shall electronically notify the bidder thereof on the same day, proposing the bidder to eliminate the inconsistency prior to the end of the suspension period. Moreover, the proposal specified in this point shall:

(1) mandatorily and thoroughly describe the detected inconsistencies;

(2) be sent from the electronic mail of the secretary, specified in this notice, to the electronic mail of the bidder, specified in the bidder's application.

22. Where the bidder eliminates the detected inconsistency within the time limit prescribed by point 21 of this notice, the bid of the bidder shall be evaluated as satisfactory.

23. A member or the secretary of the commission may not participate in the activities of the commission, where at the prequalification bid opening session it appears that the organisation founded by them or the organisation wherein they hold a share (unit), or the person with whom they are linked by kinship or in-law relationships (parent, spouse, child, brother, sister as well as parent-in-law, spouse's child, spouse's brother and spouse's sister), or the organisation founded by that person or the organisation wherein that person holds a share (unit) has submitted a bid to participate in the procedure concerned. Where the condition provided for by this point exists, the member or the secretary of the commission having a conflict of interests regarding this procedure shall recuse himself or herself from the procedure concerned immediately after the prequalification bid opening session.

24. A protocol on opening, evaluation of bids and summarisation of results shall be drawn up, whereby the list of prequalified bidders shall also be approved. On the first working day following the end of the bid opening session, the secretary of the commission shall:

(1) publish in the bulletin the printed (scanned) copies of the originals of the statements on absence of conflict of interests signed by him or her and the members of the commission present at the bid opening session;

(2) notify bidders, having submitted bids evaluated as not complying with the conditions provided for by this notice, on the grounds for rejecting the prequalification bids.

25. Bidders included in the list of prequalified bidders, who confirm and within the time limit prescribed by this notice submit to the secretary of the commission 1) In case of persons residing in the Republic of Armenia, confirmation, within the period defined by this announcement, submit to the Secretary of the Commission the original of the obligation to keep information containing state secrets,

 2) In case of persons who are not residents of the Republic of Armenia, within the period defined by this announcement, submit to the Secretary of the Commission a copy of the permission to relate to the information containing state secrets in the manner prescribed by the legislation of the Republic of Armenia.

 In this respect, the secretary of the commission shall simultaneously send — by the end of the second working day following the end of the bid opening session — a notification from his or her electronic mail specified in this notice to the electronic mails of the prequalified bidders specified in the application, indicating the procedure for receiving the invitation. Moreover, the form of the letter of commitment on nondisclosure of the information containing state secret and the conditions for filling them in shall also be attached to the notification specified in this point.

The prequalified bidders shall confirm and within three working days following the day of sending the notification specified in this point submit personally to the secretary the documents mentioned in this point.

 The secretary of the commission shall verify on the spot the compliance of the drawn up document with the prescribed form, as well as the identity of the person having the relevant power to receive the invitation and, in case of compliance, immediately provide the invitation and a relevant statement of information, by indicating the date and time of providing the invitation.

26. Prequalified bidders having submitted documents later than the time limit provided for by point 25 of this notice shall not be provided with an invitation, and the deadline for submission of bids for the closed targeted tender shall be calculated from the day following the expiry of the time limit prescribed by the same point.

27. The appeal regarding this procedure is carried out in accordance with the RA Law "On Purchases" and the RA Civil Procedure Code.

 Moreover, each

1) an interested person has the right to appeal the actions (inaction) and decisions of the client, the evaluation committee in accordance with the procedure established by the Civil Procedure Code of the Republic of Armenia;

2) Anyone has the right to appeal the requirements of this announcement before the deadline for submission of applications in accordance with the procedure established by the Civil Procedure Code of the Republic of Armenia.

The rates of state fees charged for appeals are defined by the Law "On State Fees".

For receiving additional information concerning this notice, you may apply to First Grade Specialist M.Hokheyan, Secretary of the Commission.

Telephone Phone: 010-66-24-94

E-mail m.hokheyan@mil.am.

Contracting authority *Ministry of Defense of the Republic of Armenia*

Annex 1

to the notice on the prequalification procedure

 of the closed targeted tender under the code *HH PN-PNMASHDZB-23-10/9*

APPLICATION

###### for participation in the prequalification procedure

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ informs of the intention to participate

 name of the bidder

in the prequalification procedure of the closed targeted tender under
the code *HH PN-PNMASHDZB-23-10/9* by the Ministry of Defense of RA, and submits a bid in compliance with the requirements of the prequalification notice.

The tax identification number of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

name of the bidder tax identification number

The electronic mail address of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

name of the bidder e-mail address

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

name of the bidder (position, name, surname of the head) signature

Seal

Annex 2

to the notice on the prequalification procedure

 of the closed targeted tender under the code *HH PN-PNMASHDZB-23-10/9*

STATEMENT

on compliance with the qualification criterion "Compliance of professional activities with activities provided for by the contract"

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ declares and certifies that during

name of the bidder

the year of submission of the bid and the three preceding years has performed the below-mentioned works:

|  |
| --- |
| Contracts duly implemented during the year of submission of the prequalification bid and the three preceding years |
| N/N | subject matter | data on the contracting authority and the contact information thereof |
| Date: ...........  |
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name of the bidder (position, name, surname of the head) signature

Seal