




TO: All Bidders

FROM: Sally Alvarez de Schreiner
Chief, Procurement Services Section

DATE: 1 June 2023

REF.: ITB No. 2023-0073/JBRIL 

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SUBJECT: **Amendment to ITB Instructions for Preparation and Submission of Bids**
ITB No.2023-0073/Jibril: Renewal of the CTBTO Matlab licenses

Dear Bidders,

Please find attached an amendment to the ITB Instructions for preparation and submission of bids. The amendment is issued to allow the bidders to use an alternative method to the procedure for the submission of bids in two sealed files, point 5 of the ITB Instructions.

We are looking forward to receiving your bid prior to the submission deadline on **26 June 2023, 17:00 hours, Vienna (Austria) local time.**

Kind regards



Sally Alvarez de Schreiner
Chief, Procurement Services Section

Attachments:

Amendment to ITB Instructions for Preparation and Submission of Bids

INSTRUCTIONS FOR PREPARATION AND SUBMISSION OF BIDS

1. General

The Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (the Commission) with its headquarters in Vienna is the International Organization mandated to establish the global verification system foreseen under the Comprehensive Nuclear-Test-Ban Treaty (CTBT), which is the Treaty banning any nuclear weapon test explosion or any other nuclear explosions. The Treaty provides for a global verification regime, including a network of 321 stations worldwide, a communication system, an International Data Centre and on-site inspections to monitor compliance with the Treaty.

This Invitation to Bid (ITB) is for the provision of goods/services/works as described in the attached Specifications: ***Renewal of MATLAB Licenses*** The Bid shall meet all requirements stated in these Instructions and the Technical Specifications.

In case of an award, the following documents shall govern the Purchase Order and in case of discrepancies or inconsistencies, the documents to prevail shall be given precedence in the following order:

- (a) The Purchase Order
- (b) The Commission's License Agreement:
 - Annex A LICENSE AGREEMENT Option1 Contractor has IP rights, OR
 - Annex A LICENSE AGREEMENT Option2 Contractor does not have IP rights
- (c) The Commission's General Conditions of Contract (Annex B to the Purchase Order)
- (d) The Commission's Specifications (Annex C)
- (e) The Bidder's Offer (Bid) (Annex D).

Note: In the event of award, the Bid will be incorporated as Annex D to the Purchase Order.

2. Documents included in this Invitation to Bid (ITB)

This ITB consists of the following documents:

- (a) Letter of Invitation
- (b) These Instructions for Preparation and Submission of Proposals, Bidder's Statement Form and including the following attachments:
 - Attachment 1: Technical Evaluation Criteria
 - Attachment 2: Format of Price Schedule
 - Attachment 3: Procedure for Submission of Electronic Bids
- (c) Vendor Profile Form
- (d) List of CTBT State Signatories
- (e) Annex A LICENSE AGREEMENT Option1 Contractor has IP rights
- (f) Annex A LICENSE AGREEMENT Option2 Contractor does not have IP rights
- (g) The Commission's General Conditions of Contract (Annex B)
- (h) The Commission's Specifications (Annex C)
- (i) Statement of Confirmation

3. Amendment of the ITB Documents

At any time prior to the closing date for submission of Bid, the Commission may, for any reason, modify the ITB documents by amendment. The Commission may consider extending the deadline in order to allow adequate time for considering the modifications in the preparation of the Bid.

4. Language of the Bid

The Bid and all correspondence and documents relating to it shall be in English.

5. Format and Submission of the Bid

The Bid shall be typed, dated and signed by an official legally authorized to enter into contracts on behalf of your organization. The Bid shall not contain any interlineation, erasures or overwriting except as necessary to correct errors, in which case such corrections shall be initialed by the authorized person(s) signing the Bid.

The Proposal shall be submitted electronically according to the attached “PROCEDURE FOR SUBMISSION OF ELECTRONIC OFFERS IN 2 SEALED FILES”.

Bids sent by regular e-mail, unless clearly submitted as electronically sealed bids as indicated above and following the instructions outlined in Attachment 3 will not be considered and may lead to the rejection of the bidder from the procurement process.

The Bid shall be received not later than the closing date indicated in the Letter of Invitation.

Alternatively, the Bids may be submitted in two sealed envelopes.

a) **One sealed envelope shall contain 1 (one) original of the Financial Section of the Bid clearly marked as “Original Financial Bid”.**

b) **The second sealed envelope shall contain 1 (one) original of the Technical Section of the Bid marked as “Original Technical Bid”.** No pricing/financial information shall be included in the Technical Section of the Bid. Note however that the list of items (without the prices) shall be included in the Technical Section of the Bid.

c) **The second envelope shall also contain a memory stick with:**

1(one) pdf of the Financial Section of the Bid without prices, and

1(one) pdf of the Technical Section of the Bid

The envelope shall be clearly marked as follows:

NAME OF PROJECT: [Description indicated in Letter of Invitation]

CLOSING DATE: [Date indicated in Letter of Invitation]

CTBTO REF. NO.: [Number indicated in the Letter of Invitation]

"DO NOT OPEN BEFORE THE CLOSING DATE"

Mailing Address and Closing Date

a) The Bid shall be sent to the following addressee:

Chief, Procurement Services Section
Office E0918
CTBTO, Vienna International Centre
Wagramer Strasse 5, A-1400 Vienna
AUSTRIA

- b) The Bid shall be received not later than the closing date indicated in the Letter of Invitation.

6. Request for Clarifications and Contacting the Commission

The Commission will issue clarifications, if required. Bidders are requested to e-mail any questions pertaining to this ITB as soon as possible after receipt of the solicitation documents, but in any case no later than **10** business days prior to the Closing Date. No requests for clarifications will be entertained after this time. Questions will only be accepted via e-mail and should be sent to:

E-mail: procurement@ctbto.org
Subject: Request for Clarifications re ITB No. 2023-0073/JIBRIL

The Commission will make all reasonable efforts to issue the clarifications not later than **5** business days prior to the Closing Date.

Except in the case of responding to an ITB clarification, no bidder shall contact the Commission on any matter relating to the Bid after its submission and until the award of the Purchase Order. Any attempt to influence the Commission in its evaluation of the Bid or the award decision may result in rejection of the Bid.

7. Eligible Goods and Services

The goods and services (if any) to be rendered under the Purchase Order shall have their origin in the States Signatories of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), the list of which is attached to this ITB. For purposes of this paragraph, "the origin" means the place from where the materials, goods and/or from which the services are supplied.

8. Type of Contract and Payment

The Commission intends to conclude a firm fixed price Purchase Order based on the Commission's standard Purchase Order. The terms and conditions of payment are as follows:

Within 30 days of receipt and acceptance of the goods/services and of the following documents:

- (1) Invoice(s) showing price of equipment/goods, pre-paid packing and handling, transportation and freight, insurance, customs clearance and local delivery in Vienna Austria to CTBTO. The Supplier shall submit an electronically, from the Supplier's official e-mail address in PDF format, duly signed and stamped by the Supplier and submitted to the Commission's email address specified in the Purchase Order. Each invoice shall contain the Purchase Order number (CTBTO and SAP numbers), detailed banking instructions, including the name and address of the Supplier's bank, account number, account holder's name and SWIFT, IBAN and/or ABA codes for payment by electronic transfer. and actual pre-paid transportation & insurance cost (if applicable);
- (2) The Purchase Order Acknowledgement copy signed by the Supplier
- (3) Any other relevant documents.

Applicable Taxes payable by the Supplier and/or its subcontractor(s) shall be invoiced separately or be separately identified on the invoice. Actual payment of the Taxes must primarily be supported by original documentation such as invoices, bank account statements, transfer orders, or receipts issued by the local tax or customs authorities. If submission of such original documentation is not possible for justifiable reasons, their copies could be accepted by the Commission, provided that they are duly signed and certified by local tax or customs authorities. In case the currency in which the taxes are levied is not the currency of the Purchase Order, bank statements (or equivalent) showing the exchange rate used for the conversion shall be submitted to the Commission, in addition to any other supporting documentation.

“Taxes” means all direct and indirect taxes (including value added tax, general sales tax or goods and services tax), assessments, fees, customs duties, liens and charges in as much as they are levied in conclusion or implementation of the Purchase Order, including customs restrictions and charges of similar nature in respect of articles imported or exported for the Commission’s official use.

9. Content of the Bid

The Bid shall contain, but not necessarily be limited to, the information described below.

The Bid shall be composed of the following separate parts:

I. Technical Bid; and

II. Financial Bid;

providing, but not limited to, the following information:

PART I: TECHNICAL BID

Please state the reference number and the date of this ITB in the Bid and any correspondence relating to it.

1. Personnel

The Bid shall state the contact details and address (name, telephone and fax numbers, and e-mail address) of the person/point of contact in your company dealing with this ITB.

2. Documents Establishing the Eligibility and Qualifications of the Bidder

- (i) The Bidder shall furnish documentary evidence of its status as an eligible and qualified vendor. In order to award a contract to a Bidder, its qualifications must be documented to the Commission’s satisfaction. These include, but are not limited to the following:
 - (a) That, in the case of a Bidder offering to supply goods under the Purchase Order which the Bidder did not manufacture or otherwise produce, the Bidder has been duly authorized by the goods’ manufacturer or producer to supply the goods in the country of final destination;

- (b) That the Bidder has the financial, technical, and production capability necessary to perform the Purchase Order.
- (ii) Expertise of the Firm/Organization: This section shall provide details regarding the experience of the organization and a list of the projects/contracts (both completed and on-going, both domestic and international) which are related or similar in nature to the requirements of the ITB.
- (iii) Management Structure and Key Personnel: This section shall provide information about the management structure and include the comprehensive curriculum vitae (CVs) of key personnel that will be assigned to support the implementation of the technical bid, clearly defining their roles and responsibilities. Curriculum Vitae (CVs) should establish competence and demonstrate qualifications in areas relevant to the requirements of this ITB.
- (iv) In complying with this section, the Bidder assures and confirms to the Commission that the personnel being nominated are available to fulfil the demands of the Purchase Order during its stated full term.

3. Bidder's Statement, Statement of Confirmation and Vendor Profile Form

The attached Bidder's Statement, Statement of Confirmation and Vendor Profile Form shall be duly filled-in, signed and submitted together with the Bid

4. Specifications

The Bid shall include a detailed description of the items proposed and include relevant technical literature.

The Bid shall also provide any other relevant issue which the bidder would like to bring to the attention of the Commission whether or not having cost implications. This shall include details of warranties/manufacturer's guaranties in respect to any Equipment item.

The Bid shall meet all requirements the Technical Specifications.

5. Manufacturer's Part Number

The Bid shall include the Manufacturer's Part Number for each Good required by the Commission under this ITB.

6. Sub-Contractors

The Bid shall include names, legal status, address and qualifications of subcontractor(s), if any, involved in the Project and the scope of the subcontracted services. The bidder shall provide a statement that its organization shall be fully responsible for the performance of sub-contractors. All sub-contractors shall be legally established in one of the CTBT states signatories.

PART II: FINANCIAL BID

- i. The Bidder is required to prepare the Price Schedule using Attachment 2 the Price Schedule Form attached to these Instructions for Preparation and Submission of Bids. In presenting the cost for each item, adequate justification and calculation must be included in the cost. All individual costs shall be stated in [EURO] or [US Dollars] and be computed to constitute the total Contract Price.
- i. In principle the Commission is exempt from taxes. Since the arrangement under which such exemption is respected varies from country-to-country, the selected bidder will be informed by the Commission whether tax exemption will occur at source or whether taxes paid by the selected bidder will be reimbursed by the Commission upon submission of the original supporting documentation.

(1) For Austrian companies

The price quoted shall be net of Taxes. All applicable Taxes payable by the selected bidder at the conclusion or implementation of the Contract in respect of the goods/services shall be quoted separately or be separately identified on the Bid together with information on the nature of the tax and its method of calculation.

(2) For European Union (EU)

The price quoted shall be net of Taxes. All applicable Taxes payable by the selected bidder at the conclusion or implementation of the Contract in respect of the goods/services shall be quoted separately or separately identified on the Bid together with information on the nature of the Tax and its method of calculation. Due to the VAT exemption applicable to the Commission, no VAT will be charged to the Commission by the EEC Suppliers under the Contract (Ref. EU VAT Council Directive 2006/112/EC, Article 151).

(3) For Non-EU Companies

The price quoted shall be net of Taxes. All applicable Taxes payable by the selected bidder at the conclusion or implementation of the Contract in respect of the goods/services shall be quoted separately or be separately identified on the Bid together with information on the nature of the tax and its method of calculation. For deliveries to Vienna, Austria, and due to the tax exemption at source, applicable to the Commission, no Taxes shall be charged to the Commission under the Contract.

- ii. Note that clear and detailed explanations would enable us to evaluate the Bid promptly and proceed with fewer requests for clarifications/justifications in a later stage. This is also a factor influencing the decision for Purchase Order award.

7. Completeness and Correctness of the Bid

The Commission reserves the right to verify all information furnished in the Bid through a source of its choice. Any inaccurate information so given may lead to the rejection of the Bid.

8. Evaluation of the Bid

- (a) The Commission will conduct the evaluation based on the technical evaluation specified in Attachment 1 “Technical Evaluation Criteria”.
- (b) The technical evaluation process will be done against the mandatory requirements outlined in the Technical Specifications on a PASS/FAIL basis.
- (c) The Financial Bids of Bidders whose Technical Bids were found technically acceptable will be evaluated to confirm contractual and financial acceptability.
- (d) The Commission, based on the evaluation method given above, will determine the Bid which is the “*least costly technically acceptable Bid*”. Bidders are expected to comply with all the provisions of the Commission’s General Conditions for Contract. Any deviation to these provisions may be a factor in the Commission’s award decision.
- (e) To assist in the examination, evaluation and comparison of bids, the Commission may, at its discretion, request any Bidder to clarify its Bid. The Commission’s request for clarification and the Bidder’s response shall be in writing.
- (f) The Commission may split the award of the Contract and award more than one Purchase Order as and if applicable, and as specified in this ITB documents.

13. Correction of Errors

The Commission will check the Bid for any arithmetic errors. If there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected.

14. Validity of the Bid

The Bid shall be valid for **90 (ninety)** days after the deadline for its submission to the Commission, unless an extension of validity has been requested by the Commission.

15. Negotiations of the Bid and Award

The Commission reserves the right to request clarifications on the Bid and to enter into negotiations regarding technical or commercial aspects of the Bid before awarding the Purchase Order under this ITB. If and when the Bid, including any amendment resulting from such negotiations, is fully agreed, the Commission will notify the bidder in writing.

16. Modification and Withdrawal of Bid

Bidders may modify or withdraw their Bids after its submission, provided that written notice of the modification or withdrawal is received by the Commission by the closing date for the submission of the Bid. The Bid may not be modified subsequent to the closing date.

17. The Commission’s Right to Reject the Bid

The Commission reserves the right to accept or reject the Bid or to annul this procurement process at any time prior to award without having to inform the affected party of the grounds therefore, without thereby incurring any liability to the affected party.

18. Right to Vary Requirements at the Time of Award

At the time of award of Purchase Order, the Commission reserves the right to vary the quantity of the items (goods and/or services), by up to a maximum of twenty-five per cent (25%) of the total offer, without any change in the unit price or other terms and conditions.

19. Costs of preparation and submission of the Bid

Bidders shall bear all the costs associated with the preparation and submission of Bid and the Commission will not be responsible or liable for those costs, regardless of the outcome of this ITB.

20. Proprietary Information

All documentation and information contained in this ITB are proprietary to the Commission and shall not be duplicated, used or disclosed –in whole or in part- for any purpose other than to evaluate them and respond to the Commission’s ITB or otherwise without prior written agreement of the Commission.

21. Use of former Preparatory Commission for the CTBTO (“Commission”) employees in the preparation of Bids

A Bidder must not, in the absence of prior written approval from the Commission, permit a person to contribute to, or participate in, any process relating to the preparation of a Bid or the procurement process if the person:

- a. At any time during the 12 months immediately preceding the date of issue of the Solicitation was an official, agent, servant or employee of, or otherwise engaged by the Commission;
- b. At any time during the 24 months immediately preceding the date of issue of the Solicitation was an employee of the Commission personally engaged, directly or indirectly, in the definition of the requirements, project or activity to which the Solicitation relates.

BIDDER'S STATEMENT PLEASE FILL THIS FORM & SUBMIT WITH THE BID	
Delivery Time:	
Shipping weight (kg) and Volume (m ³) – if applicable:	
List of recommended consumables and spares including prices and details on local availability, if applicable (please tick): <input type="checkbox"/> For one year period <input type="checkbox"/> For a period of	
Warranty period applicable (it shall be for a minimum of 24 months , starting from the acceptance of the goods/services by the Commission) – please tick below: <input type="checkbox"/> For a two year period <input type="checkbox"/> For a period of	
Availability of local service in Vienna, Austria (if any/if applicable):	
State country of origin or assembly of all items quoted:	
Quantity discount and early payment discount (if any):	
Include documentary evidence of qualifications to perform the order, which shall establish to the Commission's satisfaction that the bidder has the financial, technical and production capability necessary to perform the order in its entirety and to provide spare parts and other necessary on-going services as required. Included in this Bid : Yes <input type="checkbox"/> No <input type="checkbox"/>	
Confirmation that the bidder has reviewed the Commission's License Agreement, the General Conditions of Contract and agreed to all terms and conditions.. Yes <input type="checkbox"/> No <input type="checkbox"/>	
Remarks: 	
With regards to the software provided with the equipment, state and confirm whether the software licenses are transferable to third parties, i.e. the Commission or the Commission's State Signatories (Member States). Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	
Remarks: 	
Name: Name & Title of Contact Person: Signature & date:	