

# Tender Notice

## 1. Tender Schedule

Tender No.	Tender Subject	Deadline of Proposal (Tenderer) Submission (Technical Proposal and Price Proposal)
NFRI 2017-	KSTAR ECH high voltage power supplies	~ 2017. 10. 31. 14:00

※ Based on Korea Standard Time (KST).

※ Korean holiday season : 2017.9.30. ~ 2017.10.9

## 2. Scope of Work : Production and Testing of KSTAR ECH high voltage power supply system

※ Refer to the attached Technical Specifications for details

## 3. Duration of Work : 18 months from the date of the Contract

※ Refer to the attached Technical Specifications for details

## 4. Tender Type : Contract by Negotiation

## 5. Estimated Tender Price : KRW 7,300,000,000 (including VAT)

## 6. Contract Award

- 1) Only those who score eighty-five percent (85%) or more of the allotted marks for the Technical Evaluation credits are eligible to have their price evaluated. The National Fusion Research Institute (NFRI) will negotiate with the preferred bidder who is the highest ranked candidate in the total score (sum of the score for Technical Evaluation and the score for price evaluation) ranking, and if negotiation and agreement with the first candidate is not reached, the NFRI reserves the right to proceed with negotiations with the next candidate.

## 7. Qualification of Tenderer

- 1) Any tenderer capable of meeting the technical specifications issued in this tender
- 2) The tenderer must submit all required documents (including a bid bond) by the deadline. Documents submitted after the deadline will not be accepted

## 8. Technical Evaluation

- 1) The technical evaluation will be carried out in accordance with the attached Technical Evaluation Plan, and each bidder will be notified of the results.

## 9. Composition of Proposal Documents (Tenderer)

- 1) Bid participation application form (Annex1 of the Instructions to Tenderer)
- 2) Technical Proposal

- 3) Bid Bond (see “12. Payment of Bid Bond” below)
- 4) Price Proposal (Annex2 of the Instructions to Tenderer)

## **10. Submission of Proposal Documents (Tenderer)**

- 1) The Proposal Documents (Tenderer) must be submitted in person or by mail including courier service to the address provided in Article 14.2, by no later than the deadline and time for submission of all Proposal Documents (tenderer)
- 2) In addition, pursuant to Korean law, submission by email will be equally recognized (in case of international bidding)

※ E-mail address: [uglee@nfri.re.kr](mailto:uglee@nfri.re.kr)

## **11. Language**

- 1) The Proposal Documents (Tenderer) and the Contract may be prepared in Korean or English. In the event of any conflict between the English and Korean versions where both versions have been submitted, the Korean version will prevail.

## **12. Payment of Bid Bond**

- 1) The tenderer must establish and furnish at its own cost to the NFRI a Bid Bond in an amount of no less than 5 percent of its price proposal, by the deadline of this tender and as set forth below:
  1. A bank guarantee certified or deposit in cash. (Contact Point about deposit in cash : [uglee@nfri.re.kr](mailto:uglee@nfri.re.kr))
- 2) If the successful bidder fails to sign a contract within 30days of the conclusion of negotiations or other established time period, the ownership of the Bid Bond will be transferred to the NFRI.

## **13. Full Awareness of the Tender Instructions**

- 1) The tenderer must be fully aware of the scope and conditions stated in these Tender Notice and RFP, including all the relevant instructions, information, and notices regarding Proposal Documents (tenderer).
- 2) The Proposal Documents (tenderer) and other documents submitted to the NFRI are the property of the NFRI and may not be returned to the tenderer regardless of acceptance or rejection by the NFRI.

## **14. Contact Points**

For Technical Inquiries:

✉(Address) National Fusion Research Institute(NFRI) 169-148 GWAHAK-RO, YUSEONG-GU, DAEJEON  
34133, KOREA (Eoeun-dong)  
Heating and current drive research team  
☎(TEL) +82-42-879-5342  
✉(E-mail) [sjwang@nfri.re.kr](mailto:sjwang@nfri.re.kr)

For Inquiries on the Bidding and Contract:

✉(Address) National Fusion Research Institute(NFRI) 169-148 GWAHAK-RO, YUSEONG-GU,  
DAEJEON 34133, KOREA (Eoeun-dong) Procurement & Property Management Team,  
Yu-gyeong Lee  
☎(TEL) +82-42-879-6334  
✉(E-mail) [uglee@nfri.re.kr](mailto:uglee@nfri.re.kr)

2017. 9. 29

# **National Fusion Research Institute**

# **INSTRUCTIONS to TENDERER**

## **CONTENTS**

<b>Section 1</b>	<b>General Instructions</b>
<b>Section 2</b>	<b>Tender Procedure</b>
<b>Section 3</b>	<b>Proposal Preparation</b>
<b>Section 4</b>	<b>Selection of the Preferred Bidder and Execution of Contract</b>

Annex 1. Bid Participation Application Form

Annex 2. Price Proposal

## **Section 1 General Instructions**

### **1.1 Purpose**

- The National Fusion Research Institute (hereinafter referred to as the "NFRI"), duly organized and existing under and by virtue of the laws of the Republic of Korea and having its head office in Daejeon, Republic of Korea, hereby issues these "Instructions to Tenderer" to provide participating tenderers with additional information, such as the instructions, procedures and requirements for tender, the contractual terms and conditions, the scope of work, the delivery schedule, and technical specifications of the deliverables related to the tender.

### **1.2 Scope of Work and Delivery Schedule**

- Please refer to the Technical Specifications for details of the scope of work and delivery schedule.

### **1.3 Definition of Terms**

- The definitions as provided in this General Instructions shall be applied to the terms used in other Sections of the Instructions to Tenderer, except where the context requires otherwise.

### **1.4 Compliance with the Instructions to Tender**

- The tenderer shall prepare the technical proposal and price proposals in accordance with the procedures and requirements stipulated in these Instructions to Tender. Bids that violate these rules may be deemed ineligible or adversely assessed, which will be deemed the responsibility of the bidder. The bidder shall be deemed to have fully understood and accepted all of the contents of the Instructions to Tender.

### **1.5 Full Awareness of the Tender Instructions**

- The tenderer shall be fully aware of the terms and conditions stated in these Instructions to Tenderer and Request for Proposal (hereinafter referred to as "RFP"), including all the relevant instructions, information, and notices regarding this tender.
- The tenderer has the right to duly request clarifications on unclear matters, omitted information or document errors and mistakes to the NFRI, which are discovered in the course of its review of the Tender documents until the deadline for submission of the proposal documents (tenderer).

### **1.6 Cost of Tender**

- The tenderer shall bear all costs and expenses incurred in connection with its participation in this tendering procedure including but not limited to the preparation, submission and evaluation of the Proposal Documents (tenderer) and in no event shall the NFRI be liable for such costs or expenses.

### **1.7 Ownership of the Tender Documents**

- The Proposal Documents (tenderer) and other documents submitted to the NFRI shall be the property of the NFRI and shall not be returned to the tenderer regardless of acceptance or rejection by the NFRI.

## **1.8 Validity of the Proposal**

- The Proposal Documents, including the Technical Proposal, shall be valid unconditionally for a period of ten (10) weeks after the deadline for submission of the Proposals. The NFRI, if necessary, may request the tenderer to extend the validity of the Proposal Documents (tenderer).

## **1.9 Notice of Amendment to the Instructions to Tender)**

- If there is any change in the Instructions to Tender, the NFRI shall notify the tenderers of such change through (i) a modified Tender Notice, if before the deadline for submission of the Proposals or (ii) written notification to the tenderers, if after the deadline for submission of the Proposals. The amendment or changes shall constitute a part of the Instructions to Tender. However, in the event that the contractual terms are changed, a new tender shall be placed.

## **1.10 Conflicts between Instructions to Tender and the Proposal Documents (tenderer)**

- In the event that any contradictory or conflicting statements or figures are found in the Instructions to Tender or Proposal Document (tenderer), the details dealt with in more detail shall prevail, unless otherwise clarified by the NFRI or the tenderer. If the tenderer has found any contradictory or conflicting matters in the Instructions to Tender or Proposal Document (tenderer), has questions about the meaning or interpretation of any part of the Instructions to Tender, it shall request in written for clarifications. The NFRI in no event shall be held responsible for the matters that the tenderer does not request for clarification on the matters it finds contradictory or conflicting and any verbal clarifications.

## **1.11 Withdrawal of Tender**

- The NFRI may withdraw or postpone this tender, invite tenderers to re-tender, or alter the scope of purchase, the delivery schedule and other aspects of the tender, at any time and without any liability to the tenderers, by reason of changes in the project, excessively high tender prices, or other reasons. The NFRI shall not be liable to the tenderers for any such alteration, modification, withdrawal, postponement and/or re-tendering.

## **1.12 Restriction on Unfair Suppliers' Tender Participation Eligibility**

- The NFRI will not allow the participation of any tenderer that fails to comply with Article 15 of the Contract and Purchase Regulations of the NFRI (hereinafter referred to as the "NFRI Regulations") and whose participation in any tender held by the NFRI is deemed improper. Furthermore, in case that the tenderer or the successful bidder has been notified of its disqualification or its disqualification has been announced on the Government-designated public websites by the related provisions of the Act on Contracts to which the State is a Party, the Act on Contracts to which the Local Government is a Party or the Act on the Management of Public Institutions, and additionally the grounds for disqualification fall under Articles 33.1, 33.4, 33.5 or 33.7 of the NFRI Regulations, the tenderer shall be restricted from tender participation in accordance with the law.

## **1.13 Confidentiality**

- The tenderer shall not disclose any tender documents or related information obtained during the tender process or use such documents or information for purposes other than participation in this tender.

#### **1.14 Indemnification**

- In the event the successful bidder fails to fulfill the obligations of the Contract, he/she shall not only be liable for the monetary damages in arising from contract-related claims by way of the Performance Bond, but also for all other damages resulting from work delay, etc.
- In the event of damages resulting from work delay, the amount of the damages shall be determined based on the standardized estimation of a certified surveyor's designated by NFRI.

#### **1.15 Governing Law and Bidding Dispute Resolution**

- Unless otherwise provided in this Instructions to Tender, the jurisdiction in respect of all disputes arising out of or in connection with this bidding shall lie with Daejeon Central District Court.
- The bidding shall be governed by the laws of the Republic of Korea.

#### **1.16 Miscellaneous**

- All other matters not specified in the Tender Notice or these Instructions to Tenderer shall be determined by the NFRI.

## **Section 2 Tender Procedure**

### **2.1 Application for Participation in this Tender**

- Tenderers who intend to participate in the tender shall apply by submitting before the deadline specified in the Tender Notice the following proper tender documents required by the NFRI :
  - A. Technical Proposal
  - B. Price Proposal (Annex 2 of this Instructions to Tenderer)
  - C. Bidding application form (Annex 1 of this Instructions to Tenderer)
  - D. Bid Bond (See Article 2.5.1 of this Instructions to Tenderer)
  - E. Power of Attorney (in case an authorized representative is designated)

### **2.2 Closing Date and Time for Receiving Tender Proposal Documents : 2017. 10. 31. 14:00**

### **2.3 Qualification of Tenderer**

- 2.3.1. Any tenderer capable of meeting the Technical Specifications issued in this tender.
- 2.3.2. The tenderer must submit all required documents as set forth in Article 2.1 by the submission deadline. Documents submitted after the deadline will not be accepted (including a bid bond)
- 2.3.3. In the event an authorized representative is designated for the submission of tender documents, such designated representative will also be eligible to participate in the Tender. If the tenderer changes its representative or designates a representative prior to the submission of the proposal documents (tenderer), the newly designated representative will be eligible to participate in the Tender.
- 2.3.4. Joint tender and joint agreements are not allowed (no consortium allowed to participate in the Tender).

### **2.4 The Base Date for Judgment Regarding the Qualification for Participation in the Tender**

- 2.4.1. The base date for judgment regarding the qualification for participation in the Tender is the application deadline for participation in the tender (hereinafter referred to as the “closing date”). The tenderer must maintain the qualification for participation in the Tender throughout the period from the closing date to the deadline for participation in the tender (tenderer).
- 2.4.2. In the event a tenderer is restricted from participation in the Tender pursuant to Article 33 of the NFRI Regulations, the tenderer may participate in the Tender only if the restriction period expires prior to the closing date.
- 2.4.3. In the event the tenderer changed its firm name or its representative prior to applying for the Tender Procedure (in case of a corporation, the register of business registration or its equivalent shall be the criteria), the tenderer shall participate in the Tender under the changed firm name or in the name of the changed representative after completion of all transfer registration and reporting procedures with the authorities.

### **2.5 Bid Bond**

- 2.5.1. Any person who intends to participate in the Tender must establish and furnish at its own cost to the NFRI a Bid Bond in an amount of no less than 5 percent of its Contract price proposal, by the closing date of this tender (if this date falls on a public holiday, the previous day) and as set forth



below :

1. A bank guaranteed certified or deposit in cash
- 2.5.2. If the successful bidder fails to sign a contract within 30days of the conclusion of negotiations or other established time period, the ownership of the Bid Bond shall transfer to the NFRI.
- 2.5.3. The Bid Bond shall be returned to the tenderers after the completion of the tender procedure upon request by the tenderers who are not awarded the contract . However, the Bid Bond of the successful bidder will not be returned until the contract is concluded and signed.
- 2.5.4. The term of validity of the Bid Bond shall comply with the following:
  - A. The first day of the term shall fall on the date that is before the deadline for submission of the Proposal Documents (tenderer)
  - B. The expiry date of the term shall fall on the date that is later than the term of validity of the Proposal Documents (tenderer) under Article 1.8

## **2.6 Submission of the Proposal**

- 2.6.1. The Proposal Documents (tenderer) must be submitted in person or by mail including courier service to the address provided in Article 2.10.1, fby no later than the deadline and time for submission of all Proposal Documents (tenderer).
- 2.6.2. In addition, pursuant to Korean law, submission by email will be equally recognized (in case of international bidding)  
✉(E-mail) uglee@nfri.re.kr
- 2.6.3. Only the documents that are received by the deadline for submission of all Proposal Documents (tenderer) will be accepted.
- 2.6.4. When submitting the Price Proposal, the proposal shall be submitted in a separate sealed envelope. (In case submitted by e-mail, the proposal shall be submitted in a separate file)
- 2.6.5. The tenderer shall request the NFRI to allow to amend, change or withdraw the Proposal Documents (tenderer) within [\*5] days of the deadline for submission of the Proposal Documents only on the grounds that there are critical errors due to obvious typos or mistakes. Except in the case when the NFRI acknowledges the amendments, changes or withdrawal of the Proposal Documents (tenderer) against the written request in the foregoing, no amendments, changes or withdrawal of the Proposal Documents (tenderer) shall be allowed.

## **2.7 Contract Negotiations and Awarding of the Contract**

- 2.7.1. The Tender is in the form of an international open procedure and shall be conducted through contract by negotiations.
- 2.7.2. Those who score eighty-five percent (85%) or more of the allotted marks for the Technical Evaluation credits are eligible to have their price evaluated. The NFRI will negotiate with the preferred bidder who is the highest ranked candidate in the total score (sum of the score for Technical Evaluation and the score for price evaluation) ranking, and if negotiation and agreement with the first candidate is not reached, the NFRI reserves the right to proceed negotiations with the next candidate.
- 2.7.3. Negotiations are conducted in accordance with Korean contract law.

## **2.8 Proposal Evaluation**

- The technical evaluation will be carried out in accordance with the attached Technical Evaluation Plan, and each bidder will be notified of the results.

## **2.9 Nullification of Tender Bid**

- A bid from a tenderer shall be nullified if one or more of the following conditions are met:
  - A. Proposal Documents (tenderer) has not been submitted by the deadline for submission of the Proposal Documents (tenderer)
  - B. Proposal Documents (tenderer) has been submitted after the deadline for submission of the Proposals
  - C. Two or more tender bids have been submitted by the same tenderer for this Tender
  - D. The essential requirements of the tender bid, such as price, are unclear or omitted, or the signature of the representative or affix of corporate seal on the modified, corrected or changed parts of the proposal, if any, has been omitted
  - E. The Proposal Documents (tenderer) do not contain the documentation, information or evaluation data indicated in the Proposal Documents (tenderer)
  - F. Proposal Documents (tenderer) has been submitted without using the forms provided by the NFRI or the tender bid marks the proposed price only in Arabic numerals

## **2.10 Notices Prior to the Contract Award**

- 2.10.1. The tenderer shall submit its application for bid participation, submission of Proposal Documents, Instructions to Tender or request for additional information related to bid to the following address:
  - ✉(Address) National Fusion Research Institute(NFRI) 169-148 GWAHAK-RO, YUSEONG-GU, DAEJEON 34133, KOREA (Eoeun-dong) Procurement & Property Management Team
  - ☎(TEL) +82-42-879-6334
  - ✉(E-mail) uglee@nfri.re.kr
- 2.10.2. The tenderer shall contact the following regarding the inquiry or confirmation of technical matters under the Instructions to Tender:
  - ✉(Address) National Fusion Research Institute(NFRI) 169-148 GWAHAK-RO, YUSEONG-GU, DAEJEON 34133, KOREA (Eoeun-dong) Heating and current drive research team
  - ☎(TEL) +82-42-879-5342
  - ✉(E-mail) sjwang@nfri.re.kr

## **Section 3 Proposal Preparation**

### **3.1 General**

- 3.1.1. The tenderer shall enter its name (the name of the representative in case of a corporation) in the tender form and affix thereon its or the corporation's official seal (in the case of a non-Korean tenderer, a notarized signature will suffice).
- 3.1.2. Unless stated otherwise in the Tender Notice, the Price Proposal shall be prepared in English or Korean and the currency of the tender price shall be quoted in US dollars or Korean Won .
- 3.1.3. Unless stated otherwise in the Tender Notice, the Technical Proposal shall be prepared in Korean or English.
- 3.1.4. The NFRI may request additional information, as necessary, in the course of its evaluation of the Technical Proposal.
- 3.1.5. The Price Proposal shall be worded in English or Korean, and Arabic numerals may also be added. In case an amount stated in Arabic numerals differs from the amount written in Korean, the amount written in Korean shall prevail. If the unit price differs from the total amount, the unit price shall prevail.

### **3.2 Composition of the Proposal Documents (Tenderer)**

- The Proposal shall be prepared using the forms provided in the Annexes to the Instructions to Tender. Any additional information or relevant material which is required by the Instructions to Tender or considered necessary for sufficient evaluation by the NFRI shall be attached thereto. All specified items in the Proposal Documents (tenderer) shall be filled out and not be omitted. If necessary, the tenderer may re-format the forms without omitting any content and provide sufficient explanation.

The Proposal Documents (tenderer) shall consist of the following:

- A. Bid participation application form (See Annex1 of the Instructions to Tenderer)
- B. Technical Proposal (See Technical Specifications)
- C. Bid Bond (See Article 2.5.1 of this Instructions to Tenderer)
- D. Price Proposal (See Annex2 of this Instructions to Tenderer)

### **3.3 Requirements of the Price Proposal**

- 3.3.1. The tenderer shall submit the total tender price in accordance with the requirements stated in the Instruction to Tender, and the detailed quotation (including the estimate criteria) must be attached to the Price Proposal. A Proposal without the detailed quotation shall be nullified from the Tender.
- 3.3.2. The tender price shall be quoted in accordance with Article 3.1.5.
- 3.3.3. The tender price shall be quoted in US dollars or Korean Won and shall be a fixed price that is not adjusted in line with inflation or decline of prices during the term of the contract duration.
- 3.3.4. The tender price shall include all taxes and duties, including any value-added tax (VAT), customs duties and other official charges in connection with the procurement and production of the goods and/or services. The VAT shall be excluded from the price of each item, but shall be included in the total tender price.

### **3.4 Quantity of Proposal Documents**

#### **3.4.1. When submitting by email**

- ☐ Technical Proposal: One (1) copy
- ☐ Price Proposal: One (1) copy

#### **3.4.1. When submitting directly as a booklet**

- ☐ Technical Proposal: One (1) original and ten (10) copies
- ☐ Price Proposal: One (1) original

### **3.5 Modification of the Proposal Documents (tenderer)**

- ☐ The tenderer shall prepare the tender without modifications, additions or deletions. If it is necessary for the tenderer to correct any part of the Proposal Documents, the corrections shall be provided along with and with references to the original and stamped with the tenderer's official corporate seal or usesignet, or signed by an authorized representative.

### **3.6 Additional Documents**

- ☐ Except for the following documents, the NFRI shall not accept any modifications of the Proposal Documents or additional documents:
  - (1) tenderer clarifications which do not affect the contents of the Proposal Documents (tenderer);
  - (2) extensions of the validity of the Proposal Documents (tenderer) or Bond; and
  - (3) documents requested by the NFRI in written form that are deemed necessary for the evaluation of the Proposal.

### **3.7 References**

- ☐ Publications, data, or information included in the Proposal Documents (tenderer) for reference shall not be considered a part of the official tender, unless otherwise stated by the tenderer.

## **Section 4 Contract Negotiation and Selection of Successful Bidder**

### **4.1 Decisions on the Successful Bidder or Preferred Bidder**

- 4.1.1. Those who score eighty-five percent (85%) or more of the allotted marks for the Technical Evaluation credits are eligible to have their price evaluated. The NFRI will negotiate with the preferred bidder who is the highest ranked candidate in the total score (sum of the score for Technical Evaluation and the score for price evaluation) ranking, and if negotiation and agreement with the first candidate is not reached, the NFRI reserve the right to proceed negotiations with the next candidate.
- 4.1.2. Prior to making a decision on the preferred bidder under paragraph 1 above, the NFRI shall review the tenderer's Proposal Documents (tenderer), his business registration certificate and relevant documents to verify whether the preferred bidder's bid is valid or constitutes a nullified tender under Article 2.9 (Nullification of Tender).
- 4.1.3. If the preferred bidder is later identified to be disqualified prior to the contract award and its tender bid is nullified, the NFRI will restrict its participation in the remaining tender process.

### **4.2 Postponement of the Tender**

- The NFRI, as necessary, reserves the right to postpone the submission date of tender documents or the date of tender opening publicized in the Tender Notice. The reasons for postponement and the new dates shall be announced or notified to the tenderers.

### **4.3 Contract Award**

- 4.3.1. The successful bidder shall enter into a contract within [ten (10)] days of award notice.
- 4.3.2. In case of paragraph 1 above, if the contract cannot be concluded due to the occurrence of a force majeure event, the period in which the cause remains will not be counted in determining the time during which the contract must be concluded.
- 4.3.3. The successful bidder who intends to conclude the contract with NFRI shall submit to the NFRI the earnest money deposit for performance and any contract documents required to be submitted by law.

### **4.4 Validity of Contract**

- The Contract is made and concluded between the NFRI and the successful bidder by drafting a contract and signing it with a seal affixed thereon (in case of a non-Korean bidder, a notarized signature will suffice).

**【 Annex 1 】**

<b>Bid Participation Application Form</b>				Period
※ Please list only if applicable.				Immediate
Tenderer	Name		Business Registration No.	
	Address		Tel. No.	
	Representative			
Tender Summary	Tender No.		Day of Tender	
	Tender Subject			
Bid Bond	Payment	- Rate :            % - Amount : - Payment settlement:		
<p>In order to participate in the tender in response to the Request for Proposal (RFP) identified by the tender no. and subject, I, the undersigned, consent to all provisions of the Instructions to Tenderer and Tender Notice set by the NFRI and apply for bid participation by attaching the required documents.</p> <p style="text-align: right;">Date    :</p> <p style="text-align: right;">Name    :</p> <p style="text-align: right;">Signature    :</p> <p>Attachment : 1. Document evidencing the qualification for the Tender: each of one (1) copy            2. Certificate of Corporate Seal Impression (in case of a non-Korean bidder, a notarized signature)            3. Other documents specified in the Tender Notice</p> <p style="text-align: center;"><b>NATIONAL FUSION RESEARCH INSTITUTE</b></p>				

**【 Annex 2 】**

Price Proposal				
Tender Summary	Tender No.		Day of Tender	
	Tender Subject			
	Price	US dollars or Korean Won (including VAT and all other charges)		
Tenderer	Name		Business Registration No.	
	Address		Tel. No.	
	Name of Representative			
<p>I, the undersigned, hereby give assurance that I shall tender under the provisions of Instructions to Tenderer by the ENFORCEMENT REGULATIONS OF THE ACT ON CONTRACTS TO WHICH THE STATE IS A PARTY under the law of the Republic of Korea, and supply the NFRI with the deliverables or services at the price proposed above conforming to the General Terms and Conditions, the Special Terms and Conditions and the Technical Specification</p> <p style="text-align: right;">Date : Name : Signature :</p> <p><b>NATIONAL FUSION RESEARCH INSTITUTE</b></p>				

※ attachment : Output statement (Company form submission)