

DAPA Announcement 2018-PBC003-3

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).

January 24, 2019

Minister of the Defense Acquisition Program Administration

- 1. Title of the Program:** VH-92 IFF Upgrade Program

- 2. Program Description:** Upgrade ROKAF-operated VH-92 IFF Equipment

- 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 upgrading VH-92 IFF equipment and conducting system integration
 - 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 January 31(Thur) 2019
 - B. Location: DAPA Conference Room(Gwacheon Gov. Complex, Bldg. #4 105)
 - 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: 17:00 on January 29 (Tues) 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 satisfies all of the aforementioned qualifications for bidding participation (including interpreter and employee of Korean Branch Office)

2) The number of participants shall be less than four (4) persons per each bidder.

D. Notes

1) 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 (IFF Project Team 1) POC.

2) It is a principle that a foreign bidder should not use any Commissioned Agent in this program. However, when Korean commissioned agent wishes to attend the program explanatory session on behalf of a foreign bidder, they shall submit the following documents with a direct visit until the registration deadline of program explanatory session : one (1) copy of Power of Attorney (in their own format) which can prove that they receive the right to participate in the bidding and explanatory session of this program, one (1) copy of Request for Use of Commissioned Agent (in their own format), one (1) copy of an Agency Contract, one (1) copy of Integrity Pledge signed by president and executive members of Commissioned Agent, 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), one (1) copy of business license of commissioned agent, one (1) copy of certificate of Commissioned Agent representative's seal impression.

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

- 4) As per Article 8 (Security Assessment Committee) & Article 160 (Provision and Explanation of Classified Information Relevant to the Program) of the DAPA Security Service Regulation, only those who have been approved by DAPA internal security assessment committee may attend the Program Explanatory Session.
- 5) Those who have been approved by the security assessment committee and notified of the fact that they may attend the Program Explanatory Session should arrive at Customer Service Center of Gwacheon Government Complex at 13:30 on January 31(Thur) 2019, confirm their identification with ID or Passport and submit Certification of Employment, Pledge of Security (refer to Attachment #2) and Pledge of Integrity (refer to Attachment #3).

6. 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. 486, JAN 11 2019)
 - 3) Weapon System Proposal Evaluation Guideline (DAPA Guideline No. 438, JUL 31 2018)

7. Proposal Submission (Bid Registration Deadline)

- A. Due Date : 15:00 on March 5(Tues) 2019
- B. Place for Submission : DAPA Conference Room(Gwacheon Gov. Complex, Bldg. #4 105)
- C. Submission Method : On Site Submission (not permitted to submit by Mail)

D. Documents Required for Bid Submission

- 1) One (1) Copy of Foreign Manufacturer Registration Certificate issued by DAPA
- 2) One (1) Original Copy of Business License of Bidder (Notarized)
- 3) One (1) Bid Application
- 4) One (1) Copy of Supply Agreement with the IFF Equipment Manufacturer
- 5) One (1) Copy of Documents regarding the Bid Bond Payment under the Name of the Bidder (Refer to 6 (Documents for Bid Submission) and 8 (Bid Bond) of “General Instructions to Bidders for Competitive Bidding”)
- 6) One (1) Copy of Confirmation of Nonuse of Commissioned Agent or of Confirmation of Use of Commissioned Agent
 - * In case of using Commissioned Agent, all required documents shall be included (Refer to Section III of RFP and 6 (Documents for Bid Submission) of “General Instructions to Bidders for Competitive Bidding”)
- 7) One (1) Original Copy of Pledge of Integrity
- 8) One (1) Original Copy of Special Term and Conditions for Integrity Pledge
- 9) One (1) Original Copy of Pledge of Security
- 10) Two (2) Copies of Status of Bidding Assistant (Separate Seal per Copy)
- 11) Other required documents (Refer to Section III of RFP for more details)

8. 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 bond (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 both 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 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.

9. 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 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 of the above Article.

10. 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 the use of commissioned agent, this program is subject to report an 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.

11. Point of Contact

- A. Address : DAPA IFF Project Team 1,
Gwacheon Government Complex, 47 Gwanmun-ro,
Gwacheon-si, Gyeonggi-do, Republic of Korea
- B. POC : Lt Col. Jonghyeok Kim
Phone / Fax / E-mail: +82-2-2079-5988 / +82-2-773-7587 / poemtree@korea.kr

수신: 피아식별장비사업1팀

TO: IFF Project Team 1 (E-mail: poemtree@korea.kr / Fax: +82-2-773-7587)

발신: 업체명

From: Name of Company

사 업 설 명 회 참 가 신 청 서

(Registration Form for Program Explanatory Session)

VH-92 피아식별장비 성능개량사업 사업설명회 참가를 아래와 같이 신청합니다.

We hereby request for registration to participate in **VH-92 IFF Upgrade Program Explanatory Session** 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 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 can verify and confirm if the participant is identical with the pre-registered person.

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

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

보 안 서 약 서 (Pledge of Security)

우리 회사는 VH-92 IFF 성능개량사업에 관한 건을 취급함에 있어 다음사항을 준수할 것을 서약합니다.

We hereby pledge that the company will observe the following articles with regard to VH-92 IFF upgrade 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 as listed below.
가. 군사기밀보호법

a. Military Intelligence Protection Law

나. 국가보안법 제4조(목적 수행)

b. Article 4 (Performance of Objectives) of National Security Law

다. 형법 제 127조(공무상 비밀 누설)

c. Article 127 (Divulgence of Official Secrets) of Criminal Act

라. 군형법 제80조(군사기밀 누설)

d. Article 80 (Divulsion of Military Secrets) of Military Criminal Act

20 년 월 일

서약자 : 회사(업체코드:) 대표 또는 임원 (서명 또는 인)

방위사업청장 귀하

Year /Month /Date

Head or Executive of the Company (Company Code:) (Sign or Seal)

Attention: Minister of DAPA

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 이의를 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 Minister of DAPA 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.
4. 회사 임직원이 관계 공무원에게 뇌물을 제공하거나 담합 등 불공정 행위를 하지 않도록 하고, 내부 비리 제보자에 대해서도 일체의 불이익을 받지 않도록 한다.

4. The company will not allow its employees and executives to offer a bribe to government officials nor take part in unfair conduct such as collusion, and will not penalize whistleblowers.
5. 방위사업과 관련한 하도급계약의 체결 및 이행에 있어 원도급자로서의 우월한 지위를 이용하여 하도급자로부터 금품을 수수하거나 부당 또는 불공정한 행위를 하지 아니한다.
5. The company will not take advantage of its superior position as the prime contractor to collect money or valuables nor take unfair actions against its subcontractor(s).
6. 방위사업과 관련한 특정정보의 제공을 관계공무원에게 요구하거나 제공받지 않도록 하며, 계약이행과정에서 알게 된 연구성과물 등 특정정보를 임의로 제3자에게 제공 또는 누설하지 아니한다.
6. The company will not request or receive specific information of a defense program, and shall not provide or share specific information including research results obtained while implementing the contract with a third party at its discretion.
7. 우리 회사가 낙찰자로 결정될 경우 위의 서약내용을 그대로 계약특수조건에 명시하고 이행한다.
7. If the company is awarded with the contract, we will stipulate the above pledge in the special terms and conditions section(Schedules) of the contract and be compliant with the terms.

20 년 월 일

서약자 : 회사(업체코드:) 대표 또는 임원 (서명 또는 인)

방위사업청장 귀하

Year /Month /Date

Head or Executive of the Company (Company Code:) (Sign or Seal)

Attention: Minister of DAPA