

SECTION I. TENDER EXAMINATION INSTRUCTIONS (TEI)

A. GENERAL

1. Scope of Tender

1.1. The Law of Mongolia on Procurement of goods, works and services with state and local funds (hereinafter referred to as " **the Law** "), the customer specified in the data table will organize a tender for the purchase of the works and related services described in Chapter III (hereinafter referred to as " **the works** "). The tender name and number shall be indicated in the Data Table.

1.2. If there is a tender lot, this information is indicated in the Data Table.

1.3. In accordance with Article 32.5 of the Law, if tender is organized in advance this shall be indicated in the Data Table.

2. Funding Sources and Budget

2.1. The total funding source of the tender and each lot and the approved budget cost shall be reflected in the Data Table.

3. Procurement Legislation

3.1. In this procurement process, Procurement of goods, works and services with state and local funds specified in Article 2.1 of the law shall be followed.

4. Electronic Procurement System

4.1. Tender selection is organized by the electronic procurement system (www.tender.gov.mn) /hereinafter referred to as "electronic system" in accordance with the "regulation for organizing procurement by electronic system and ensuring its continuous and safe operation" approved by the Minister of Finance.

5. Anticorruption and Conflict Of Interest

5.1. Clients, interested parties, participants and employees and officials specified in Article 52.1 of the Law Anti-Corruption Law, Law on Regulation of Public and Private Interests in Public Service, Prevention of Conflict of Interest, Law on Competition, Acts Prohibited by Criminal Law and Law on Violation shall inform the relevant officials and law enforcement agencies in accordance with laws and regulations.

5.2 party related to 20, 20¹ 21 clauses of the Law on Public and Private Interests and Prevention of Conflict of Interest in Public Service are not entitled to participate in the tender.

6. General Requirements for Interested Parties and Participants

6.1. The entity becomes an interested party of the tender by paying the service fee according to Article 22.10 of the law.

6.2. Service fees paid by interested parties are non-refundable for any reason.

6.3. In relation to the participant, the conditions specified

in Article 7.1 of the law have not occurred or the general requirements have been met.

6.4.The participant shall submit a tender in accordance with Article 6 of the Law.

6.5.The foreign entity participating in the tender must submit the information of the entity registered as the final owner according to the law of the country of incorporation.

6.6.The information of the ultimate owner of a legal entity of Mongolia is based on the information registered in accordance with the Law on State Registration of Legal Entities.

6.7.Persons who do not comply with Mongolia's international agreements and trade embargoes are not entitled to submit tenders.

7. Requirements for Subcontractors and Joint Venture

7.1.The joint venture agreement and subcontracting agreement to be submitted for tender shall meet the requirements stipulated in Article 6 of the law.

7.2.If the subcontracting contract violates Article 6.4 of the law, the client will not consider the subcontracting contract and the subcontractor's related documents during the tender review.

7.3.Participation as a joint venture or subcontractor shall be confirmed by the joint venture member and subcontractor through the electronic system.

7.4.The provisions of Article 7.3 of the TEI do not apply to the entry of a foreign entity as a member of the joint venture or as a subcontractor.

7.5. If a partner or subcontractor is listed as an entity who's right to participate in tender selection has been restricted and the restriction period has not yet expired, they will be considered non-compliant with the general requirements.

9. Clarification on Tender Documents

9.1.If an interested party wants clarification on the issues specified in the tender documents, the request may be submitted to the customer in writing at least five working days before the opening of the tender.

9.2.Requests for clarification will be received at the address indicated in the Data Table.

9.3.A receipt of payment of the service fee shall be attached to the request for clarification.

9.4.The response to the request for clarification by the client shall be deemed to have been delivered when it is made in writing and published in the electronic system.

9.5.If, as a result of the clarification, the client considers that it is necessary to make additions or changes to the tender documents, the provisions of Article 11 of the TEI shall be followed.

11. Amendments to Tender Documents

11.1. Before the deadline for receiving tenders, the client may make amendments to the tender documents.

11.2. Amendments are made to the tender documents will be considered valid after they are published in the electronic system.

11.3. If any additions or changes are made to the tender selection documents within five working days before the opening of the tender, the deadline for receiving tenders will be extended by no less than five working days to allow sufficient time

B. PREPARATION OF TENDER

12. Language of Tender Documents and the Tender

12.1. Regardless of whether the tender announcement, documents, and invitation are also published in a foreign language, the tender documents, official correspondence related to the tender, other related documents, and the tender submitted by the participant must be in Mongolian. For tenders and documents prepared in other languages, the participant must submit a translated version.

12.2. For tenders related to works financed solely by loans or grants from foreign countries or international organizations, the language may be specified differently in the Data Sheet based on Mongolia's international agreements.

12.3. If there is a discrepancy between the Mongolian version and the foreign language version of the tender documentation, prepared in accordance with clause 12.2 of the TEI, the Mongolian version shall prevail.

12.4. When reviewing and evaluating the tender, the client will rely on the translation of documents prepared in a foreign language. The participant is responsible to the client for ensuring the accuracy and consistency of the translation, regardless of whether the participant or another party has prepared the translation.

13. Tender Package

13.2.6 documents proving that the proposed work complies with the requirements specified in Article 20 of the TEI;

13.3 The participant is responsible for verifying the validity of all documents and information in their tender and shall be accountable to the client for their accuracy.

16. Documentation of General Requirements

16.2 The foreign entity shall submit the following documents or equivalent documents issued by the state authorities of the country of incorporation or residence:

16.2.1 if a legal entity, a state registration certificate, a document identifying the person entitled to represent it without a power of attorney.

C. SUBMISSION AND OPENING OF TENDER

25. Confirmation and submission of the Tender

25.3 If the person authorized to represent the participant without a power of attorney authenticates the tender with a digital signature, the form specified in Chapter V shall be deemed authenticated with a seal or mark according to Article 25.1 of the TEI. In this case, it is not required to make a power of attorney related to the confirmation of the form, and to confirm it with a seal or mark of a legal entity.

26. Deadline for Tender Submission

26.1 The deadline for receipt of tenders is indicated in the Data Table. The date and time are calculated according to the server time of the electronic system.

26.2 The client shall organize the opening of tenders on the date and time specified in the Data Table through the electronic system. The participant or their representative has the right to be present at the tender opening.

CHAPTER II. TABLE OF DATA

(In the first stage of the open tender selection process, the participant shall submit only the materials required in the data sheet for the tender selection.)

Relevant Provisions of the Tender Examination Instruction Clause	A. GENERAL
1.1	Client: Procurement Agency of the Capital City
1.1	Tender Name: Engineering, Procurement and Construction of the High-capacity Public Transportation Project "Metro" in Ulaanbaatar (First Stage) Project number: HXAAF/20240101236
1.1	Tender announcement number: HXAAF/20240101236
1.2	The tender consists of packages with the following names and numbers: No package
1.3	Whether tender selection is organized in advance: No
2.1	Sources of funding: Capital city budget
2.1	Total budget cost: 4,548,375,000,000 (four trillion five hundred forty-eight billion three hundred seventy-five million) Mongolian Tugrik. Of this, 333,000,000,000 (three hundred thirty-three billion) Mongolian Tugrik will be financed in 2024.
B. CONTENTS	
9.1	Address for clarification on tender documents: Recipient's name: Procurement Agency of the Capital City, Address: Khan-Uul District khoroo-23, Capital city main building, B-block 7 th floor, Ulaanbaatar 17100 Phone number: 7575-7807 Email address: info@ub-procurement.mn If an interested party wants clarification on the issues specified in the tender documents, the request can be submitted to the client electronically at least five working days before the opening of the tender, confirmed in writing or with a digital signature. A receipt of payment of the service fee shall be attached to the request for clarification. Upon receipt of a request for clarification by the client, the clarification shall be made in writing at least two working days before the deadline for receipt of tenders. Shall be published in the "clarification" section of the tender document in the electronic system of public procurement (www.tender.gov.mn). Upon such publication, the clarification and additional information shall be deemed to have been delivered to all tenderers at the same time.

	The interested party shall review the clarifications and amendments which are an integral part of the tender documents until the last date of receipt of tenders and prepare a tender accordingly.
10.1	Whether to hold a pre-tender meeting: Not required in the 1st stage of the tender.
C. PREPARATION OF TENDER	
12.1	Tender language: Mongolian Regardless of whether the invitation to tender and tender documents are published in a foreign language, all tender documents, official correspondence related to the tender, letters, and other documents, as well as the tenders submitted by participants, shall be in Mongolian. Any tenders and related documents submitted in another language must be accompanied by a certified translation prepared by the tender participant.
13.2.6	In the first stage of the tender selection process, interested parties may submit proposals that include solutions or suggestions for modifications to the approved Terms of Reference. If no specific proposals or solutions are provided, participants may still Express their Interest in participating in the selection process. The Client will review the technical solutions submitted during this stage and may seek clarifications from the interested parties as needed. Based on these proposals and clarifications, the Client will finalize the tender documents for the 2nd stage and issue the invitation to tender to the entities that participated in the first stage. If participants in the first stage wish to form or join the joint venture, they must provide information regarding the members of their joint venture. In the second stage of the open tender selection process, only those entities that participated in the first stage, along with their joint venture members, are eligible to submit tenders. Participants from the first stage may also collaborate in the second stage as either joint venture or subcontractors. The second stage will commence following the completion of the first stage of the open tender selection process.
16.2.1	Other documents required for approval of general requirements: Required <ol style="list-style-type: none"> 1. Participants in the tender must provide a Certificate of State Registration issued by the relevant authority in their country of incorporation or equivalent documentation. Additionally, legal entities participating in the tender are required to submit a brief introduction about their entity. 2. The tendering for the work and services will be organized by two-stage open tendering based on Article 33 of the Law of Mongolia on Procurement of goods, works and services with state and local funds
24.1	Tender guarantee: Not required in the 1st stage of the tender.
D. SUBMISSION AND OPENING OF TENDER	

<p>25.3</p>	<p>Interested parties wishing to participate in the tender must submit their materials electronically through the Government Procurement Electronic System at www.tender.gov.mn. Please take note of the following important points when submitting your materials via the electronic system:</p> <p>1. It is essential to register your company on the Government Procurement Electronic System at www.tender.gov.mn.</p> <p>Participants must register in accordance with clause 2.4 of the “Regulations on Conducting Tender Selections and Distributing Related Information via the Electronic Procurement System” to obtain access rights.</p> <p>To register, please navigate to www.tender.gov.mn using your internet browser and select the “Register ->Supplier” option located in the upper right corner of the homepage of the Government Procurement Electronic System.</p> <p>The supplier registration section offers two categories: entity and individual. Select the appropriate category in the GENERAL INFORMATION section. The information required will vary based on the type of supplier, so ensure that all relevant fields are completed accurately before submitting your application.</p> <p>Please be aware that the response to your registration request will be sent to the email address registered by the responsible staff member for entities or to your personal registered email address if registering as an individual. Additionally, keep in mind that the review and verification process for registration in the electronic system typically takes at least three working days.</p> <p>2. When submitting your tender electronically, it is mandatory to certify it with a digital signature.</p> <p>3. Digital signatures can be obtained from one of the following certifying organizations: MonPass LLC (website: www.monpass.mn, contact number: +976 18002535) or Tridum Key LLC (website: www.tridumkey.mn, contact number: +976 70120722).</p>
<p>26.1</p>	<p>The deadline for submitting tenders is as follows:</p> <p>Date: December 9, 2024</p> <p>Time: 11:00 AM</p>
<p>26.2</p>	<p>The opening of the tender will be done through the electronic system during the period mentioned below, and the opening information will be received by the participant through the electronic system.</p> <p>Date: December 9, 2024</p> <p>Time: 11:10 AM</p> <p>Address of the place where you can participate in the tender opening: Procurement Agency of the Capital City, room No.:721</p>

CHAPTER III. TERMS OF REFERENCE

(For the Terms of Reference of this project and reference files, please refer to the FEASIBILITY STUDY section of the Public Procurement System of Mongolia at www.tender.gov.mn.)

TENDER INVITATION

Date: October 3, 2024

Tender Type: Works

Tender Name: Engineering, Procurement and Construction Of The High-Capacity Public Transportation Project "Metro" In Ulaanbaatar (First Stage)

Tender Number: HXAAG/20240101236

Total Estimated Cost: 4,548,375,000,000 Mongolian Tugrik.

Of this, 333,000,000,000 Tugrik will be financed in 2024.

Tender Method: Two-stage open tender

1. **The Procurement Agency of the Capital City** invites entities who meet the requirements and evaluation criteria specified in the tender documentation to submit tenders for the **construction project of high-capacity public transport "Metro" in Ulaanbaatar**.

2. The tender consists of the following lots: **"None."**
3. Tenders must be submitted in accordance with the specifications outlined in the tender documentation before **11:00AM on December 9, 2024**. The tenders will be opened at **11:10AM** on the same day.
4. Acceptance of alternative proposals: **"Not allowed."**
5. Can foreign entities submit proposals: **"Allowed."**
6. The tender shall specify that it remains valid for a period of 30 days or more from the date of opening.
7. Tender guarantee required: **"No."**
8. Tender being organized in advance: **"No."**
9. Tender being organized in two stages: **"Yes."**
10. Participants shall be eligible to submit tenders upon payment of the electronic system service fee.

Interested parties can send requests for clarifications or additional information related to the tender documents to the following address:

Procurement Agency of the Capital City,
Address: Khan-Uul District khoroo-23, Capital city main building,
B-block 7th floor, Ulaanbaatar 17100
Phone number: 7575-7807 www.tender.gov.mn