



**RĂSPUNS NR.2 LA SOLICITARE DE CLARIFICĂRI**  
referitor la procedura de achiziție  
„Excitatoare/Modulatoare DVB-T2”

Anunt de participare nr.167962/05.05.2016

**Solicitare operator economic:**

“ I am contacting concerning the tender for 52 DVB T/T2 exciters.

I have two questions:

1. All the administrative document are in Romanian. Is there a possibility to receive them in English?
2. Could you please, confirm the limit date to send the global answer?.”

**Răspunsul autorității contractante:**

- 1.Yes. We can provide all these documents also in English but the procedure requires by section VI.3) ADDITIONAL INFORMATION that "Documents proving the qualification criteria of Chapter III.2, issued in another language than Romanian can be presented by tenderer, provided these are accompanied by a certified translation thereof into Romanian.
- 2.The limit date, by which the tender must be received at our office, is 21.06.2016, at 12.00, local time.

1. Da. Vă putem pune la dispoziție toate aceste documente și în engleză dar în procedura se solicită în secțiunea **VI.3) ALTE INFORMAȚII** ca "Documentele care dovedesc criteriile de calificare de la Capitolul III.2, emise în altă limbă decât limba română, pot fi prezentate de ofertant, cu condiția ca acestea să fie însoțite de traducerea autorizată a acestora în limba română”.

2. Data limită, până la care oferta trebuie să ajungă la sediul nostru, este 21.06.2016, ora 12.00, ora locală.

Director General  
Mircea HERASTRAU

# **Forms and models**

**„Exciters/Modulators DVB-T2”**

.....  
(name)

## DECLARATION

The undersigned, authorized representative of .....  
(Designation/name and headquarters/address of the economic operator), as a tenderer in the open procedure for the award of the supply contract of „**Exciters/Modulators DVB - T2**”, code CPV: 32324300-3, organized by S.N. Radiocomunicații S.A., hereby declare, on my own liability, subject to the sanction of exclusion from public procurement procedure and subject to the sanctions enforced upon the act of forgery in public documents, that I am not in the situation referred to **art. 180** of Government Emergency Ordinance no.34/2006, regarding the award of the public procurement contracts, of the public works concession contracts and of the service concession contracts, approved with amendments and supplements under Law No. **337/2006**, I have not been, during the last 5 years, sentenced under final judicial ruling of a court for having participated in activities of criminal organizations, for corruption, fraud and/or money laundering respectively.

The undersigned hereby declare that the information supplied are complete and accurate in every detail and understand that the contracting authority is entitled to request, for the purpose of verification and confirmation of the statements, any supporting documents which I hold.

I understand that in case this statement is not conformed to the facts I am liable for the violation of the provisions of criminal legislation regarding false statements.

Date

Economic Operator,  
.....  
(authorized signature)

.....  
(name)

## DECLARATION

The undersigned, authorized representative of .....  
(Designation/name and headquarters/address of the economic operator as a tenderer in the open procedure for the award of the supply contract of „**Exciters/Modulators DVB - T2**”, code CPV: 32324300-3, organized by S.N. Radiocomunicații S.A., on August, 27, 2014 hereby declare, on my own liability, subject to the sanction of exclusion from public procurement procedure and subject to the sanctions enforced upon the act of forgery in public documents, that I am not in the event provided in **art. 181** of Government Emergency Ordinance no. 34/2006, regarding the award of the public procurement contracts, of the public works concession contracts and of the service concession contracts, approved with amendments and supplements under Law No. 337/2006, respectively:

a) I am under bankruptcy as a result of the judicial decision pronounced by the syndical judge;

b) I did not fulfil the payment obligations related to taxes, duties and social insurance contributions to the component budgets of the consolidated general budget, in accordance with the legal provisions in force in Romania or in the country where I have been established;

c) in the last 2 years, I have not met all contractual obligations and I have produced serious damages to the beneficiaries;

d) I have been sentenced, during the last 3 years, under final ruling of a court, for an act which prejudiced professional ethics or for having committed professional mistakes.

e) I present false information and I does not present the information requested by the contracting authority, for the purpose of demonstrating fulfilment of qualification and selection criteria.

I understand that in case this statement is not conformed to the facts I am liable for the violation of the provisions of criminal legislation regarding false statements.

Date

Economic operator,  
.....  
(authorized signature)

### Certificate of participation to tender with an independent offer

I. The undersigned/the undersigneds,....., representative/legal representatives of ....., company/association that will participate to public procurement procedure organized by S.N. Radiocomunicatii S.A., as a contracting authority, with no. .... of....., I certify/we certify that the information contained herein is true and complete in all respects.

II. I/we certify hereby, on behalf of....., the following:

1. I/we read and understood the content of this certificate;
2. I/we consent our disqualification from public procurement procedure in circumstances where those declared are found to be incorrect and/or incomplete in any respect;
3. Each signature on this document means the person designated to forward the participation offer, including the terms contained into the offer;
4. In the sense of this certificate, the competitor shall mean any physical or legal person, other than the tenderer in whose name we formulate this certificate, which offers within the same public procurement procedure or could offer, meeting the conditions of participation;
5. The submitted offer was conceived and formulated independently from any competitor, without any consultation, communication, agreements or arrangements with these;
6. The submitted offer does not contain elements that derive from agreements between competitors regarding prices/tariffs, methods/computing formulas of them, the intent to offer or not to such procedure, or the intent to include elements in such offer which, by their nature, have no connection with the object of such procedure;
7. The submitted offer does not contain elements that derive from agreements between competitors regarding the quality, quantity, the particular specifications of the products or services offered;
8. The details, presented in the offer, have not been disclosed, directly or indirectly, to any competitor before the official time of public opening, announced by the contractor.

III. Subject to the sanctions provided by law, I/we declare that the particulars entered in this certificate are true and entirely conformed to the facts.

Tenderer,

.....  
Legal Representative/Representatives  
(signatures)

Date

## DECLARATION

Undersigned company ..... headquartered  
 in..... street..... enrolled on Trade Register Office  
 under no....., FIC....., represented by  
 .....as Tenderer/ Associate Tenderer/Subcontractor  
 within public procurement procedure, „**Exciters/Modulators DVB-T2**”, code CPV:  
 32324300-3, organized by S.N. Radiocomunicatii S.A., under the article 69<sup>1</sup> of  
 Government Emergency Ordinance No. 34/2006, with amendments and supplements,  
 declare on my own liability, subject to the sanction of false statements, the following:

- a) none of the members of the Administration Board/Management or Supervisory Body and/or any Shareholder or Associate of the company..... has a capacity of husband/wife, relation or kin, up to the fourth degree inclusively, with persons mentioned in the annex to this form and in the Procurement data sheet, chapter III. 2.1.a)
- b) none of the members of the Administration Board/Management or Supervisory Body and/or any Shareholder or Associate of the company..... has commercial relations, as specified in art.69, (a). of Government Emergency Ordinance No. 34/2006 with amendments and supplements, with the persons mentioned in the annex to this form and in the Procurement data sheet, chapter III. 2.1.a).

Date : DD.MM.YYYY]

(Name and Surname) \_\_\_\_\_, (signature and stamped), as \_\_\_\_\_  
 \_\_\_\_\_, legally authorized to sign for and on behalf of the \_\_\_\_\_  
 \_\_\_\_\_ (designation/name of tenderer/ associated tenderer/subcontractor)

People who have decision functions within S.N. Radiocomunicatii S.A. and which are related to the award procedure or may influence the procedure/tender documentation content are as follows:

1. Mircea HERASTRAU – General Director
2. Gabriela MILITARU – Chief Financial Officer
3. Adrian MÎNDRESCU – Chief Technical Officer
4. Marian DINCĂ – Chief Business Development Officer
5. Catalina SARACUTU – Manager Department of institutional Relations and legal and Regulatory
6. Adrian STRAMBEANU – Broadcasting Departament Manager
7. Ligia MIHAIU - Operational Procurement Planning Department Manager
8. Mihnea GHIATA – Investment Planning and Monitoring Development Manager
9. Daniela MANUSE – Accounting Department Manager
10. Gherghina CRISTEA – Financial Department Manager
11. Mihaela BONT – Television Office Head
12. Mircea ANDRONESCU – Investment Office Head
13. Georgeta NEAGU – Procurement Office Head

.....  
(designation/name of the tenderer)

## TENDER FORM

To .....  
(the contracting authority name and full address)

1. Examining the tender documentation, the undersigned, representatives of the tenderer..... (the designation/name of the tenderer) offer hereby, in accordance with the provisions and requirements contained in the above mentioned documentation, to supply „**Exciters/Modulators DVB-T2**“, code CPV: 32324300-3, the Lot No.... for the amount of ..... payable after receipt of products (amount in letters and figures, as well as the currency supply).
2. We undertake, in case where our tender is established winner, to supply the products within the time schedule attached.
3. We undertake to maintain this tender valid for a duration of..... days, (duration in letters and figures), until the date of .....(day/month/year) respectively, and it will remain mandatory for us and can be accepted any time before the expiration of the validity period.
4. We understood and consent that, in case our tender is established as being winner, to establish the performance guarantee in accordance with the provisions contained in the tender documentation.
5. We specify that: (To mark by a tick the corresponding option.)  
☐ we hereby submit an alternative tender, the details of which are submitted in a separate Tender Form, clearly marked as "alternative"/"other proposals".;  
☐ we do not submit an alternative tender.
6. Until the signing of the public procurement contract, this tender together with the communication sent by you, whereby our tender has been established winner, shall represent a binding contract between us.
7. We understand that you are not obliged to accept the offer with the lowest price or any other tender which you can receive.

Date \_\_/\_\_/\_\_

....., (signature), in capacity of .....duly authorized to sign the tender for and in the name of .....(Designation/name of the economic operator)

Economic Operator

(name/headquarters)The contracting authority registered no. \_\_\_\_\_  
\_\_\_\_\_ date \_\_\_\_\_ time \_\_\_\_\_  
\_\_\_\_\_**PRESENTATION LETTER**

To

SOCIETATEA NAȚIONALĂ DE RADIOCOMUNICAȚII S.A.  
 Șos. Olteniței, nr.103, sector 4, CP 041303, București  
 Tel. 031.500.3001, fax: 031 500.3013

As a result of the notice of participation no. \_\_\_\_\_ from \_\_\_\_\_  
 \_\_\_\_\_, regarding the open procedure \_\_\_\_\_  
 (designation procedure) for the award of the contract \_\_\_\_\_  
 \_\_\_\_\_ (name of the contract), we \_\_\_\_\_  
 \_\_\_\_\_ (designation/name of the economic operator) we send you herewith  
 the following:

1. The document \_\_\_\_\_ (type, serial number,  
 issuer) regarding the guarantee for participation, in the amount and in the form established  
 by you through the tender documentation;

2. Package/envelope sealed and marked visible, containing, in the original :

- a) the tender;
- b) the documents accompanying the offer;
- c) samples.

3. Contact details during the procurement procedure, are as follows:

Name.....

Tel.....

Fax.....

E- mail.....

We hope that our tender is suitable and will meet your requirements.

Date \_\_\_\_\_

With respect,  
 Economic operator,

## MANDATE

Undersigned....., headquartered in the ....., enrolled on the trade register under no. ...., FIC....., legally represented through ..... as. ...., empower hereby....., resident in....., identified with B.I./C.I. series....., nr. ...., ID ....., released by ....., the date of ..... having the function of ..... to represent us to the open procedure, organized by S.N. Radiocomunicatii S.A. for the award of the supply contract of „**Exciters/Modulators DVB - T2**” .

In fulfilling its mandate, the mandatory shall have the following rights and obligations:

1. Sign all the acts and documents issued from the undersigned in connection with the participation to this procedure;
2. Participate to the procedure on behalf of the undersigned and sign all documents resulting during the procedure and/or after that.
3. Negotiate with members of the Evaluation Committee the technical, legal and financial aspects of the future contract, to our company being opposable the contractual clauses resulting from the negotiation.
4. Answer to requests for clarification made by the Evaluation Committee during the procedure.
5. Summit on behalf of the undersigned's complaints about the procedure.

Hereby, our mandatory is fully authorized to bind the undersigned on all acts and actions arising out of participation to the procedure.

Note: This mandate will be accompanied by a copy of the card identity of the authorized person (identity card, passport).

Date.....

Designation of Mandator

.....  
legally represented by

\_\_\_\_\_  
(Name, surname)

\_\_\_\_\_  
(Position)

\_\_\_\_\_  
(authorized signature and stamp)

\_\_\_\_\_  
(designation)

**GUARANTEE LETTER**  
for participation with a tender in the procedure of awarding the public procurement contract

To,

SOCIETATEA NATIONALA DE RADIOCOMUNICATII S.A.  
Șos. Olteniței, nr.103, cod poștal 041303, sector 4, București  
Tel. 031.500.3001, fax: 031 500.3013

Regarding the procedure for award the contract ..... (*Designation of the public procurement contract*), the undersigned ..... (*Bank designation/Insurance Company*), headquartered in ..... (*Bank/Insurance Company address*), we undertake towards ..... (*designation of the contracting authority*) to pay the amount of ..... (*in letters and in figures*),

- conditionally, after finding the fault of the person guaranteed, in accordance with the contract guarantee concluded, on the basis of which was issued this (to be attached to the contract); or
- unconditionally at the first request of the beneficiary, on the basis of the Declaration regarding the fault of the person guaranteed

in the event of the existence of one or several of the following situations:

- a) the tenderer ..... (*Designation/name*) has withdrawn its tender within the period of its validity;
- b) its tender having been established winner, the tenderer ..... (*Designation/name*) has not established the performance guarantee within the period of the tender's validity;
- c) its tender having been established winner, the tenderer ..... (*Designation/name*) denied signing the public procurement contract within the period of validity of the tender.

This guarantee is irrevocable and valid until \.....

Sealed by the bank/Insurance Company \_ \_ \_ \_ (authorized signature) on ....(day\_ month\_year \_).

Bank/Insurance company

(name)

**PERFORMANCE GUARANTEE LETTER**

To,

SOCIETATEA NATIONALA DE RADIOCOMUNICATII S.A.  
 Șos. Olteniței, nr.103, sector 4, CP 041303, București  
 Tel. 031.500.3001, fax: 031 500.3013

Regarding the procurement contract „**Exciters/Modulators DVB - T2**”, CPV code: 32324300-3, by open procedure, concluded between \_\_\_\_\_, as contractor, and SOCIETATEA NAȚIONALĂ DE RADIOCOMUNICAȚII S.A., headquartered in Șos.Olteniței, no.103, sector 4, Bucharest, as purchaser, we hereby undertake to pay in favor of the purchaser, within 7 bank days,

- conditionally, after finding the fault of the person guaranteed, in accordance with the contract guaranteed, or
- unconditionally, at the first request of the beneficiary, on the basis of the Declaration regarding the fault of the person guaranteed.

up to the amount of \_\_\_\_\_, representing \_\_\_\_\_% of the contract value, any amount required by it at first request accompanied by a statement on the failure of one or more obligations incumbent contractor, as these are provided in the public procurement contract mentioned above.

Payment will be made within the period mentioned in the request, without any other additional formality from the purchaser or contractor.

This guarantee is irrevocable and valid until \_\_\_\_\_ (minimum 14 days after the end date of the contract including eventually addendums to the contract).

This guarantee will be extended if the duration of the contract is extended for whatever reason. Failure to renew the guarantee in 10 days from the request of S.N. Radiocomunicatii S.A., but not later than 5 days prior to the initial expiry date of the guarantee entitles the beneficiary to perform this letter of guarantee without further ado,

In case the Contracting Parties agree to extend the validity period of the guarantee or modify certain contractual provisions relevant to the engagement of the Bank /Insurance Company, it will be obtained our prior consent; otherwise, this guarantee letter becomes invalid.

Bank/insurance company \_\_\_\_\_ day of \_\_ month \_\_\_\_ year \_\_ .  
 (authorized signature)

**Notes:**

1. This form will be submitted by the tenderer, signed and stamped, in case he opts for performance guarantee letter issued by a bank
2. Performance guarantee letters that refer to particular bank procedures or regulations, not attached to it and/or could affect any of the valability conditions of the performance guarantee instrument will not be accepted