



## Modernization and greening of WTE OLO

### INFORMATIVE DOCUMENT

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## PART I. GENERAL INFORMATION

### INSTRUCTIONS FOR INTERESTED PARTIES

#### 1 IDENTIFICATION OF THE CONTRACTING AUTHORITY

Name of the organization: Odvoz a likvidácia odpadu a.s.

Address of the organization: Ivanská cesta 22, 821 04 Bratislava

Company ID: 00 681 300

Tax ID: 2020318256

VAT ID: SK2020318256

Internet address of the organization (URL): <https://www.olo.sk/>

(hereinafter referred to as the "**Contracting Entity**")

Contact person: Marcela Turčanová, APUEN AKADÉMIA, s.r.o.

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#### 2 PROCUREMENT PROCESS

- 2.0** The contracting authority shall proceed in the competitive dialogue in accordance with Act No. 343/2015 Coll. on Public Procurement and on Amendments to Certain Acts (hereinafter referred to as the "**Public Procurement Act**") or other applicable generally binding legal regulations.
- 2.1** Competitive dialogue is a procedure that allows dialogue with qualified suppliers to find and define the most appropriate way to meet the needs of the Contracting Authority.
- 2.2** A competitive dialogue is announced for an unlimited number of economic operators who can submit the documents required to demonstrate compliance with the selection criteria. The contracting authority will then send an invitation to the selected applicants to participate in the dialogue.
- 2.3** The Contracting Authority will communicate through a competitive dialogue only with interested parties who have met the conditions of participation set by the Contracting Authority. If more than four candidates meet the conditions of participation, the Contracting Authority will negotiate only with those candidates who have met the conditions of participation and at the same time qualified in accordance with Article 14 of this Briefing Document.
- 2.4** The terms used in this Informative Document have the meaning defined in the Public Procurement Act or the meaning defined in this Informative Document or its Annexes.

### 3 SUBJECT OF THE CONTRACT

**3.0** Name of the subject of the contract: **Modernization and greening of WTE OLO - lines K3 and K2.**

**3.1** The scope of the subject of the contract will be defined with regard to the course of the competitive dialogue and may be modified by the Contracting Authority on the basis of technical, economic, commercial, legislative, environmental, permitting and/or financial circumstances.

**3.2** The subject of the competitive dialogue is the selection of the general contractor for the construction "**Modernization and greening of the OLO WTE - lines K3 and K2**", in the form of a "turnkey" delivery in accordance with the requirements, conditions, specifications and other data and information specified in the contract for work.

**3.3** At present, it is intended that the modernization and greening of the waste-to-energy facility (hereinafter referred to as "**ZEVO**") will include the installation of a new K3 incineration line, the reconstruction of the existing K2 and K1 incineration lines, the installation of new facilities for the production and supply of heat and electricity, the construction of new and the reconstruction of existing building and engineering structures of ZEVO OLO.

**3.4** A detailed description of the needs of the Contracting Authority for the purposes of this competitive dialogue is provided in the Annex 2 information document. The description of needs also includes binding requirements that must be accepted and taken into account when looking for a solution (e.g. reconstruction during the operation of the incinerator and achievement of the minimum limit parameters set by the relevant regulations)

('**the subject-matter of the contract**').

**3.5** A more detailed description of the subject of the contract will be submitted to the interested parties who will be invited to participate in the competitive dialogue, in particular in the scope of the following documents:

- Requirements of the Client for the technical solution of the Work,
- Guaranteed parameters,
- Documentation Requirements,
- Time and implementation plan (Schedule),
- Organizational structure of the implementation of the Work,
- Activities provided by the Client,
- List of subcontractors and manufacturers of Key Components of the Work (in the form of a form),
- Price specification (in the form of a form),
- Requirements for the Technical Specification of the Contractor (technical part of the offer),

#### **3.6 EIR - Exchange Information Requirements**

**3.7** The scope of the subject of the contract will be further elaborated and modified within the framework of a competitive dialogue, the aim of which is to find an optimal solution from the

technical, operational and economic point of view. As part of the planned competitive dialogue, some parts of the subject of the contract may be modified, supplemented or deleted (including the deletion of individual planned buildings or changes in the required technical parameters), depending on further discussion with the interested parties and related considerations of the Contracting Authority, and in particular the availability of funds.

### 3.8 Nomenclature

Common Procurement Vocabulary (CPV):

45252300-1 : Construction work on waste incineration plants

45252000-8 : Construction of sewage treatment plants, purification stations and incineration plants

51135110-1 : Installation of waste incineration plants

### 3.9 The subject of the procurement under this tender will be procured as a whole and cannot be divided into lots.

Justification:

The contracting authority decided not to split the contract on the ground that by dividing the contract, the related need to coordinate the suppliers of the individual parts of the contract could pose a serious risk of jeopardising the proper and, in particular, timely performance of the contract as well as compliance with the predetermined budget. At the same time, it would be cost-inefficient for the Contracting Authority to increase the personnel capacities in the field of project management, which would be necessary to coordinate activities in the event of a contract split.

By not dividing the contract into parts, the Contracting Authority will not deny or limit the participation of interested parties in this public procurement, as the Public Procurement Act provides several opportunities to participate in this public procurement also for such economic operators who, for various reasons, would not be able to deliver the subject of the procurement as a whole.

## 4 ESTIMATED VALUE OF THE CONTRACT

The contracting authority set the estimated value of the contract in the range **of EUR 208,127,211.00 excluding VAT to EUR 253,357,510.00 excluding VAT**. The contracting authority uses the possibility to determine the estimated value of the contract by scope, because the current requirements themselves allow for several variations in different price levels. The Contracting Authority has determined this amount on the basis of an expert estimate of the Contracting Authority's technical advisors.

## 5 LANGUAGE

In order to simplify access also for foreign economic operators, the Contracting Authority provides key documents for this contract (informative document, conditions of participation and criteria for the evaluation of final bids) also in unofficial English translation. In the event

of a difference in interpretation between the Slovak and English language versions, the Slovak version of the documents shall be binding and decisive.

At this stage of the public procurement, it is also possible to communicate with the Contracting Authority in English, including the submission of questions and the submission of documents prepared in English. These documents do not need to be officially translated.

The language of negotiations and communication in the subsequent stages of the competitive dialogue (including negotiations and submission of final bids) will be adapted at the relevant stage of the procedure. The primary language of the meeting will be Slovak, but the use of English is not excluded if necessary.

Applications for participation, related documents, reference letters, CVs, proposals, offers and other documents and documents are submitted in English, Slovak and can also be submitted in Czech. If the document or document is drawn up in a language other than English, Slovak or Czech, it shall be submitted together with its official translation into Slovak. If a difference is found in the content of the document or document submitted pursuant to the second sentence, the official translation into the Slovak language is decisive.

## **6 BRIEF DESCRIPTION OF THE PROCUREMENT PROCEDURE WITH THE PLANNED TIMEFRAME**

The competitive dialogue will be carried out in the following successive steps. The contracting authority points out that the envisaged steps of the competitive dialogue and the estimated schedule of the project described in this article 6, are non-binding and subject to change.

### **6.0 Foreseeable steps of the competitive dialogue**

#### **6.0.0 Call for applications and deadline for submission of requests to participate**

The content of the request for participation is set out in Article 13 information document.

The deadline for submitting requests to participate is indicated in the contract notice ('**the Notice**') and in the Josephine system. In the event of an extension of the deadline for submitting requests to participate, the current deadline will be indicated in the Josephine system.

#### **6.0.1 Evaluation of requests for participation and limitation of the number of interested parties to whom the Contracting Authority will send an invitation to participate in the dialogue (qualification)**

The conditions of participation will be evaluated in accordance with Section 40 et seq. of the Public Procurement Act.

The contracting authority reserves the right to reduce the number of interested parties to whom it sends an invitation to participate in the dialogue. The conditions for reducing the number of applicants are set out in the article 14 information document.

#### **6.0.2 Invitation to participate in the dialogue**

Identified candidates who have qualified under the set conditions will be invited to a competitive dialogue in accordance with Article 19.1 information document.

### 6.0.3 Competitive dialogue

The conditions relating to the conduct of the competitive dialogue are set out in Article 19 information document. The contracting authority can (and plans to) **during the negotiations, ask the participants in the negotiations to prepare and submit preliminary solutions with a preliminary price proposal**. Therefore, the Contracting Authority strongly recommends qualified Candidates to: **actively participated in the dialogue with the selection of suitable / considered technologies and the preparation of the technical part of the offer immediately after successful qualification.**

### 6.0.4 Conclusion of the competitive dialogue and call for final bids

The conditions relating to the call for final tenders are set out in Article 20 information document.

### 6.0.5 Opening and evaluation of final bids

The opening of final bids will take place in accordance with the Public Procurement Act. The award criteria are set out in Annex 3 of this Briefing Paper, while the specific methodology for the evaluation of the final tenders and the exact aspects of the tender that will be evaluated under each criterion will be set out in the invitation to participate in the dialogue.

### 6.0.6 Announcement of the outcome of the evaluation of final bids

The notification of the result of the evaluation of the final bids will have content and procedural requirements in accordance with Section 55 (2) of the Public Procurement Act.

### 6.0.7 Provision of cooperation and conclusion of the contract

The successful bidder will be invited to provide cooperation in accordance with Section 56 of the Public Procurement Act and Article 22 information document. As part of the provision of cooperation, it will be required to submit certain certificates or declarations of certain facts necessary to ensure the financing of the project (fulfilment of the conditions for financing by the bank). The specific conditions for the provision of cooperation will be specified in the call for final bids.

## 6.1 Estimated project schedule

The planned timeframe of the competitive dialogue from the announcement of the tender to the submission of the final bids is 12 to 14 months.

## 7 PLACE AND DATE OF DELIVERY/IMPLEMENTATION OF THE SUBJECT OF THE CONTRACT

### 7.0 Place or places of delivery/performance of the subject of the contract:

Odvoz a likvidácia odpadu a.s.

WTE (Waste Energy Recovery Facility)

Vlčie hrdlo 72, 821 07 Bratislava

### 7.1 Deadline for the implementation of the subject of the contract: the implementation of the work is planned for 2026-2031.

The deadline for the implementation of the contract may be subject to change depending on the course and outcome of the competitive dialogue.

## 8 SOURCE OF FUNDING

The subject of the contract will be financed from the Contracting Authority's own resources in combination with loan financing. Partial financing from the European Union funds and from the state budget of the Slovak Republic is not excluded.

## 9 PREPARATORY MARKET CONSULTATIONS

The announcement of this tender was preceded by preparatory market consultations, which took place in the months of December 2024 to March 2025 as follows:

- one round – in the form of personal negotiations associated with the inspection of the WTE and written communication in February and March 2025.

In July, the preparatory market consultations were formally concluded and the summary entry was finalized. The documents relating to this preparatory market consultation are available on the following website: <https://josephine.proebiz.com/sk/tender/62878/summary>.

## 10 CONTRACT AND TERMS OF PERFORMANCE

Type of contract for delivery/implementation of the subject of the contract:

The contractual terms will be negotiated and the appropriate contractual model will be determined on the basis of them. The specific terms of the contract for work will be the subject of negotiations during the competitive dialogue.

## 11 COMMUNICATION

**11.0** The language of communication in the competition is English, Slovak or Czech.

**11.1** In this public procurement, written communication between the Contracting Authority and the candidates or bidders shall be carried out exclusively in electronic form, which shall ensure the permanent capture of their content through the Josephine web application (hereinafter referred to as the "**JOSEPHINE system**"), available at the following web address: <https://josephine.proebiz.com/sk/>.

**11.2** For the purposes of electronic communication, each applicant/applicant is obliged to register in the JOSEPHINE system at the following web address: <https://josephine.proebiz.com/sk/>. Registration in the JOSEPHINE system is free of charge. In order to submit a request for participation, it is necessary to be authenticated and identified in the system (see point 18.1 of this Briefing Document).

**11.2.0** Manual for registration in the Slovak language:

[https://store.proebiz.com/docs/josephine/sk/Manual\\_registracie\\_SK.pdf](https://store.proebiz.com/docs/josephine/sk/Manual_registracie_SK.pdf)

**11.2.1** Manual for registration in English:

[https://store.proebiz.com/docs/josephine/en/Participants\\_manual.pdf](https://store.proebiz.com/docs/josephine/en/Participants_manual.pdf)

**11.3** Delivery of shipments/messages in the JOSEPHINE system:

**11.3.0** The moment of delivery of a message/information in the JOSEPHINE system is considered to be the moment of its sending or publication in the JOSEPHINE system, in accordance with the functionality of the system.

**11.3.1** The JOSEPHINE system will immediately send a notification to the contact person of the applicant/tenderer (to the contact email provided during registration in the JOSEPHINE system) that there is a new shipment/message for the contract in question.

**11.3.2** The contracting authority **warns interested parties and bidders not to rely only on JOSEPHINE system notifications**, because the message/consignment is considered delivered regardless of the delivery of the notification email. Therefore, the contracting authority strongly recommends interested parties and bidders to check the communication module in the JOSEPHINE system on an ongoing basis (on a daily basis) in their own interest.

## 12 EXPLANATION AND SUPPLEMENTATION OF INFORMATION

**12.0** The contracting authority shall provide access to the informative document as well as to all additional documents in the JOSEPHINE system in accordance with the requirements of the Public Procurement Act. The informative document and any explanation or supplementation of information necessary for the preparation of the application for participation, qualification and to prove the fulfilment of the conditions of participation will be published by the Contracting Authority as electronic documents in the JOSEPHINE system. A link to the public profile of the JOSEPHINE system will be published in the profile of the Contracting Authority established on the website of the Public Procurement Office: <https://www.uvo.gov.sk/>.

**12.1** In the event of a need for clarification of the documents provided by the Contracting Authority, any of the interested parties may request their explanation via the communication interface of the JOSEPHINE system according to the rules of communication specified in Article 11 information document.

**12.2** If the applicant requests an explanation well in advance, the Contracting Authority shall immediately provide an explanation of the information necessary for the preparation of the application for participation to all interested parties via the JOSEPHINE system, but no later than 6 days before the expiry of the deadline for submitting the request for participation in accordance with Section 48 of the Public Procurement Act. A request for clarification received 10 days before the deadline for submission of requests to participate is deemed to be sufficiently advanced. After this deadline (i.e. a request for clarification received later), the Contracting Authority will respond to all questions received, but will not be obliged to extend the deadline for submitting requests for participation in the event of providing non-essential information.

**12.3** If necessary, the Contracting Entity may supplement the information provided in the information document or other documents. It shall publish them no later than 6 days before the expiry of the deadline for the submission of requests to participate or the submission of tenders and, if necessary, shall extend the deadline for the submission of the request to participate or tenders accordingly.

## 13 REQUEST TO PARTICIPATE

**13.0** A candidate to participate in this tendering procedure must submit a request to participate, which must include:

**13.0.0 Duly completed and signed application for participation in the competitive dialogue**, drawn up in accordance with Annex 1 of this information document, which must include:

**13.0.1 Power of attorney** (if the request for participation is submitted by a group of interested parties), the recommended template of which is the Annex 11 information document.

**13.0.2 Documents proving the fulfilment of the conditions for participation of personal status according to Section 32 of the Public Procurement Act** in accordance with Annex No. 4 of this informative document - CONDITIONS OF PARTICIPATION, namely:

- i. Extracts from the criminal record of persons pursuant to Section 32 (1) of the Public Procurement Act;
- ii. Confirmation of the absence of arrears on health and social insurance in the Slovak Republic and at the place of registered office of the applicant;
- iii. Confirmation of the absence of arrears of taxes and customs duties in the Slovak Republic and at the place of residence of the applicant;
- iv. Confirmation from the court with territorial jurisdiction that the facts pursuant to Section 32 (1) (d) of the Public Procurement Act (the entity is not in bankruptcy, restructuring or liquidation);
- v. Extract from the Commercial Register proving the authorisation to conduct business in the area of the subject of the contract;
- vi. Affidavit on the absence of a ban on participation in public procurement in the Slovak Republic and at the place of the registered office of the applicant;
- vii. Affidavit of economic integrity of persons pursuant to Section 32 (8) of the Public Procurement Act;

**13.0.3 Documents proving the fulfilment of the conditions for participation of financial and economic status according to Section 33 of the Public Procurement Act** in accordance with Annex No. 4 of this informative document - CONDITIONS OF PARTICIPATION, namely:

- i. Documents proving the applicant's financial turnover for the last three marketing years
- ii. Profit and loss account for the last three financial years for the purpose of calculating the INDEX 05 creditworthiness model
- iii. If relevant, a cooperation agreement with the person whose resources the applicant uses to demonstrate the fulfilment of the given conditions of participation (an entity pursuant to Section 33(2) of the Public Procurement Act);
- iv. Where relevant, documents demonstrating the fulfilment of the conditions for participation in personal status (see Section 13.1.3) by the entity whose resources are used by the applicant to demonstrate the fulfilment of the conditions for participation;

**13.0.4 Documents proving the fulfilment of the conditions for participation of technical and professional competence according to Section 34 of the Public Procurement Act** in accordance with Annex No. 4 of this informative document - CONDITIONS OF PARTICIPATION, namely:

- i. A list of reference experience of the prospective/supplier group;
- ii. Reference letters for individual reference experiences;
  - The Contracting Authority **strongly recommends that interested parties submit a larger number of Reference Experiences** than the minimum required number, as it will not be possible to supplement other Reference Experiences after submitting the application for participation (only those experiences that are stated in the Request for Participation can be evaluated);
  - Each submitted Reference Experience is included in the assessment of the applicant's qualifications (see point 14.3. Limiting the number of applicants);
- iii. CV of key experts, including information on reference practice and reference energy experience;
- iv. If relevant, a cooperation agreement with a person whose capacities the applicant uses to demonstrate the fulfilment of the given conditions of participation (an entity pursuant to Section 34 (3) of the Public Procurement Act);
- v. Where relevant, documents demonstrating the fulfilment of the conditions for participation in personal status (see Section 13.1.3) by the entity whose capacities are used by the applicant to demonstrate the fulfilment of the conditions for participation;

**13.0.5 Affidavit of the person interested in participating in the process**, the template of which is Appendix 9 of this information document.

**13.0.6 A duly completed and signed Non-Disclosure Agreement**, the template of which is Appendix 10 to this informative document.

**13.1** All documents of the application for participation completed or created by the applicant (e.g. application for participation, affidavit, etc.) must be duly signed by the authorized or data subject. If the applicant authorises a third party to act on his behalf when signing the documents submitted in the request to participate, a power of attorney must be attached entitling such person to sign the documents submitted in the request to participate.

**13.2** Certificates, documents and other documents constituting the request to participate must be submitted in the following manner:

- The documents and documents that make up the applicant's application for participation, and which were not originally made in electronic form, but in paper form, are submitted in the form of a scan via the JOSEPHINE system.
- The documents and documents that make up the applicant's application for participation, and which were originally completed in electronic form, are submitted in their original electronic form via the JOSEPHINE system.

- The Contracting Authority reserves the right to request the Applicant for an original copy of the documents and documents submitted by the Applicant as part of the application for participation in a scanned form, if the Applicant is successful in this public procurement or the Contracting Authority has doubts about the authenticity of such documents and documents, or if it is necessary to ensure the proper course of the public procurement.
- The documents and documents submitted in the JOSEPHINE system must correspond to the original document and document so that the Sponsor can faithfully assess the fulfilment of the conditions of participation and the requirements for the request for participation.

**13.3** The contracting authority will accept documents submitted in Slovak, Czech and English. Documents drawn up in other languages must be officially translated into Slovak. In the event of a discrepancy between the certified translation and the original, the information contained in the original document shall prevail.

## **14 LIMITATION OF THE NUMBER OF CANDIDATES INVITED BY THE CONTRACTING AUTHORITY TO PARTICIPATE IN THE DIALOGUE (QUALIFICATION)**

**14.0** The contracting authority shall proceed in the evaluation of the conditions of participation in accordance with Section 40 of the Public Procurement Act. The contracting authority shall exclude candidates who do not meet the conditions for participation in accordance with Section 40 (6) of the Public Procurement Act.

**14.1** In the event that more than (4) four bidders meet the conditions of participation, the Contracting Authority shall reduce the number of bidders to four (4) on the basis of the criteria of technical competence in accordance with Section 96 (2) of the Public Procurement Act in accordance with the procedure set out in Article 96 (2) of the Public Procurement Act. 14.2 information document.

### **14.2 Rules for reducing the number of applicants:**

**14.2.0** The contracting authority shall establish a committee for the purpose of assessing and evaluating the fulfilment of the qualification requirements of individual candidates and compiling the ranking of candidates based on the evaluation of the criterion of technical competence.

**14.2.1** The Commission will evaluate each Reference Experience carried out as a stand-alone project meeting the requirements set out in Annex 4 to this information document as follows:

- will award one (1) point for each meeting of the criteria under Variant A of Annex 4 to this information document;
- award one (1) point for each meeting of the criteria under Variant B of Annex 4 of this information document;

- for each fulfilment of the criteria according to Variant C of Annex No. 4 of this information document, one (1) point will be awarded.

#### **14.3 The Contracting Authority does not limit the maximum number of submitted Reference Experiences**

**Experiences** that the Applicant may submit in excess of the minimum number required by the Contracting Authority for the purpose of meeting the conditions of participation and evaluation according to point 14.3 serving to reduce the number of qualified Candidates.

**14.4** In the event that two or more bidders receive the same number of points, the order of such bidders will be determined in descending order according to the sum of the boiler inputs supplied under the reference contracts.

**14.5** The Contracting Entity will evaluate only such reference experience that meets the requirements of Annex 4 to this information document.

**14.6** The Contracting Authority shall send an invitation to participate in the dialogue (hereinafter referred to as the "Invitation") to the qualified four candidates (who have fulfilled the conditions for participation) in the order of qualification criteria **with** all relevant documents, in particular the documents referred to in point 3.6 of this Information Document.

### **15 INSPECTION OF THE PLACE OF IMPLEMENTATION OF THE SUBJECT OF THE CONTRACT**

**15.0** An economic operator interested in a contract may request an inspection of the current WTE within the deadline for submission of requests to participate, even repeatedly. The inspection must be requested through the Josephine system with a proposal for at least two (2) dates. The contracting authority will then confirm one of the proposed dates or propose alternatives according to its own time availability.

**15.1** The inspection will take place accompanied by a responsible person designated by the Contracting Authority. The Contracting Authority shall make a record of the inspection in order to record its progress.

**15.2** The contracting authority will not answer any questions asked by interested parties during the inspection of the place of performance. In case of any questions in connection with the inspection of the place of performance, questions must be asked in writing as a request for clarification via the JOSEPHINE system.

**15.3** The expenses associated with the inspection of the place of performance of the subject of the contract are borne by each interested party himself.

**15.4** Place of inspection (address):

Odvoz a likvidácia odpadu a.s.

WTE (Waste Energy Recovery Facility)

Vlčie hrdlo 72, 821 07 Bratislava

### **16 COSTS OF PARTICIPATION AND DIALOGUE**

All costs, expenses incurred by the applicant or bidder associated with the preparation of the application for participation, conducting the competitive dialogue, submitting a bid or

possibly providing their technical solution to the Contracting Authority shall be borne by the applicant or tenderer without any financial claim against the Contracting Authority and regardless of the outcome of the public procurement.

## PART II. SUBMISSION OF A REQUEST TO PARTICIPATE

### 17 CANDIDATE

- 17.0** In the event that a group of suppliers wants to participate in the competitive dialogue, the electronic offer in the JOSEPHINE system is submitted by the authorized leading member of the group of suppliers under his account.
- 17.1** If an application for participation is submitted by an applicant who does not meet the conditions under this section of the information document, such applicant will be excluded from the competition. The applicant will be notified of the exclusion of his or her request to participate, stating the reason for the exclusion and the time limit within which he or she may lodge objections.
- 17.2** Application of Section 10 (4) of the Public Procurement Act: The contracting authority reserves the right to exclude interested parties or a group of suppliers if such candidate or a member of a group of suppliers has its registered office in a third country that is not a party to the Agreement on Government Procurement or any other international treaty by which the European Union is bound and which guarantees equal and effective access to public procurement in this third country for economic operators with its registered office in the Slovak Republic.
- 17.3** Application of the institute pursuant to Section 10 (4) of the Public Procurement Act: The contracting authority reserves the right to require a candidate, tenderer or group of suppliers to replace a subcontractor if the subcontractor has its registered office in a third country that is not a party to the Agreement on Government Procurement or another international treaty to which the European Union is bound and which guarantees equal and effective access to public procurement in this third country for economic operators with its registered office in the Slovak Republic
- 17.4** The contracting authority, for the avoidance of doubt, states that for the purposes of assessing whether a candidate, a member of a group of suppliers, a subcontractor or another person has its registered office in a third country which is a party to a Government Procurement Agreement or other international treaty to which the European Union is bound and which guarantees equal and effective access to public procurement in that third country for economic operators established in the Slovak Republic **is not sufficient**, provided that the Participant is established in a State that has **observer status to** the Government Procurement Agreement, as such State is not a party to the Government Procurement Agreement.

### 18 SUBMISSION OF THE REQUEST TO PARTICIPATE AND DEADLINE FOR SUBMISSION OF THE REQUEST TO PARTICIPATE

- 18.0** The applicant is obliged to submit the application for participation electronically in accordance with Section 49 (1) (a) of the Public Procurement Act, via the JOSEPHINE system.

A prerequisite for submitting a request for participation is the process of authentication and identification of the supplier in the Josephine system.

**Authentication can be done in the following ways:**

- in the JOSEPHINE system by registering and logging in using an identity card (valid in the case of a supplier whose statutory body is a citizen of the Slovak Republic) with an electronic chip and a security personal code (eID). The system will automatically authenticate the supplier, who will be registered by his statutory representative using the eID. Authentication is performed by the JOSEPHINE system provider on weekdays from 8:00 a.m. to 4:00 p.m. The Supplier is notified of the completion of the authentication by e-mail;
- by uploading a qualified electronic signature (e.g. eID signature) of the statutory representative of the supplier to the user card after registration and logging in to the JOSEPHINE system. Authentication will be performed by the JOSEPHINE system provider on weekdays from 8:00 a.m. to 4:00 p.m. the Supplier is notified by e-mail of the completion of the authentication;
- by inserting a document proving the person of the statutory representative on the user card after registration, which is signed with the electronic signature of the statutory representative and an authorized person, or has undergone a guaranteed conversion. Authentication will be performed by the JOSEPHINE system provider on weekdays from 8:00 a.m. to 4:00 p.m. The Supplier is notified of the completion of the authentication by e-mail;
- by inserting a power of attorney on the User's card after registration, which is signed with the electronic signature of the statutory representative and by an authorized person, or has undergone a guaranteed conversion. Authentication will be performed by the JOSEPHINE system provider on weekdays from 8:00 a.m. to 4:00 p.m. The supplier is notified of the completion of authentication by e-mail.

**18.1** After logging in to the JOSEPHINE system, the authenticated contractor selects this tender (this contract) in the overview - list of procurements and enters his request to participate in the designated form for receiving requests for participation, which can be found in the "Tenders and applications" tab. An electronic request for participation is sent after uploading the required documents and documents. The contracting authority **strongly recommends that suppliers upload and submit their request to participate in a timely manner, not at the last minute** of the deadline for submitting the request to participate. Uploading documents to the Josephine system takes a few minutes (depending on the Internet connection and the size of the uploaded files), as well as the electronic security of the offer and sending it to the Josephine system server takes a few minutes (depending on the Internet connection). **A request to participate received after the deadline cannot be opened and will not be taken into account.** Until the opening of the request for participation, the contracting authority does not see the content of the submitted application, only the identification of the supplier who submitted the application.

**18.2** **A request for participation is considered to have been submitted only after it has been uploaded to the server of the Josephine system.** Uploading data, documents and documents without binding uploading them to the server of the Josephine system is not considered to be the submission of a request for participation. After the binding submission of the request for participation (i.e. after it has been uploaded to the server), the supplier is shown information about the successful submission of the application and a notification email

about the submission of the application is sent. The contracting authority recommends suppliers to try this process in time - the submitted application can be downloaded and re-uploaded. The content of the submitted application will not be visible to the Contracting Authority (the Josephine system does not display and make available the downloaded applications or their content).

**18.3** The request to participate must be received within the deadline for submitting the request to participate. The binding deadline is always indicated in the Josephine system. The JOSEPHINE system will not allow the opening of requests to participate received after the deadline for submission of requests to participate.

## PART III. COMPETITIVE DIALOGUE

### 19 CONDUCTING A COMPETITIVE DIALOGUE

#### 19.0 Purpose of the meeting

The contracting authority will conduct negotiations/dialogue in order to find the solution that best meets its needs, both technically and economically. Within the competitive dialogue, the Contracting Authority may discuss the subject of the contract from all aspects (technical, economic and legal aspects). Interested parties can clarify, define and develop their proposals in the competitive dialogue before submitting their final bids.

The result of the dialogue should be the submission of final bids of bidders who have met all the requirements set by the Contracting Authority for the subject of the contract.

#### 19.1 Invitation to participate in the dialogue

Qualified applicants will be invited to the dialogue. The list of interested parties will be confidential. Together with the call, they will be provided with more detailed technical documentation, as well as an initial draft of the contract for work. In the invitation to participate in the dialogue, the contracting authority may, in particular, specify further information on the rules and form of the dialogue, the language of the dialogue, the time and place of the dialogue.

#### 19.2 Dialog

A competitive dialogue with interested parties will take place with each interested party separately. During this phase, interested parties may be invited to submit preliminary tenders and proposals for technical solutions, subject to the requirements and scope defined during the competitive dialogue and specified in such a call. These preliminary offers may be clarified, specified and optimized at the request of the Contracting Entity.

The rules of the competitive dialogue are as follows:

**19.2.0** The dialogue with each interested party is considered to be ongoing until the situation satisfactory to the Contracting Authority is reached. The dialogue may be interrupted. The time, place and form of the continuation of the dialogue after the interruption is determined by the Contracting Authority and communicated to the interested party in due time, depending on the form of the chosen negotiation.

**19.2.1** The dialogue can take the form of face-to-face meetings or through electronic communication (online meeting) or a combination of both. The appropriate form and intensity of negotiations is determined by the Contracting Authority.

**19.2.2** The Contracting Authority shall draw up minutes of each meeting within the dialogue, which shall contain in particular all the essential facts that were the subject of the dialogue and that may affect the content of the final bid. Each report is part of the procurement documentation.

## 20 CALL FOR FINAL BIDS

**20.0** At the end of the dialogue, the Contracting Authority will send an invitation to submit final bids to the participants who have not been excluded from the competition. In the invitation to submit final tenders, the Contracting Authority shall provide detailed information, in particular on the time, place and manner of submission of final tenders, the commitment period of tenders and the place, date and time of the opening of final tenders.

**20.1** Together with the invitation to submit final bids, the Contracting Authority will send the final requirements for the technical solution materialized in the requirements for the subject of the contract to the bidders.

**20.2** On the basis of the information obtained during the dialogue and in accordance with the updated requirements of the Contracting Authority regarding the subject matter of the contract, described in the call for final tenders, the tenderers who have not been excluded will submit final tenders.

**20.3** The contracting authority warns all interested parties that, depending on the circumstances, the deadline for binding bids may be extended, but in no case may be longer than 12 months from the expiry of the deadline for submission of tenders (Section 46 (2) of the Public Procurement Act).

## 21 OFFER SECURITY

**21.0** The contracting authority will require the lodging of a security to secure the final tender (not the request to participate). Proof of the deposit of the security shall be submitted together with the final offer.

**21.1** The security deposit is set at: EUR 500,000 (in words: five hundred thousand euros).

**21.2** Methods of depositing a collateral:

- provision of a bank guarantee for the applicant,
- deposit funds into the Agent's bank account, or
- guarantee insurance.

**21.3** Detailed conditions/instructions for the lodging of the collateral of the final bid will be specified in the invitation to submit final bids.

## 22 CONTRACT

**22.0** The contracting authority shall conclude a contract with the successful tenderer pursuant to the provision of Section 56 of the Public Procurement Act.

**22.1** In accordance with Section 11 of the Public Procurement Act, the Contracting Authority shall not conclude a contract with:

- an applicant who is obliged to register in the Register of Public Sector Partners pursuant to Act No. 315/2016 Coll. on the Register of Public Sector Partners and on Amendments to Certain Acts and is not registered in the Register of Public Sector Partners,
- a tenderer whose ultimate beneficial owner registered in the Register of Public Sector Partners is a person referred to in Section 11(1)(c) of the Public Procurement Act, or
- a tenderer whose subcontractors or subcontractors pursuant to a special regulation, who are obliged to register in the Register of Public Sector Partners and are not registered in the Register of Public Sector Partners or have an ultimate beneficial owner registered in the Register of Public Sector Partners, which is a person pursuant to Section 11 (1) (c) of the Public Procurement Act.

**22.2** The contracting authority also determines as a special contractual condition the fact (the contracting authority reserves the right to define the exact wording of this special contractual condition in the invitation for submission of final bids, as the purpose of this condition is to meet the conditions for financing by commercial banks) that the successful tenderer (neither any member of the group of tenderers nor any of their subcontractors that the tenderer intends to use in connection with the contract):

- he/she is not a Sanctioned Person or a participant in any transaction or other conduct as a result of which he/she could become a Sanctioned Person;
- is not or has not been involved in any transaction which, by its purpose or effect, directly or indirectly circumvents or violates any Sanctions; and
- is not or has not participated in any business or other activities involving or benefiting the Sanctioned Person in breach of the Sanctions applicable to that Sanctioned Person.

By the story:

**Sanctions** means any commercial, economic or financial sanctions, embargoes or other similar restrictive measures resulting from any legal regulation or other decision of the Sanctions Authority.

**Sanctioned person** means a person or institution that:

- is included in the Sanctions List, is directly or indirectly owned or controlled by such a person, or any of its representatives or persons acting on their behalf is such a person or has an agreement with such person to exercise a majority of the voting rights or is a person acting on behalf of such person;
- has its registered office or place of business in a State or Territory that is subject to Sanctions with a territorial scope that includes that State or Territory, is constituted

under the laws of such State or Territory, is owned by, is controlled by such person, or is a person acting on behalf of such person;

- (c) is otherwise affected by the Sanctions;
- (d) for the purpose of performing the contract with the Sponsor, it contracts any subcontractor who is a Sanctioned Person.

Sanctioning authority means:

- (a) the European Union or any of its Member States; or
- (b) Swiss Confederation; or
- (c) any body or agency of the European Union or of any of its Member States, or any other State or authority, where this would have a negative impact on the loan financing.

**Sanctions List** means any list maintained or publicly announced by the Sanctions Authority that contains the identification data of persons or institutions affected by any Sanctions.

- 22.3** The contracting authority reserves the right to extend the conditions and obligations in the contract for work regarding the penalties applicable to the contractor and its subcontractors, in particular in connection with the requirements of entities providing project financing.
- 22.4** The contracting authority reserves the right to set a longer deadline for the provision of cooperation pursuant to Section 56 (5) and (7) of the Public Procurement Act, for example 20 working days. The deadline for providing cooperation will be indicated in the call for final tenders.

## PART IV. FURTHER INFORMATION

### **23 PROTECTION OF PERSONAL DATA AND CONFIDENTIALITY OF THE PUBLIC PROCUREMENT PROCESS**

- 23.0** The contracting authority processes the personal data of the candidates/tenderers (including the personal data of subcontractors proving the fulfilment of the conditions of participation of economic and financial standing and the conditions of participation of technical competence or professional competence) for the purpose of assessing their application for participation in the public procurement in accordance with the applicable legal regulations. Processing for this purpose is necessary and takes place at the request of the applicant/applicant as a data subject.
- 23.1** The Contracting Authority, as the controller, processes the personal data of the data subject in a lawful manner only for the specified purpose to the extent necessary and no longer than is strictly necessary to achieve the purpose of processing, in a manner that ensures their proper security.
- 23.2** Without providing the personal data of the candidate/tenderer, it is not possible to evaluate the application for participation in the public procurement procedure. Failure to provide the data to the required extent may result in the exclusion of the candidate/tenderer from participation in the public procurement procedure.

**23.3** Information relating to the examination, explanation and evaluation of tenders shall be confidential. Members of the Tender Evaluation Committee and the responsible persons of the Contracting Authority shall not/shall not provide or publish the specified information on the content of the tenders to the Tenderers or any other third parties during the ongoing procurement process. After signing the contract, the Contracting Authority shall publish the minutes of the assessment of the fulfilment of the conditions for participation in the public procurement, the bid of the successful bidder, the minutes of the opening of bids, the minutes of the evaluation of bids, the concluded contract and any amendment thereto, or other documents that the Public Procurement Act requires to be published, while sensitive and confidential information contained in these documents will be blacked out or deleted. Information that the candidate/tenderer marks as confidential in the bid will not be published or otherwise used without the prior consent of the bidder.

**23.4** The candidate/tenderer is obliged to maintain confidentiality about confidential information that will be made available to him in the course of the public procurement.