

AMENDMENT No. 3

Amendments to the Instructions to Bidders for the development of the Satellite Systems, Ground Segments and GIS Applications/Solutions under THEOS-2 Project

Replace Sub-Clause 2.2 with the following:

2.2 “Bids submitted by a joint venture (JV) or a consortium of two or more firms as partners, shall comply with the following requirements;

2.2.1 Joint venture

- a) The Bid, and in case of a successful Bid, the Form of Agreement, shall be signed so as to be legally binding on all partners;
- b) One of the partners shall be authorized to be in charge; and this authorization shall be evidenced by submitting a special power of attorney signed by legally authorized signatories of all the partners;
- c) The partner in charge shall be authorized to incur liabilities, receive payments and receive instructions for and on behalf of any or all partners of the JV;
- d) All partners of the JV shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms to be mutually agreed, and a relevant statement to this effect shall be included in the authorization mentioned under b) above as well as in the Bid Form and the Form of Agreement (in case of a successful Bid); and
- e) A copy of the notarized Joint Venture Agreement to be entered into by the JV partners shall be submitted with the Bid.

2.2.2 Consortium

- f) The Bid, and in case of a successful Bid, the Form of Agreement, shall be signed so as to be legally binding on all partners;
- g) One of the partners shall be authorized to be in charge; and this authorization shall be evidenced by submitting a special power of attorney signed by legally authorized signatories of all the partners;
- h) The partner in charge shall be authorized to incur liabilities and receive instructions for and on behalf of any or all partners of the consortium;
- i) All partners of the consortium shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms to be mutually agreed, and a relevant statement to this effect shall be included in the authorization mentioned under

- g) above as well as in the Bid Form and the Form of Agreement (in case of a successful Bid); and
- j) A copy of the notarized Consortium Agreement to be entered into by the consortium partners shall be submitted with the Bid.”

Replace the content of Sub-Clause 9.1 regarding the submission of bids as following:

“These shall be addressed to The Executive Director of GISTDA and submitted to the Bid Room on the sixth floor at the office of GISTDA on 120 The Government Complex Commemorating His Majesty The King's 80th Birthday Anniversary, 5th December, B.E. 2550 (2007) Rathaprasasanabhakti Building 6th and 7th Floor, Chaeng Wattana Road, Lak Si Bangkok 10210, Thailand on 20170330 between 0900-1630 hours.”

Replace Sub-Clause 13.6 with the following:

13.6 “The bid security may be forfeited

- (1) if the bidder withdraws its bid during the period of bid validity; or
- (2) if the bidder does not accept the correction of its bid price, pursuant to Sub-Clause 24.2; or
- (3) in the case of a successful bidder, if it fails within the specified time limit to...
 - a) sign the Agreement, or
 - b) furnish the required performance security, or
 - c) enter into a JV / consortium agreement if it has undertaken to do so.
- (4) any other reasons stated in the bid documents.”

Replace Sub-Clause 16.3(2) with the following:

- (2) “Bear the following identification:
 - Bid for THEOS-2
 - DO NOT OPEN BEFORE 20170330 0900 hrs (time and date for bid opening)”

Replace Sub-Clause 17.1 with the following:

17.1 “Bids must be received by GISTDA at the address specified above on 20170330 between 0900-1630 hours. The time aforesaid shall be based on the clock time of GISTDA Bid Room.”

Replace Sub-Clause 20.1 with the following:

20.1 "GISTDA will open the bid envelopes, including modifications made pursuant to Clause 19, in the presence of bidders's representatives who choose to attend, on 20170330 between 0900-1630 hours. The time aforesaid shall be based on the clock time of GISTDA Bid Room at the following location:"

Replace Sub-Clause 29.2 with the following:

29.2 "Upon receipt of the notification of award ("Letter of Acceptance"), the successful Bidder shall sign the Form and submit to GISTDA by the date specified in the Letter of Acceptance:

- (1) its written confirmation to the Award;
- (2) the Contract Form signed by the bidder;
- (3) the required Performance Security; and
- (4) all other documentary requirements for the Contract."

Remove Sub-Clause 29.3.

Replace Sub-Clause 30.1 with the following:

30.1 "The successful bidder shall furnish to GISTDA a performance security in an amount of 5 percent of the Contract Price in accordance with the Conditions of Contract. The performance security shall be in one of the following:

- (1) Cash; or
- (2) Cashier's Cheque payable to GISTDA;
- (3) An Irrevocable letter of credit or bank guarantees issued by a bank which is registered and authorized to do business in Thailand or a foreign bank through a correspondent bank in Thailand and in the format included in ANNEX 3; or
- (4) An Irrevocable letter of credit or bank guarantees issued by a finance company that has been granted a license to carry out commercial investment and guarantee business as announced by the Bank in Thailand in the format included in ANNEX 3; or
- (5) Thai Government Bond;
- (6) Bank Draft

This performance security shall be submitted to GISTDA at contract signing. The form of performance security provided in ANNEX 3 of the Bid Documents is to be used."

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Dear Sir:

1. We, the undersigned Bidder, having carefully examined the Bid Documents and Supplemental Notices according to the Invitation to Bid for Satellite Systems, Ground Segments and GIS Applications/Solutions for Thailand Earth Observation System-2 (THEOS-2) dated January 12th, 2017, hereby offer to provide and deliver the goods and to perform services in accordance with all provisions and conditions as described in the Bid Documents, all for the prices stated in the following schedule.

Total

(.....) The price is inclusive of all taxes and other levies, excluding custom duty and VAT.

2. We guarantee to complete the delivery of the goods called for under the Bid Documents as tabulated below.

SCHEDULE OF DELIVERY

Serial Number	Description	Quantity	Date of Shipment	Delivery Time at Designated Place

3. We undertake if our offer is accepted:

a) To execute contract in the given form within..... days following the date of receipt of Notice of Award.

b) To furnish to GISTDA, at the time the Contract is signed, a Performance Security in accordance with Clause 13 of the Instructions to Bidders in the amount of percent of the total contract price set forth in this Bid as security for the due performance and completion of the Contract.

If we fail to do so, our Bid Security shall become the property of GISTDA; the award may then be made to another bidder or GISTDA may call for other bids.

4. We agree that this offer shall remain valid for a period of..... days following the date set for opening of bids, and may be accepted by GISTDA at any time before the expiration of such period or seasonable extension of such period if requested by GISTDA.

5. We understand that GISTDA is not bound to accept this or any other bid and GISTDA will not be liable for any expense which may be incurred by us in bidding.

6. As security for the due performance of the understanding and obligations of this offer, we submit herewith..... as a Bid Security in the amount ofBaht.

7. We have carefully checked all figures and information submitted with this bid and understand that GISTDA will not be responsible for any errors or omissions on our part in preparation of this Bid.

8. This bid is submitted in all respect fair and without fraud or unlawful collusion with any other person, persons or corporation submitting any other bid for the same purpose.

Dated at

Thisday of

Bidder

By

Title

Address