

## **Announcement of Weapon System Acquisition Bid**

I am pleased to announce the following weapon system acquisition plan in accordance with the Article 8 of the Act on Contracts to Which the State is a Party and the Article 213 of the Defense Program Management Regulation (DAPA Regulation No. 440).

March 13, 2019

Minister of the Defense Acquisition Program Administration

### **1. Title of the Program: C-130H Upgrade(2nd) Program**

### **2. Program Description**

This program intends to integrate DIRCM(Directional Infrared Countermeasure) on the C-130H.

### **3. Qualification for Bidding Participation**

- A. A Participant who is qualified under Article 12 of the 「Enforcement Decree of the Act on Contracts to which the state is a Party」 and who is not restricted by Article 76 thereof and Article 27 of the 「Act on Contracts to Which the State is a Party」
- B. A Participant who is not restricted from bidding participation by Article 70 of the 「Enforcement Decree of the Defense Acquisition Program Act」 and Article 59 of the 「Defense Acquisition Program Act」
- C. A foreign company who is capable of manufacturing or acquiring DIRCM and integrating it on C-130H
- D. A commissioned agent who is not restricted by Article 76 of the 「Enforcement Decree of the Act on Contracts to which the state is a Party」

### **4. Program Explanatory Session**

- A. Date: 14:00~16:00 on March 20 (Wed) 2019
- B. Location: Conference room at Gwacheon Gov. Complex Bldg. #3

## C. Contents

### 1) Brief on the Main Requirements of RFP and Distribution

※ In accordance with Article 43 of the 「Act on Contracts to Which the State is a Party」, RFP will be distributed only to the companies who attend the Program Explanatory Session and non-attending companies cannot participate in the program as a valid bidder.

### 2) Question & Answer

## 5. Participation Registration for Program Explanatory Session

A. Registration Deadline: 15:00 on March 18 (Mon) 2019

B. Registration Method: E-mail or Fax (not permitted to register by Mail)

C. Qualification for Program Explanatory Session Participation

1) Employee of the company who satisfy all of the aforementioned qualifications for bidding participation (including interpreter and employee of Korean Branch Office)

2) The number of participants has to be less than 4 persons per each bidder.

D. Notes

1) Participation in the Program Explanatory Session is limited to pre-registered personnel only.

2) Companies who wish to attend the Program Explanatory Session are required to submit a Registration Form for Program Explanatory Session (refer to Attachment #1) for his/her entrance to DAPA via E-mail or by Fax the aforementioned date/time to DAPA (Support Trainer Aircraft Project Team) POC.

3) As per Article 8 (Security Assessment Committee) & Article 160 (Provision and Explanation of Classified Information Relevant to the Program) in the DAPA Security Service Regulation, only those who have been approved by DAPA internal security assessment committee can attend the Program Explanatory Session.

4) Those who have been approved by the security assessment committee and notified of the fact can attend the Program Explanatory Session if they come to Customer Service Center of Gwacheon Government

Complex at 13:30 on March 20 (Wed), 2019, confirm their identification with ID or Passport and submit Certification of Employment, Pledge of Security (refer to Attachment #3) and Pledge of Integrity (refer to Attachment #4).

※ One (1) copy of a Power of Attorney by representative of the bidder should be submitted when the representative of the bidder delegates the participation in the program explanatory session to his/her employee.

5) It is a principle that a foreign bidder should not use any commissioned agent in this program. However, when Korean commissioned agent wish to attend the program explanatory session on behalf of a foreign bidder, they have to submit the following documents with a direct visit until the registration deadline of program explanatory session.

No.	Required documents
1	one (1) copy of Power of Attorney (in commissioned agent's own format) which can prove that they receive the right to participate in the bidding and explanatory session of this program
2	one (1) copy of Request for Use of Commissioned Agent (in commissioned agent's own format)
3	one (1) copy of an Agency Contract
4	one (1) copy of Integrity Pledge signed by president and executive members of commissioned agent
5	one (1) copy of Power of Attorney by representative of a commissioned agent (if the representative of the a commissioned agent delegates the participation in the program explanatory session to his/her employee)
6	one (1) copy of business license of commissioned agent
7	one (1) copy of certificate of commissioned agent representative's seal impression

## 6. Site Survey

- A. Date: Date will be announced at the Program Explanatory Session
- B. Location: Location will be announced at the Program Explanatory Session
- C. Contents

1) Operating Unit Survey for integration of DIRCM on C-130H

2) Question & Answer

※ The date of Site Survey written above is subject to change and will be noticed in advance of the change.

## **7. Participation Registration for Site Survey**

A. Registration Deadline: 15:00 on March 18 (Mon) 2019

B. Registration Method: E-mail or Fax (not permitted to register by Mail)

C. Qualification for Site Survey Participation

1) Employee of the company who satisfy all of the aforementioned qualifications for bidding participation (including interpreter and employee of Korean Branch Office)

2) The number of participants has to be less than 4 persons per each bidder.

※ Site survey is limited to applicants. There is no disadvantages for not attending the site survey.

D. Notes

1) Companies who wish to attend the Site Survey are required to submit a Registration Form for Site Survey(refer to Attachment #2) for his/her entrance via E-mail or by Fax the aforementioned date/time to DAPA (Support Trainer Aircraft Project Team) POC.

## **8. Proposal Submission (Bid Registration Deadline)**

A. Due Date : 15:00 on March 25 (Mon), 2019

B. Place for Submission : DAPA Customer Support Center (Gwacheon)

C. Submission Method : On Site Submission (not permitted to submit by Mail)

D. Documents for Bid Submission : Refer to RFP for more details.

## **9. Contracting and Source Selection Method**

A. Contract Method : Foreign Direct Commercial Purchase

B. Contract Type : Open Competition (Contract through Negotiation)

### C. Source Selection

- 1) The candidates will be selected by evaluating the proposals of the bidders qualified to participate. DAPA shall then conduct T&E and negotiation with bidders selected as Target Equipment (System Integration Company).
- 2) Once negotiations and T&E are completed, a Source (System Integration Company) shall be selected via “Requirement Fulfillment at Minimum Costs Method”.

### D. References

- 1) Article 43 (Contract Through Negotiations) of 「Enforcement Decree of the Act on Contracts to Which the State is a Party」
- 2) Defense Program Management Regulation (DAPA Regulation No. 440, JUL 3 2018)
- 3) Weapon System Proposal Evaluation Guideline (DAPA Guideline No. 438, JUL 31 2018)

## 10. Bid Bond and Reversion Guidelines

- A. In accordance with Article 37 (Bid Bond) of the 「Enforcement Decree of the Act on Contracts to Which the State is a Party」, the bidder must establish a bid bon (in the form of a cash deposit or irrevocable stand-by letter of credit) in an amount of not less than five (5) % of the total bid price to guarantee the implementation of its obligation upon its proposal submission.
- B. Bidders who fall under the Subparagraph of Clause 3, Article 37 of the 「Enforcement Decree of the Act on Contracts to Which the State is a Party」 and Subparagraph 2, Clause 4, Article 6 of the 「General Instruction for Bidders for Commodities (Manufacturing)」 and those who were formed one (1) year or more before the date of registration deadline may be exempted from the bid bond requirement if the following provisions do not apply. When exempt, the bidder shall submit, upon its proposal submission, a Letter of Guarantee for Payment of Bid Bond pursuant to Clause 4, Article 37 of the 「Enforcement Decree of the Act on Contracts to Which the State is a Party」.
  - 1) An entity who has not yet made a payment due for reversion to DAPA

2) An entity who is currently prohibited from entering into an agreement with DAPA under Article 27 of the 「Act on Contracts to Which the State is a Party」, and Article 76 of the 「Enforcement Decree of the Act on Contracts to Which the State is a Party」

C. In the case the contract is not concluded by the awarded company, bid-bond shall be returned to the national treasury in accordance with the regulation of the Article 9 of the 「Act on Contracts to Which the State is a Party」 and the Article 38 of the 「Enforcement Decree of the Act on Which the State is a Party」, and the company shall be restricted on the qualification of the bidding participation in accordance with the Article 27 of 「above Act」 and the Article 76 of the 「above Enforcement Decree」.

#### **11. Nullity of the Bidding & Restriction from Entering into Contract if a Company is Placed under Sanction**

A. Bidding, which falls under the Clause 4, Article 39 of the 「Enforcement Decree of the Act on Contracts to which the State is a Party」, Article 44 of the 「foregoing Enforcement Rules」 and the Article 12 of the 「Commodity Purchase (Manufacturing) Bidders Annexes (Ministry of Strategy and Finance, Contracting Regulation No. 381 (JUN 4, 2018))」 is considered invalid.

B. In the case the awarded company was disposed of restriction on the qualification of the bidding participation in accordance with the Clause 2, Article 76 of the 「Enforcement Decree of the Act on Contracts to which the State is a Party」 before conclusion of a contract, DAPA will not conclude a contract with the awarded company in accordance with the Clause 7, above Article.

#### **12. Other Bidding Requirements**

A. Bidders shall submit a Pledge of Integrity and shall have full knowledge of the Special Term and Conditions for Integrity Pledge. The Special Term and Conditions for Integrity Pledge will be attached to the contract upon contract award. The Pledge of Integrity and the Special Term and Conditions for Integrity Pledge can be found in Section V of RFP.

B. The bidder shall have full knowledge of decrees and documents related to

the bidding (including foregoing Enforcement Decree), and the bidder shall be responsible for ignorance of such information.

- C. In principle, the bidder should not use any commissioned agent since this program is a foreign direct commercial purchase program of which the budget is equal to or more than 2 million USD. However, in case of use of commissioned agent, this program is subject to report agent commission fee.
- D. In case of any discrepancy or conflict in the interpretation of this bid announcement between Korean and English language, Korean language shall prevail.

### 13. Point of Contact

- A. Address : DAPA Support Trainer Aircraft Project Team,  
Gwacheon Government Complex, 47 Gwanmun-ro,  
Gwacheon-si, Gyeonggi-do, Republic of Korea

#### B. POC

	POC	Tel.	E-mail	FAX
Program related inquiries	Kyungil, PARK	02-2079-5616	sky4u01@korea.kr	02-773-7587
Registration form submission	Kyungil, PARK	02-2079-5616	sky4u01@korea.kr	02-773-7587

<별첨(Attachment) #1>

수신: 지원기·훈련기사업팀

**TO: Support Trainer Aircraft Project Team**

(E-mail: go3537@korea.kr/Fax: +82-2-773-7587)

발신: 업체명

**From: Name of Company**

## 사업설명회참가신청서

### (Registration Form for Program Explanatory Session)

**C-130H 성능개량(2차)사업 사업설명회** 참가를 아래와 같이 신청합니다.

We hereby request for registration to participate in **C-130H Upgrade(2nd) Program Explanatory Session** as below ;

업체명 Name of Company	직책 Position	성명 Name	생년월일 Date of Birth	여권번호(국적) Passport No. (Nationality)	연락처 Phone No.	비취인가증 번호 Security Clearance No.
					·사무실(Office) ·휴대폰(Mobile)	

※ 모든 사업설명회 참가자는 신분증(또는 여권) 및 재직증명서를 지참·제시하여, 방위사업청이 참가자가 사전 신청인과 동일한지 확인할 수 있도록 하여야 합니다.

All participant are requested to bring and present ID card(or Passport) and certification of employment so that DAPA enables to verify and confirm if participant is identical with the pre-registered person.

※ 참가자는 재직증명서, 보안서약서 및 청렴서약서를 제출한 후 사업설명회에 참석 할 수 있습니다.

All participant can attend the Program Explanatory Session after submission of Certification of Employment, Pledge of Security and Pledge of Integrity.



<별첨(Attachment) #2>

수신: 지원기·훈련기사업팀

TO: Support Trainer Aircraft Project Team

(E-mail: go3537@korea.kr/Fax: +82-2-773-7587)

발신: 업체명

From: Name of Company

## 현 장 실 사 참 가 신 청 서

(Registration Form for Site Survey)

C-130H 성능개량(2차)사업 현장실사 참가를 아래와 같이 신청합니다.

We hereby request for registration to participate in **C-130H Upgrade(2nd) Program Site Survey** as below ;

업체명 Name of Company	직책 Position	성 명 Name	생년월일 Date of Birth	여권번호(국적) Passport No. (Nationality)	연락처 Phone No.	비취인가증 번호 Security Clearance No.
					·사무실(Office) ·휴대폰(Mobile)	

※ 모든 현장실사 참가자는 신분증(또는 여권) 및 재직증명서를 지참·제시하여, 방위사업청이 참가자가 사전 신청인과 동일한지 확인할 수 있도록 하여야 합니다.

All participant are requested to bring and present ID card(or Passport) and certification of employment so that DAPA enables to verify and confirm if participant is identical with the pre-registered person.

※ 붙임: 신분증(또는 여권) 사본

Attachment: a copy of present ID card(or Passport) of participants.

## 보안서약서 (Pledge of Security)

우리 회사는 C-130H 성능개량(2차)사업에 관한 건을 취급함에 있어 다음사항을 준수할 것을 서약합니다.

We hereby pledge that the company will observe the following articles with regard to C-130H upgrade(2nd) program.

1. 제안요청서를 포함하여 취급하는 모든 군사자료가 국가안전보장에 관계될 수 있는 중요한 사항임을 명심하여 시간과 장소에 구애됨이 없이 제반 보안규정을 준수하여 군사자료를 보호하겠다.
1. With the understanding that all military data including the RFP can be critical information relevant to national security, we will abide by all security regulations to protect military data at all times regardless of location.
2. 취급하는 업무 이외의 군사비밀을 알려고 하거나 부당한 방법으로 탐지, 수집하지 않겠다.
2. We will not make efforts to access or unlawfully seek nor gather military secret which are irrelevant to our work.
3. 군사비밀의 누설은 적을 이롭게 하는 것임을 자각하여 취급 또는 인지한 군사비밀을 절대 누설하지 않겠다.
3. We understand that disclosure of such information could benefit the enemy, and therefore, we will not communicate or otherwise disclose any military secret that has been entrusted to us or that we come in contact with.
4. 군사비밀을 탐지, 수집 또는 누설행위가 반군 및 반국가적 행위임을 자인하고 제 법규에 따라 처벌을 감수할 것을 서약한다.
4. We understand that seeking, collecting or disclosing military secret is an offense to the state and the military which is punishable by relevant laws listed below.
  - 가. 군사기밀보호법
    - a. Military Intelligence Protection Law



## 청 럽 서 약 서 (Pledge of Integrity)

우리 회사는 부패 없는 투명한 기업경영과 공정한 행정이 사회발전과 국가 경쟁력에 중요한 관건이 됨을 깊이 인식하고, 국제적으로도 경제협력개발기구(OECD) 뇌물방지 협약이 발효되고 부패기업 및 국가에 대한 제재가 강화되는 추세에 맞추어 청렴계약이행서약 취지에 적극적으로 호응하여 년 월 일 방위사업청에서 시행하는 입찰 및 계약에 참여함에 있어 다음 사항을 서약합니다.

With a clear understanding that transparent business operations and fair administrative process free of corruption is key to accomplishing social growth and national competitiveness, and in concert with the purpose of pledge of integrity for the performance of contracts to keep pace with the OECD Anti-bribery Convention that has come into effect internationally reinforcing stronger sanctions against corrupt businesses and countries, the company hereby pledges to observe the following when participating in a bid or contract of DAPA as of \_\_\_\_\_(Year)\_\_\_\_\_(Month)\_\_\_\_\_(Day). :

1. 입찰가격의 사전공개 및 특정인의 낙찰을 위한 담합을 하거나 다른 업체와 협정·결의 또는 합의하여 입찰의 자유경쟁을 부당하게 저해하는 일체의 불공정한 행위를 하지 아니한다.  
1. The company will not engage in any unfair conduct that undermines free competition such as disclosing its bidding price in advance, colluding to have the contract be awarded to a specific party, or making an arrangement or conspiring with another company.
2. 입찰, 계약체결 및 계약이행과정에서 관계 공무원에게 직·간접적으로 금품이나 향응 등의 뇌물을 제공하기로 약속하거나 제공하지 아니한다.  
2. The company will not offer or promise to offer money, valuables, special treatment, or entertainment to relevant public officials directly or indirectly in the course of bidding, contract award, and performing the contract.
3. 위 제1호 및 제2호를 위반한 경우에는 낙찰자 결정 취소, 계약 취소·해제·해지, 또는 입찰참가자격의 제한 등 「방위사업법」에서 규정한 조치를 받더라도 이를 감수하고 방위사업청장을 상대로 손해배상을 청구하거나 민·형사상의 이익을 제기하지 아니한다.  
3. In the event the company violates paragraphs 1 and 2 above, the company will not file a claim for compensation nor take civil/criminal action against the DAPA Minister even if we are subjected to measures stipulated in the Defense Acquisition Program Act including cancellation of a contract award decision, contract cancellation, contract termination in part or whole, and restrictions from participating in bids.

