

Open Competition

Pursuant to the Act No. 343/2015 Coll. on Public Procurement and on amending and supplementing some acts
as amended

Registration number of procurement event: 26-0108-VS

Supply of Ball Valves DN 700 – DN 1200 with Accessories for the Year 2027

Tender Specifications

Note: This is English translation of original Tender Specifications in Slovak. The binding wording of this document is in Slovak language that prevails over this English translation. The Contracting Entity does not warrant or nor guarantee the accuracy of this translation.

CONTENTS

CONTENTS.....	2
1. GENERAL INFORMATION.....	4
1.1. Identification of the Contracting Entity.....	4
1.2. Manner of procurement.....	4
1.3. Basic steps in the Competition.....	4
1.4. Resources for financing the Contract.....	4
1.5. Communication in the Competition.....	5
1.6. Registration and authentication into the JOSEPHINE System.....	5
1.7. Language of the Competition.....	6
1.8. Clarification and supplementing of the Tender Specifications.....	7
1.9. Group of suppliers.....	7
2. SUBJECT-MATTER OF THE CONTRACT.....	7
2.1. Designation of the Subject-Matter of the Contract.....	7
2.2. Kind of the Subject-Matter of the Contract.....	7
2.3. Description of the Subject-Matter of the Contract.....	8
2.4. Place of Delivery of the Subject-Matter of the Contract.....	9
2.5. Term of the Subject-Matter of the Contract fulfilment.....	9
2.6. Contract.....	9
2.7. Restriction of some tenderers or candidates from their participation in the Competition.....	9
3. PARTICIPATION CONDITIONS.....	10
3.1. Personal status.....	10
3.2. Financial and economic status.....	10
3.3. Technical and professional competences pursuant to Article 34 of the PPA.....	10
3.4. Submitting the documents proving compliance with participation conditions.....	11
3.5. Assessment of the compliance with participation conditions.....	11
4. CONTENTS, PREPARATION AND SUBMISSION OF TENDERS.....	12
4.1. Contents of tenders.....	12
4.1.3. Cover letter of tender.....	12
4.1.4. Documents proving compliance with participation conditions.....	12
4.1.5. Technical documents of a tender.....	13
4.1.6. Commercial documents of a tender.....	14
4.1.7. Other documents.....	14
4.2. Instructions for preparation of a tender.....	14
4.3. Manner of determining the price in a tender.....	15
4.4. Information confidentiality.....	15
4.5. Submission of tenders.....	16
4.6. Requirements for submission of electronic documents.....	17
5. EVALUATION OF TENDERS.....	18
5.1. Opening of tenders.....	18
5.2. Rules for evaluation of tenders.....	19
5.3. Criteria for evaluation of tenders and rules of their application.....	20
5.4. Information on result of tender evaluation.....	20
6. ELECTRONIC AUCTION.....	21
6.1. General information.....	21
6.2. Course of e-Auction.....	21
6.3. Information related to the electronic equipment, conditions and specifications of technical connection ..	22
6.4. Other information.....	23
7. CONCLUSION OF THE CONTRACT.....	24
8. OTHER CONDITIONS OF THE COMPETITION.....	25
8.1. Tender binding period.....	25
8.2. Variant solutions.....	25
8.3. Conditions of Competition cancellation.....	25
8.4. Bid bond.....	25
9. FURTHER INFORMATION.....	25

9.1.	Costs of tenderers for participation in the Competition.....	25
9.2.	Relevant law and other legal information	26
9.3.	Personal data protection	26
10.	LIST OF ANNEXES	26

1. GENERAL INFORMATION

1.1. Identification of the Contracting Entity

Business Name: **eustream, a.s.**
Registered Office: Votrubova 11/A, 821 09 Bratislava, Slovak Republic
Legal Form: Joint Stock Company incorporated in the Commercial Register of the City Court Bratislava III, Section: Sa, Entry No.: 3480/B
Company ID: 35 910 712
Tax ID: 2021931175
VAT ID: SK2021931175
Web Site: www.eustream.sk
Contact Person: Ján Repa, Strategic Purchaser
Phone: +421 (0)2 6250 7167
Mobile: +421 (0) 905 504 700
E-mail: Jan.repa@eustream.sk

(hereinafter referred to as the “**Contracting Entity**”)

1.2. Manner of procurement

- 1.2.1. This Contract is awarded by means of a public procurement procedure pursuant to the Act No. 343/2015 Coll. on Public procurement and on amending and supplementing some acts in wording applicable as of the date of this contract award procedure (hereinafter referred to as the “**PPA**”). This Contract award proceeding is governed by relevant provision of the PPA and other legal regulations of the Slovak Republic.
- 1.2.2. This Contract is awarded by a procedure pursuant to Article 91 of the PPA – Open Competition (hereinafter referred to as the “**Competition**”).
- 1.2.3. This Competition is carried out by electronic means by means of the JOSEPHINE system.
- 1.2.4. For the purposes of this public procurement procedure, JOSEPHINE system is a software dedicated to electronic awarding of public contracts registered in the List of electronic means pursuant to Article 158a of the PPA. JOSEPHINE is a web application at the domain <https://josephine.proebiz.com>.
- 1.2.5. The operator and provider of the JOSEPHINE system is the company PROEBIZ, s.r.o., organizational unit of a foreign entity enterprise, Šulekova 2, 811 06 Bratislava, Slovakia, contact: phone: +421 220 255 999, e-mail: houston@proebiz.com (hereinafter referred to as „**Provider of JOSEPHINE system**“).

1.3. Basic steps in the Competition

- a) Notification of the Competition by publishing appropriate notification of public procurement procedure in the Official Journal of the European Union and in the Public Procurement Journal;
- b) Provision of Tender Specifications and clarifications upon request of candidates or economic subjects;
- c) Submission of tenders along with documents proving compliance with participation conditions thereof;
- d) Assessment of compliance with participation conditions;
- e) Evaluation of tenders prior to electronic auction;
- f) Online electronic auction;
- g) Evaluation of tenders after the electronic auction;
- h) Announcement of tender evaluation result;
- i) Conclusion of the Contract;

Detailed information on individual aforementioned steps in the Competition is presented in further sections of these Tender Specifications.

1.4. Resources for financing the Contract

The Contracting Entity will finance the Contract upon its own resources.

1.5. **Communication in the Competition**

- 1.5.1. The communication and information exchange in the Competition, including submission of documents proving compliance with participation conditions, tenders, requests for clarification of Competition conditions and Tender Specifications, provision of clarifications, appeals for explanations of submitted documents or tenders, submission of such explanations or supplementing documents, explanations of tenders and other communication between the Contracting Entity and candidates or tenderers (hereinafter referred to as the “**communication**”), shall be carried out pursuant to Article 20 of the PPA in writing by electronic means in the language or languages specified in paragraph 1.7 hereof.
- 1.5.2. The communications shall be carried out by means of communication interface of the system JOSEPHINE (hereinafter referred to as the “**JOSEPHINE system**”).
- 1.5.3. Link to the Competition: <https://josephine.proebiz.com/sk/tender/82687/summary>
- 1.5.4. For problem-free using the JOSEPHINE system, it is necessary to use one of the supported Internet browsers:
- Mozilla Firefox version 13.0 or higher;
 - Google Chrome;
 - Microsoft Edge;
- 1.5.5. The level of security needed for electronic means of communication within the whole course of this Competition is given by the level of security of the registration and authentication of users (i.e. participants of the Competition) into the JOSEPHINE system that provides for the security of communication between the Contracting Entity and candidates and tenderers.
- 1.5.6. Rules for delivery – a message deems delivered to a candidate / tenderer, if an addressee thereof will have an objective opportunity to familiar itself with content of the message, i.e. immediately as the message is in disposal of a candidate / tenderer. In the JOSEPHINE system, the moment of message delivery deems the moment of its sending or publishing respectively in the JOSEPHINE system in accordance with the appropriate functionality of the system.
- 1.5.7. If the Contracting Entity is the sender of a message then a notification of new message related to the Competition shall be sent immediately to e-mail(s) specified by candidate / tenderer. The candidate / tenderer can log in to the system and the message will be displayed in the communication interface of the Competition. A candidate / tenderer can display the entire history of the communication with the Contracting Entity in communication interface of the Competition.
- 1.5.8. If a candidate / tenderer is the sender of a message then, after logging in to the system and entering this Competition, it can send messages by means of the communication interface including attachments to the Contracting Entity. Such message deems delivered to the Contracting Entity at the moment of its sending within the JOSEPHINE system in accordance with the appropriate functionality of the system.
- 1.5.9. The Contracting Entity recommends to candidates, who wish to be informed on eventual updates related to this Competition by means of notification e-mails sent automatically by the JOSEPHINE system, to click on the button “**INTERESTED**” within the Competition in the JOSEPHINE system (placed in the right upper part of the screen). Notification mails are delivered also to candidates who are registered in electronic list of candidates within the Competition.
- 1.5.10. The Contracting Entity provides for unlimited and direct access by electronic means to the Tender Specifications including all attachments thereof as well as all eventual clarifications or supplements of the Tender Specifications or participation conditions and other documents being a part of the Tender Specifications within the Competition in the JOSEPHINE system.
- 1.5.11. Delivering the objections and withdrawal therefrom in relation to the Office for Public Procurement is ensured in the JOSEPHINE system in accordance with Article 170 paragraph 9 b) of the PPA.

1.6. **Registration and authentication into the JOSEPHINE System**

- 1.6.1. **Participation of a candidate in this Competition is not possible without its proper authentication according to this paragraph 1.6 hereof!**
- 1.6.2. For the purpose of tender submission in this Competition, it is necessary that a candidate registers with

- the JOSEPHINE system, otherwise the candidate will be granted with no access to this Competition within the JOSEPHINE system and thus shall be able to submit neither tender nor any other documents within the Competition. A candidate has an option to register with the JOSEPHINE system by means a password or also by means of its personal card equipped with an electronic chip and security personal code (eID).
- 1.6.3. If a candidate had participated in any tendering procedure carried out in the JOSEPHINE system, it should have been registered in this system and it is necessary to verify validity of such registration at the Provider of JOSEPHINE system.
- 1.6.4. Submission of tenders is allowed only to authenticated candidates.
- 1.6.5. The authentication can be done in the following ways:
- a) In the JOSEPHINE system by registration and logging in by means of personal card equipped with an electronic chip and security personal code (eID). The company, which candidate's statutory officer registers by means of eID, is registered. The Provider of JOSEPHINE system performs the authentication within business days within the time 8:00 – 16:00 hours. The candidate is notified of the authentication completion by an e-mail.
 - b) By uploading the qualified electronic signature (e.g. eID signature) of the candidate's statutory officer to the user's card after the registration and logging in to the JOSEPHINE system. The Provider of JOSEPHINE system performs the authentication within business days within the time 8:00 – 16:00 hours. The candidate is notified of the authentication completion by an e-mail.
 - c) By uploading a document proving the person of candidate's statutory officer to the user's card after the registration, which is signed by an electronic signature of the candidate's statutory officer or was created upon qualified conversion thereof. The Provider of JOSEPHINE system performs the authentication within business days within the time 8:00 – 16:00 hours. The candidate is notified of the authentication completion by an e-mail.
 - d) By uploading a power of attorney to the user's card after the registration, which is signed by an electronic signature of the candidate's statutory officer or was created upon qualified conversion thereof. The JOSEPHINE system provider performs the authentication within business days within the time 8:00 – 16:00 hours. The candidate is notified of the authentication completion by an e-mail.
- 1.6.6. An authenticated candidate can, upon opening the JOSEPHINE system, choose this Competition from the list of tendering procedures displayed therein, log in using login information acquired within the registration process, and then it can upload its tender into the form dedicated to tender receiving, which can find in the card "**Bids and requests**".
- 1.6.7. Further information on registration and authentication into the JOSEPHINE system are presented on the web site <https://josephine.proebiz.com/>, link "**Library of Manuals and Links**", which is located in right on upper screen bar of the JOSEPHINE basic screen and left from language selection icon.
- 1.6.8. In case of any questions and/or problems related to the registration or authentication of candidate, it is necessary to contact the Provider of JOSEPHINE system, the contact is presented in paragraph 1.2.5 hereof.

1.7. Language of the Competition

- 1.7.1. The communication language in this Competition is the Slovak and/or Czech and/or English language.
- 1.7.2. Tenders, proposals and other documents in public procurement are submitted in the state (i.e. Slovak) language and can be submitted also in the Czech language as well. The Contracting Entity allows submission of tenders also in the English language whereas in such case the submission of no translation thereof into the state (Slovak) language is required.
- 1.7.3. A document submitted within a tender in a language other than Slovak, Czech and/or English language must be submitted along with its official translation into the state (Slovak) language. If any discrepancy is found in the contents of a documents submitted pursuant to this paragraph, the official translation thereof into the state language shall be decisive.
- 1.7.4. The Contracting Entity reserves right to disregard documents that will be submitted in a language other than Slovak, Czech and/or English language and not concurrently translated into the state (Slovak)

language.

1.8. Clarification and supplementing of the Tender Specifications

- 1.8.1. Requests for clarification have to be delivered to the Contracting Entity via the JOSEPHINE system in Slovak, Czech and/or English language, otherwise the Contracting Entity is not obliged to provide for any clarification.
- 1.8.2. The Contracting Entity will provide a clarification pursuant to Article 48 of the PPA to all candidates being interested in participation in the Competition by means of publishing the clarification in the JOSEPHINE system. The Contracting Entity shall provide for clarification without undue delay, however no later than 6 days prior to the expiry of the period for tender submission, provided that such clarification has been requested for enough in advance. A timely delivered request for clarification deems a request delivered to the Contracting Entity via the JOSEPHINE system in Slovak, Czech or English language no later than 12 days prior to expiry the period for tender submission. The Contracting Entity is not obliged to provide a clarification upon a request delivered later on.

1.9. Group of suppliers

- 1.9.1. Also a group of suppliers can be a tenderer in this Competition, if all members of such group have demonstrated compliance with participation conditions pursuant to Article 37, paragraph 3 of the PPA (hereinafter referred to as the “**Group of Suppliers**”). Each member of the Group of Suppliers has to prove that it complies with the participation conditions related to the personal status (not applicable in this Competition), whereas the compliance with participation conditions related to economic status, technical and professional competences can demonstrate all members of the Group of Suppliers together. The authorization to supply goods, carry out construction work or provide a service is demonstrated by a member of the Group of Suppliers only in relation to that part of the subject matter of the contract that it is to provide for.
- 1.9.2. If the Group of Suppliers submits a tender, the Contracting Entity will lead the communication in the Competition with a representative of such group authorized to communication with the Contracting Entity in this Competition.
- 1.9.3. If a tender submitted by the Group of Suppliers is accepted, the Contracting Entity shall:
- a) require that all members of the Group of Suppliers authorize one member thereof to represent the entire group in communication with the Contracting Entity in performing the Contract;
 - b) require that all members of the Group of Suppliers undertake the commitment to perform the Contract jointly and severally; if this requirement is not met, i.e. all members of the Group of Suppliers do not sign the Contract jointly and severally for the purpose of joint and several performance of the Contract, such tender shall not be accepted;
 - c) not require the formation of any legal form of entity by such Group of Suppliers, but it requires that the members of the Group of Suppliers appropriately regulate their mutual relations so that they are able to duly perform the Contract; in such case the Contracting Entity will be entitled to ask the Group of Suppliers to prove how their mutual relations are regulated;

2. SUBJECT-MATTER OF THE CONTRACT

2.1. Designation of the Subject-Matter of the Contract

Designation of the Subject-Matter of the Contract according to CPV:

Main Vocabulary: 42131240-0 Straight (Ball) Valves

2.2. Kind of the Subject-Matter of the Contract

Supply of Goods ☒ Provision of Service ☐ Performance of Works ☐

2.3. Description of the Subject-Matter of the Contract

- 2.3.1. The subject-matter of the Contract comprises the supply of ball valves along with their accessories, for high pressure natural gas pipelines, of dimensions DN 700 and DN 1200, PN 80, which are divided into 2 parts according to ball valves dimensions as follows:

Item No.	DN	Tag	Actuator	Project No.	Quantity	Place of Delivery
PART 1						
1	700	6.6	Electric -Hydraulic	NUV/27031	1ks	TU11 Belža, Slovakia
2	700	6.6	Electric -Hydraulic	NUV/27043	1ks	TU19 N. Kaloša, Slovakia
3	700	6.1	Electric -Hydraulic	NUV/27046	1ks	TU20 R. Sobota, Slovakia
4	700	6.2	Electric -Hydraulic	NUZ/27010	1ks	TU28 Plášťovce, Slovakia
5	700	6.4	Electric -Hydraulic	NUZ/27008	1ks	TU28 Plášťovce, Slovakia
6	700	6.2	Electric -Hydraulic	NUZ/27057	1ks	KS03 Veľké Zlievce, Slovakia
7	700	6.2	Electric -Hydraulic	NUZ/26062	1ks	RU03 Lakšárska nová Ves, Slovakia
PART 2						
8	1200	2.7	Electric	NUZ/27044	1ks	KS03 Veľké Zlievce, Slovakia

(hereinafter referred to as the “**Subject-Matter of the Contract**”)

Detailed specification of the ball valves of all parts hereof is presented in Annex 2 hereto: “Proposal for Criteria Fulfilment – Specification” (hereinafter referred to also as “**Proposal for criteria fulfilment**” or “**Specification**”).

- 2.3.2. Supply of actuators for ball valves that may include for example electro-hydraulic, electric, hand driven (manual) or other kinds of actuators, is also a part of the Subject-Matter of the Contract, as well as supply of optional accessories (e.g. extensions of shafts, etc.) and related services, i.e. commissioning of actuators pursuant to applicable legal regulations and/or training courses for the Contracting Entity's operational personnel for operation and maintenance of actuators.
- 2.3.3. In some cases, the Contracting Entity requests for delivery of ball valves along with extension pieces. The length of such extension pieces is specified in the Specification as maximal whereas the actual length thereof may be modified with regard to the type of the actuator that a tenderer will offer in its tender.
- Note: In cases when the Contracting Entity requires extension pieces for overground ball valves, it is required because those ball valves are dedicated to replacement of existing ball valves at which service platforms are installed.
- 2.3.4. The ball valves and also actuators for the ball valves (including accessories), which the tenderer will offer, have to meet requirements of the Specification and Technical-Delivery Conditions “Ball Valves for High Pressure Gas Pipelines DN 300 – DN 1400” and “Actuators for “Ball Valves for High Pressure Gas Pipelines DN 300 – DN 1400” (the Specification and both aforementioned Technical-delivery Conditions hereinafter jointly referred to as “**Specifications**”). The Technical-Delivery Conditions constitute annexes no. 2 and 3 to the Commercial and Contractual Terms & Conditions constituting Annex 2 hereof respectively.
- 2.3.5. A tenderer may submit a tender for any part of the Subject-Matter of the Contract, or any combination thereof, provided that the tenderer proves its compliance with participation conditions specified in Article 3 hereof for respective part or parts of the Contract Subject-Matter.

2.4. Place of Delivery of the Subject-Matter of the Contract

Places of individual ball valves delivery are localities within the territory of the Slovak Republic, which are specified in the Specification.

2.5. Term of the Subject-Matter of the Contract fulfilment

- 2.5.1. The Contract becomes valid and comes into its effectiveness on the day of its signature by both contracting parties thereof.
- 2.5.2. Requested deadlines for deliveries of individual ball valves are specified in the Specification.
- 2.5.3. It is required that a tenderer specifies in its Proposal for criteria fulfilment in the column named "*Delivery Period*" a binding period of delivery for each one ball valve within every part of the Subject-Matter of the Contract, for which it submits its tender, so that the deadline requested by the Contracting Entity is observed, or if not feasible, so that the delivery period is as closed as possible to the requested deadline. The delivery period has to include the delivery of respective ball valve including requested accessories (actuator, extension piece, etc.) and documentation according to the Contract. The Contracting Entity reserves right not to accept a tender for any part of the Subject-Matter of the Contract, in which any binding period for delivery of ball valves is longer than 32 weeks.

2.6. Contract

- 2.6.1. Kind of the contract to be concluded for the Contract Subject-Matter: a Purchase Contract (hereinafter referred as the "**Contract**").
- 2.6.2. The result of this Competition will be conclusion of the Contract in a deed (i.e. paper form).
- 2.6.3. Depending on result of evaluation of tenders, the Contract will be concluded with single one or several tenderers.
- 2.6.4. The Commercial and contractual terms and conditions constitute Annex 2 hereof, which comprises the entire wording of the Contract including annexes thereof (hereinafter referred to as the "**T&C's**").
- 2.6.5. As this Contract awards upon a public procurement procedure of the Open Competition pursuant to Article 91 of the PPA, the Contracting Entity shall not negotiate with tenderers on tenders and thus also the T&C's shall not be subject to any negotiations. It is required that tenderers accept T&C's without reservations and submit within their tenders a declaration according to paragraph 4.1.6.2 hereof that they accept T&C's without reservations. Any eventual reservations of a tenderer towards the T&C's or proposals for modifications thereof can become a reason for rejecting its tender.

2.7. Restriction of some tenderers or candidates from their participation in the Competition

In accordance with the provision of Article 10, paragraph 4 of the PPA, the Contracting Entity reserves right to restrict the participation of a candidate, tenderer or a Group of Suppliers in this Competition, in particular to disqualify them, or to reject their tender from the Competition, if the candidate, tenderer or a member of the Group of Suppliers is established or resides in a third country that is not a party to the Agreement on Government Procurement (Special edition of the Official Journal of the EU, Chapter 11/Vol. 21; Official Journal of the EC L 336, 23 December 1994) in the wording of later modifications and amendments (hereinafter referred to as "**Government Procurement Agreement**" or **GPA**"), or to any other international treaty by which the European Union is committed and that assures equal and effective access to public procurement in such third country for economic entities established in the Slovak Republic. The Contracting Entity may request a candidate or tenderer to replace its sub-contractor or other person, by means of whom it demonstrates its compliance with the participation conditions hereof, if such sub-contractor or other person is established or resides in a third country which is not a party to the GPA or any other international treaty by which the European Union is committed and that assures equal and effective access to public procurement in such third country for economic entities established in the Slovak Republic.

3. PARTICIPATION CONDITIONS

3.1. Personal status

Not applicable in this Competition.

3.2. Financial and economic status

Not applicable in this Competition.

3.3. Technical and professional competences pursuant to Article 34 of the PPA

It is required that a candidate or tenderer proves its compliance with the following participation conditions related to the technical and professional competences:

3.3.1. Pursuant to Article 34, paragraph 1, letter a) and paragraph 2 of the PPA, the Contracting Entity requires to submit:

List of supplies of the goods specifying prices, delivery periods and customers, within the last 5 years from the notification of this public procurement procedure, at least to the extent as follows:

- a) If a candidate or tenderer submits tender for the Part 1 of the Subject-Matter of the Contract (ball valves DN 700, PN 80):
min. 3 pieces of full welded ball valves dimension $\geq$ DN300, PN $\geq$ 80 or higher, without any actuator or with any actuator;
- b) If a candidate or tenderer submits tender for the Part 2 of the Subject-Matter of the Contract (ball valves DN 1200, PN 80):
min. 1 piece of full welded ball valves dimension $\geq$ DN1000, PN $\geq$ 80 or higher, without any actuator or with any actuator;

The Contracting Entity requires to submit the list of supplies based on the template constituting Annex 3 hereof.

3.3.2. If a candidate or tenderer submits tender for the Part 2 of the Subject-Matter of the Contract, pursuant to Article 34, paragraph 1, letter m) of the PPA, the Contracting Entity requires to submit:

- a) Copy of producer PED conformity certificate proving that the goods are produced in accordance with European directive PED 2014/68/EU (or PED97/23/EC) on pressure equipment It is required that candidate will submit the PED certificate for each part of the subject of procurement to which the candidate intends to submit an offer.

3.3.3. The Contracting Entity reserves right to disregard references that will not include all information needed for assessment of compliance with this participation condition. The Contracting Entity reserves right to verify the truthfulness of information presented in each reference at customers specified therein and, in the case, if the candidate's or tenderer's customer (upon request of the Contracting Entity) does not confirm the truthfulness of information presented in a reference, the Contracting Entity reserves right to disregard such reference.

3.3.4. In order to demonstrate the technical or professional competences, a candidate or tenderer can use technical and professional competences of other person disregarding their mutual legal relationship. In such case, the tenderer must prove that, in performing the Contract, it will really use capacities of the person whose competences used for demonstrating the technical and professional competences; the candidate or tenderer proves this fact by a written agreement signed with the person, by whose technical and personal competences intends to demonstrate its technical or professional competences. A commitment of such person to provide its capacities to the candidate or tenderer in course of the entire Contract has to result of such written agreement. The person whose capacities are to be used for demonstrating the technical or professional competences, has to demonstrate its compliance with participation conditions related to the personal status (not applicable in this Competition) and there must not exist reasons for disqualifying pursuant to Article 40, paragraph 6, letters a) to g) (paragraph 3.5.4, letters a) till g) hereof) and paragraph 7 (paragraph 3.5.5 hereof) of the PPA; this person demonstrates its authorization to supply goods, perform construction works or provide services in relation to that part of the

Contract Subject-Matter, for which it provided its capacities to the candidate or tenderer.

3.4. Submitting the documents proving compliance with participation conditions

- 3.4.1. Documents proving compliance with participation conditions are submitted together with tenders.
- 3.4.2. Every tenderer must submit documents proving its compliance with participation conditions into the Competition in an electronic form along with its tender through the JOSEPHINE system by the expiry of period for tender submitting according to paragraph 4.5.1 hereof. Further information on submitting the tenders is specified in paragraph 4.5 hereof.
- 3.4.3. All documents submitted by a tenderer for the purpose of proving the compliance with participation conditions have to meet (besides others) requirements according to paragraph 4.6 hereof. Otherwise, the Contracting Entity reserves right to disregard such submitted documents.

3.5. Assessment of the compliance with participation conditions

- 3.5.1. The Contracting Entity will assess the compliance of individual candidates or tenderers with participation conditions by means of a commission that will be appointed in accordance with Article 51 of the PPA for assessment of the compliance with participation conditions and evaluation of tenders within the Competition (hereinafter referred to as the “**Commission**”).
- 3.5.2. Within the assessment of the participation condition compliance, the Commission is authorized to request a candidate or tenderer for an explanation of or supplementing the submitted documents.
- 3.5.3. In assessing the compliance with participation conditions, the Contracting Entity shall proceed in accordance with Article 40 of the PPA.
- 3.5.4. Pursuant to Article 40 paragraph (6) of the PPA, the Contracting Entity shall disqualify a candidate or tenderer at any time in course of the Competition, if:
 - a) it did not comply with participation conditions;
 - b) has submitted invalid documents; invalid documents are the documents to which their period of validity has expired;
 - c) has provided for information or documents that are untrue or modified so that they do not correspond to the reality and have an effect on assessment of the compliance with participation conditions or selection of candidates;
 - d) has attempted to influence a public procurement procedure improperly;
 - e) has attempted to acquire confidential information that would provide him/her an undue advantage;
 - f) a conflict of interests pursuant to Article 23 of the PPA cannot be eliminated by means of other effective measures;
 - g) in assessing the professional competences, it has provably identified conflict interests of a candidate or tenderer, which may adversely affect fulfilment of the Contract;
 - h) upon a written request of the Contracting Entity according to paragraph 3.5.2 hereof, has not submitted any explanation or supplementation of the submitted documents within the prescribed period;
 - i) upon a written request of the Contracting Entity according to paragraph 4.1.4.8 hereof, has not submitted documents being temporarily substituted by the European Single Procurement Document within the prescribed period;
 - j) has not substituted a person, by means of whom it demonstrates its compliance with participation conditions related to financial and economic status or technical and professional competences according to paragraph 3.2 or 3.3 hereof respectively, not complying with prescribed requirements, by other person complying with such requirements, within the prescribed period
 - k) has not substituted a subcontractor not complying with requirements specified by the Contracting Entity herein, by other subcontractor complying with such requirements, within the prescribed period;
 - l) within the prescribed period, has not substituted technicians, technical bodies or persons appointed for fulfilling the Contract, or managing employees, not complying with participation conditions pursuant to Article 34 , paragraph 1, letter c) or letter g) of the PPA (i.e. participation conditions related to

technicians or technical bodies, or participation conditions related to professional qualification of persons nominated for fulfilling the Contract, or managing persons, of the candidate or tenderer), by other persons or bodies complying with such participation conditions (not applicable in this Competition);

- m) has not substituted a person by means of which the candidate or tenderer demonstrates its compliance with participation conditions, and/or a subcontractor, who are established or reside in a third country pursuant to Article 10, paragraph 4 of the PPA and paragraph 2.7 hereof, by other person or subcontractor who is not established or does not reside in a third country pursuant to Article 10, paragraph 4 of the PPA paragraph 2.7 hereof within the prescribed period;

- 3.5.5. The Contracting Entity shall disqualify from this Competition also a tenderer or candidate, if the distortion of economic competition resulting from the preparatory market consultations or his/her preliminary involvement pursuant to Article 25 of the PPA cannot be eliminated by other effective measures even after the candidate or tenderer has expressed its opinion; prior to such disqualification, the Contracting Entity shall provide the concerned candidate or tenderer with the opportunity to demonstrate, within 5 working days of receipt of a relevant request, that its participation in the preparatory market consultations or preliminary involvement did not lead to distortion of the economic competition.

4. CONTENTS, PREPARATION AND SUBMISSION OF TENDERS

4.1. Contents of tenders

- 4.1.1. A tender has to include at least the following documents:

- A cover letter of tender according to paragraph 4.1.3 hereof;
- Documents proving tenderer's, or candidate's compliance with participation conditions according to paragraph 4.1.4 hereof;
- Technical documents of a tender according to paragraph 4.1.5 hereof;
- Commercial documents of a tender according to paragraph 4.1.6 hereof;
- Other documents according to paragraph 4.1.7 hereof;

- 4.1.2. The Contracting Entity reserves right to reject a tender from the Competition, contents of which will not be in accordance with instructions specified in this paragraph 4.1 hereof.

4.1.3. Cover letter of tender

The cover letter of a tender has to include at least the following information: business name and registered office or address of the tenderer, list of all documents submitted within the tender specifying number of pages therein as well as the total number of pages within the entire tender. If a tender includes a separate part comprising of confidential information according to paragraph 4.4 hereof, it is necessary to specify in the tender cover letter also the number of pages within such confidential part of the tender.

If a tenderer has not elaborated its tender itself, in the tender cover letter, it has to identify also the person whose services or ground documents it had utilized or used in preparing the tender. The information as per the preceding sentence should be specified to the following extent: name and surname, business name, residence address, registered office or place of business conduct, and ID of such person, if granted.

4.1.4. Documents proving compliance with participation conditions

- 4.1.4.1. A tender must include documents proving tenderer's compliance with participation conditions to the extent specified in Article 3 hereof.
- 4.1.4.2. A tenderer or candidate may preliminarily substitute the documents for demonstrating its compliance with participation conditions by the European Single Procurement Document that is available on the site: <https://www.uvo.gov.sk/jednotny-europsky-dokument-pre-verejne-obstaravanie-602.html>.
- 4.1.4.3. The European Single Procurement Document includes an up-to-date declaration of an economic subject that

- a) there is no reason for its disqualifying,
 - b) meets objective and non-discriminatory rules and criteria of selection of a limited number of candidates, if the Contracting Entity limits number of candidates (not applicable in this Competition),
 - c) it shall provide to the Contracting Entity, upon a request, the documents substituted by the European Single Procurement Document.
- 4.1.4.4. The European Single Procurement Document must be signed by the tenderer or candidate, statutory body of the tenderer or candidate, or by a member of the tenderer's, or candidate's statutory body, or by a person authorized to act on behalf of the tenderer or candidate. Otherwise, the European Single Procurement Document shall be disregarded.
- 4.1.4.5. If a tenderer or candidate demonstrates its technical or professional competences by means of other person, the European Single Procurement Document according to paragraph 4.1.4.3 hereof includes also information on such person.
- 4.1.4.6. A tenderer or candidate is to specify in the European Single Procurement Document relevant information according to requirements of the Contracting Entity specified in these Tender Specifications (in particular, but not exclusively, in Article 3 hereof), as well as bodies and subjects who issue documents needed for proving participation condition compliance. If the required documents are available for the Contracting Entity directly and free of charge in electronic databases, the economic subject specifies in the European Single Procurement Document also information needed for accessing such databases, especially the internet address of the electronic database, any identification information thereof and approvals needed for access to such database.
- 4.1.4.7. If the Contracting Entity has access to the required documents according the second sentence of paragraph 4.1.4.6 hereof, it does not request such documents from the tenderer or candidate and acquires the required information upon access to respective electronic database.
- 4.1.4.8. If a tenderer or candidate uses the European Single Procurement Document, the Contracting Entity can, in order to ensure the proper course of this Competition, request the tenderer or candidate in writing, at any time in the course thereof, for submitting document(s) substituted by the European Single Procurement Document. In such event, the tenderer or candidate is obliged to deliver respective documents to the Contracting Entity within 5 business days from the date of receipt of the relevant request unless the Contracting Entity specifies a longer period in the request.

4.1.5. **Technical documents of a tender**

A tender must include at least the following documents of the technical nature:

- 4.1.5.1. A technical description of the offered ball valves including layout and/or technical drawings thereof and, at the same time, also including layout and/or technical drawings of the offered actuators pursuant to the specifications. Upon the technical description and layout and/or technical drawings of the offered ball valves and actuators, there has to be clear the technical solution and design thereof and, concurrently, also that such technical solution and design complies with the Technical-Delivery Conditions "Ball Valves for High Pressure Gas Pipelines DN 300 – DN 1400" and "Actuators for "Ball Valves for High Pressure Gas Pipelines DN 300 – DN 1400". The Contracting Entity reserves right to disqualify from this Competition a tender in which it will not be proven that the technical solution and design of the offered ball valves and actuators complies with the Technical-Delivery Conditions "Ball Valves for High Pressure Gas Pipelines DN 300 – DN 1400" and "Actuators for "Ball Valves for High Pressure Gas Pipelines DN 300 – DN 1400" constituting Annexes 2 and 3 of the T&C's.
- 4.1.5.2. Confirmation of the ball valve manufacturer that the offered ball valves meet the requirement for using in transmission of the natural gas blended with Hydrogen up to 10 mol %, including sealings as well as used and recommended lubricants and sealants.
- 4.1.5.3. A tender has to include also other relevant documents at tenderer's sole discretion, which include technical information by means of which the tenderer demonstrates that its tender complies with requirements of the Contracting Entity related to the Subject-Matter of the Contract specified in the notification of this Competition and in these Tender Specifications, in particular (but not exclusively) with the requirements specified in the specifications.

4.1.6. Commercial documents of a tender

A tender must include at least the following documents of the commercial nature:

- 4.1.6.1. Properly filled-in Proposal for Criteria Fulfilment presented in Annex 1 hereof. The Proposal for Criteria Fulfilment is required to be submitted in PDF as well as in editable XLSX formats.
- 4.1.6.2. A tenderer's solemn declaration pursuant to the template presented in Annex 4 hereof that the tenderer accepts without reservations the T&C's constituting Annex 2 hereof, signed by the tenderer or its statutory body or a person authorized to act on behalf of the tenderer in contractual relations.
- 4.1.6.3. A list of all subcontractors known to the tenderer at the time of submitting the tender, specifying there also maximal assumed portion of their subcontracts in % of the total value of the Contract.

4.1.7. Other documents

- 4.1.7.1. Pursuant to the Regulation of the Council (EU) 2014/833 of 31 July 2014 on restriction measures with regard to Russia acting, by means of which it destabilizes situation in Ukraine, as amended, in particular Article 5k thereof, it is forbidden awarding any public contracts or licenses belonging to the scope of public procurement regulations specified therein, to the following entities, subjects or bodies, or any continuing in fulfilment thereof with the following entities, subjects or bodies:

- a) a Russian nationality or an individual residing in Russia, or a legal entity, subject or body settled in Russia;
- b) a legal entity, subject or body, of which more than 50% is directly or indirectly owned by the subject specified in letter a) of this paragraph hereof, or
- c) a legal entity or an individual, subject or body acting on behalf of or at the direction of an entity referred to in letter a) or letter b) of this paragraph hereof,

including subcontractors, contractors or subjects whose capacities are used pursuant to public procurement directives, if they account for more than 10% of the Contract value.

- 4.1.7.2. With regard to the restriction according to paragraph 4.1.7.1 hereof, the Contracting Entity requires that every tenderer or candidate submits within its tender a solemn declaration pursuant to Annex 5 hereof, signed by the tenderer or candidate, or its statutory body, or a person authorized to act on behalf of the tenderer or candidate.
- 4.1.7.3. If a tenderer meets the conditions of prohibition to award public contracts or licenses according to paragraph 4.1.7.1 hereof, it shall be disqualified from this Competition.
- 4.1.7.4. If a subcontractor of a tenderer or candidate meets the conditions of prohibition to award public contracts or licenses according to paragraph 4.1.7.1 hereof, the Contracting Entity shall request the tenderer or candidate to substitute such subcontractor by an economic subject who does not meet the prohibition conditions according to paragraph 4.1.7.1 hereof. The Contracting Entity shall disqualify from this Competition a tenderer or candidate who will not substitute the subcontractor according to the preceding sentence within the period that the Contracting Entity will specify in relevant appeal for subcontractor substitution.
- 4.1.7.5. The Contracting Entity reserves right to disqualify from the Competition a tenderer or candidate who will not submit within its tender a properly signed solemn declaration according to paragraph 4.1.7.2 hereof and shall not otherwise prove that it does not meet the conditions of prohibition to award public contracts or licenses according to paragraph 4.1.7.1 hereof.

4.2. Instructions for preparation of a tender

- 4.2.1. All solemn declarations of a tenderer, submitted within a tender, should be elaborated in accordance with legal regulations applicable in country of tenderer's residence and must be signed by the tenderer, tenderer's statutory body or a member of tenderer's statutory body, or by a person authorized to act on behalf of the tenderer in obligation relations. Otherwise, such solemn declaration shall not deem valid and shall be disregarded.
- 4.2.2. All pages of a tender including a cover letter, solemn declarations, documents and Proposal for Criteria

Fulfilment, along with any eventual attachments thereof, have to be numbered.

- 4.2.3. A tenderer can submit within a tender even copies of proofs including copies in an electronic form. The Contracting Entity can request a tenderer, at any time in the course of this Competition, for submission of the original of respective document, officially verified copy thereof or an electronic document created upon the qualified conversion of the respective original document issued in paper form, if having a doubt about the authenticity of the submitted document, or if needed in order to ensure proper public procurement process. If a tenderer does not submit requested documents within a period specified by the Contracting Entity, which must not be shorter than five (5) business days upon receipt of relevant request, the Contracting Entity shall disqualify the tenderer from the Competition.
- 4.2.4. Electronic documents submitted within a tender have to comply with requirements specified in paragraph 4.6 hereof. Otherwise, such documents shall not deem valid and shall be disregarded.
- 4.2.5. A tender has to be prepared in accordance with the notification of this Competition and these Tender Specifications as well. A tender has to include all information, proofs and documents required in these Tender Specifications or Annexes thereof, and all information specified in the tender must be truthful. Otherwise, the Contracting Entity reserves right to reject a tender from the Competition.

4.3. Manner of determining the price in a tender

- 4.3.1. The Contracting Entity requires that a tender is prepared, and also the price for the Subject-Matter of the Contract is determined upon the commercial and contractual terms and conditions specified in the T&C's (i.e. in the Contract including annexes thereof).
- 4.3.2. The price for the Subject-Matter of the Contract has to be specified in EUR without any VAT, and with accuracy to 2 decimal places. It is required that the price proposal is submitted in the form of the Proposal for criteria fulfilment, using a template of which is in Annex 1 hereof, and in accordance with the instructions specified in paragraphs 4.1, 4.3 and 4.5 hereof.
- 4.3.3. The Contracting Entity excludes herewith any possibility to change the price for the Subject-Matter of the Contract in dependence on any change of exchange rate of EUR towards any other currency or change of mutual exchange rate of any other currencies (so called "exchange rate clause"). The Contracting Entity reserves right not to accept a tender in which an option for price change upon any exchange rate clause shall be specified.
- 4.3.4. The price for the Subject-Matter of the Contract, which a tenderer offers in its tender, should include all economically justified costs of the tenderer for the Subject-Matter of the Contract (e.g. transporting costs, customs duty and customs fees, etc.) to the extent and upon the terms specified in the T&C's.
- 4.3.5. The price for the Subject-Matter of the Contract has to be determined, in case of a tenderer with registered office in the Slovak Republic, in accordance with provisions of the Act no. 18/1996 Coll. on prices in wording of later regulations. If a tenderer has its registered office outside of the Slovak Republic territory, the price has to be determined in the manner common in international trade relations, otherwise in accordance with price legal regulations applicable in the country of tenderer's registered office.
- 4.3.6. The Contracting Entity reserves right to reject a tender from the Competition, in which the price for the Subject-Matter of the Contract will not be determined in accordance with requirements specified in this paragraph 4.3 hereof.

4.4. Information confidentiality

- 4.4.1. A tenderer can designate some parts of its tender, or some parts of proofs and documents thereof respectively, as confidential pursuant to Article 22 of the PPA. However, the PPA provisions related to the obligations of the Contracting Entity to publish some information and tenders, are not affected by the preceding sentence.
- 4.4.2. As confidential pursuant to the PPA can be designated within a tender solely a trade secret, technical solutions and blueprints, manuals, drawings, design project documentation, models, manner of unit price calculation and, if unit prices are not specified but only the price, also manner of price calculation, and patterns.
- 4.4.3. If a tenderer deems some information in its tender confidential (hereinafter referred to as the "**confidential**

information”), it is required to submit such confidential information separately from other parts of a tender, in particular as separate file(s) (hereinafter referred to as the “**confidential part of a tender**”).

- 4.4.4. Name of each file comprising confidential part of a tender has to include the designation “**Confidential Part of Tender**” in order to be clear that it includes confidential information. The same sign has to be specified clearly and readably also in the header of each page of every document included in relevant confidential part of a tender.
- 4.4.5. Each page of every document included in the confidential part of a tender has to be numbered by a serial number and also total number of pages of the confidential part of a tender has to be indicated therein. Pages of each separate document of confidential part of a tender have to be numbered separately from other documents included into other parts of a tender.
- 4.4.6. If a tenderer does not designate its tender, or a part thereof respectively, as confidential information in accordance with the aforementioned requirements for submission of confidential information, the Contracting Entity shall not be responsible for any eventual disclosing such confidential information or disclosing a trade secret of the tenderer.

4.5. **Submission of tenders**

- 4.5.1. Tenders must be submitted into the Competition not later than by expiry of the period for tender submission, which shall expiry on **09.11.2026 at 13:00 hour CET.**
- 4.5.2. Tenders are submitted into the Competition only in an electronica way through the JOSEPHINE system. The exact link to the Competition is specified in paragraph 1.5.3 hereof. Information how to get access into the JOSEPHINE system is presented in paragraph 1.6 hereof. Any tender submitted in any other way shall be deemed undelivered.
- 4.5.3. An electronic tender is to be submitted by uploading of the tender and individual requested proofs and documents according to paragraph 4.1 hereof, which are a part of the tender, into the JOSEPHINE system as attachments through the bidding form available on the bookmark “**Bids and requests**”. Instructions how to enter a tender into the JOSEPHINE system are presented in a manual of the Provider of JOSEPHINE system at the link: [Skratky navod ucastnik.pdf](#) in Slovak, and at the link: [Participants manual.pdf](#) in English.

It is required that a tenderer fills-in individual items of the bidding form in the JOSEPHINE system for those parts of the Subject-Matter of the Contract, for which it submits the tender, and, at the same time, uploads also the duly filled-in Proposal for criteria fulfilment (Annex 1 hereof) corresponding to the bidding form filled-in in the JOSEPHINE system. The Proposal for criteria fulfilment is required to be submitted in non-editable PDF format and concurrently also in editable XLSX format as well.

Note: For each part of the Contract Subject-Matter, to which a tenderer submits its tender, only the total price for the entire respective part of the Contract Subject-Matter is to be specified in the bidding form in the JOSEPHINE system (such price is subject to tender evaluation according to Article 5 hereof), whereas in the Proposal for Criteria Fulfilment in Annex 1 hereof, it is required to fill-in all items specified therein.

- 4.5.4. With regard to the need of authentication of each tenderer prior to submitting its tender into the Competition within the JOSEPHINE system, it is not required that the tenderer signs its tender by any electronic signature. However, this does not affect the obligation of a tenderer to sign certain particular documents (e.g. the European Single Procurement Document, if submitted, and/or solemn declarations of the tenderer), if required so anywhere in these Tender Specifications.
- 4.5.5. In a tender submitted by means of the JOSEPHINE system, the scanned documents as specified in these Tender Specifications must be attached therein.
- 4.5.6. A tender is submitted at the moment of its uploading into the system, i.e. after completion of uploading the entire content of a tender (including all and any documents uploaded into the tender by the tenderer) upon pushing the button “**Send envelope**”. If a tenderer hits the button “**Send envelope**” only a while prior to the expiry of the period for tender submission, there may happen (depending on the time remaining by expiry of the period for tender submission, volume of files uploaded within a tender and tenderer’s internet connection speed) that the whole content of the tender will not be uploaded by the expiry of the period for

- tender submission. In such event, the whole tender shall be uploaded into the JOSEPHINE system, however, it shall be deemed a tender submitted after the expiry of the period for tender submission and the tender shall not be made available pursuant to paragraph 4.5.11 hereof.
- 4.5.7. A notification e-mail shall be sent to the tenderer (to the e-mail address of tenderer's user who has uploaded the tender) after successful uploading the tender into the JOSEPHINE system.
- 4.5.8. A tenderer may withdraw the submitted tender by the expiry of the period for tender submission. When withdrawing the tender, the tenderer proceeds similarly to as in inserting the first tender (by clicking on the button "**Remove**", and eventually also by inserting a new tender).
- 4.5.9. Tenderers are bound by their tenders until expiring the tender binding period specified in paragraph 8.1 hereof. Any eventual extension of such period shall be notified to tenderers upon electronic communication through the JOSEPHINE system.
- 4.5.10. Pursuant to Article 49, paragraph 4 of the PPA, the Contracting Entity shall disqualify a tenderer, if
- a) did not comply with specified manner of the communication,
 - b) the content of its tender cannot be made available, or
 - c) it has not submitted a tender in the required format of encoding, if necessary for further treatment in evaluation of tenders.
- 4.5.11. A tender submitted after the expiry of the period for tender submission shall not be made available.
- 4.5.12. A tenderer is allowed to submit only single-one tender. If a tenderer submits more tenders within the period for tender submission, the Contracting Entity takes into account only the tender submitted within the period for tender submission as the last whereas the other tenders thereof are considered as submitted after the expiry of the period for tender submission.
- 4.5.13. A tender submitted in a paper form to any address of the Contracting Entity, even if delivered within the period for tender submission, shall be considered as submitted after expiry of the period for tender submission and shall be returned back to the tenderer unopened.
- 4.6. Requirements for submission of electronic documents**
- 4.6.1. The requirements specified in this paragraph 4.6 hereof are applicable generally to any documents that a tenderer submits into this Competition regardless whether within a tender, or within any explanation or supplementation of submitted documents or tender respectively.
- 4.6.2. Neither encoding nor encryption of electronic documents submitted within a tender (including proofs of compliance with participation conditions in this Competition) is required.
- 4.6.3. If not specified otherwise elsewhere in these Tender Specifications (or annexes thereof), electronic documents (including those containing confidential information of a candidate or tenderer pursuant to paragraph 4.4 hereof) have to be submitted in PDF format secured against any modification thereof so that they can be opened without any limitation and made available after the expiry of relevant period for submission of such documents (i.e. the period for tender submission or period for submission of explanation or supplementing documents) in Adobe Reader program.
- 4.6.4. In cases when required so in these Tender Specifications (or annexes thereof), or if required by the Contracting Entity at any time in course of this Competition, electronic documents are submitted also in other formats as specified in relevant sections in these Tender Specifications or in relevant request of the Contracting Entity.
- 4.6.5. Documents issued in a paper form, if submission of the original document or a verified copy thereof is required, must be submitted as electronic documents in PDF format (secured against any modification thereof) created by means of qualified conversion of the original documents in paper form pursuant to legal regulations applicable in the country of candidate's or tenderer's residence, which guarantees the authenticity of the converted documents (hereinafter referred to as the "**qualified conversion**").
- 4.6.6. Documents issued by a public authority in an electronic form (if submission of original document is required) must be sealed by a qualified electronic signature of the issuer.
- 4.6.7. If a tenderer has its registered office, or a place of business conduct, on the EU territory and submits within

its tender any document according to paragraph 4.6.6 hereof signed by a qualified electronic signature or by a signature based on a qualified certificate, such qualified certificate must be issued by a certification service provider listed in a list maintained pursuant to a specific legal regulation (the Resolution of the Commission 2009/767/ES as amended). At the same time, an electronic signature based on a qualified certificate or a qualified electronic signature must be of a format pursuant to a specific legal regulation (the Resolution of the Commission 2011/130/EU as amended).

- 4.6.8. If a tenderer has its registered office, or a place of business conduct, in a third country outside of the EU territory and submits within its tender any document according to paragraph 4.6.6 hereof signed by a qualified electronic signature or by a signature based on a qualified certificate issued by a certification service provider other than the one according to paragraph 4.6.7 hereof, the certificates issued by a provider of certification services in the third country as qualified certificates will be recognized as legally equivalent to the certificates issued by a certification service provider based within the EU territory, if the tenderer proves that:
- a) the certificates are recognized as qualified signature (or equivalent signature that can be used for legal acting) pursuant to legal regulations applicable in the country of tenderer's residence of place of business, or
 - b) are recognized as legally equivalent to the certificates issued a certification service provider established on the EU territory, in accordance with the provision of Article 14 of the Regulation of the European Parliament and Council (EU) 910/2014 of 23 July 2014.

A tenderer is obliged to prove the fulfilment of the conditions for recognizing the certificates according to this paragraph in its tender, otherwise the Contracting Entity has right to disregard respective document.

- 4.6.9. If a tenderer uses for signing a document according to paragraph 4.6.6 hereof a qualified electronic signature of other format than specified in the Resolution of the Commission 2011/130/EU, the electronic signature or electronic document carrier must include also information that must enable the Contracting Entity to verify such electronic signature based on a qualified certificate online, free of charge and in a way understandable to persons of mother language other than Slovak.
- 4.6.10. Documents issued by a tenderer in an electronic form (e.g. the European Single Documents or tenderer's solemn declaration), if submission of original document is required, must be signed by an electronic signature of the tenderer or a person authorized to act on behalf of the tenderer. Such electronic signature must meet at least the requirements specified for the improved electronic signature pursuant to the Regulation of the European Parliament and Council (EU) 910/2014.
- 4.6.11. If a tenderer uses for signing a document according to paragraph 4.6.9 hereof an electronic signature of a format other than specified in the Resolution of the Commission 2011/130/EU, the electronic signature or electronic document carrier must include also information that must enable the Contracting Entity to verify such electronic signature online and free of charge, or the tenderer is obliged to specify appropriate information in its tender enabling the Contracting Entity to verify such electronic signature online and free of charge (e.g. web address/link to a free software application). Otherwise, the Contracting Entity has right to disregard respective document.
- 4.6.12. The Contracting Entity reserves right to disregard a document that will be submitted into the Competition in contrary to the requirements specified in this paragraph 4.6 hereof.

5. EVALUATION OF TENDERS

5.1. Opening of tenders

- 5.1.1. Opening of tenders shall be done electronically within the JOSEPHINE system by making the tenders available automatically on-line.
- 5.1.2. Tenders shall be opened on **09.11.2026 at 13:15 hour CET**
- 5.1.3. Place of tender opening: refer to the link in paragraph 1.5.3 hereof;
- 5.1.4. As the ranking of tenders in this Competition will be determined upon an automated manner by means of an electronic auction, pursuant to Article 54, paragraph 3 of the PPA, the tender opening is not public. The

Contracting Entity thus shall not allow any tenderer to participate in tender opening, shall not publish the information of tender opening and shall not provide any tenderer with any written record of tender opening.

5.2. Rules for evaluation of tenders

- 5.2.1. The Commission evaluates tenders in accordance with provisions of Article 53 of the PPA. The tender evaluation by the Commission is not public.
- 5.2.2. The Commission will evaluate tenders in terms of meeting the requirements of the Contracting Entity for the Subject-Matter of the Contract and, in case of doubts, verify correctness of information and evidences provided by tenderers. If the Commission identifies discrepancies or ambiguities in information or evidences provided by a tenderer, it will request the tenderer in writing for an explanation of tender and, if needed, also for submitting respective evidences. A tender cannot be changed by means of tender explanation. The correction of obvious errors in writing and calculation, or a correction of the total price calculation if the total price of the tender remains untouched and if the correction of itemized calculation does not affect other criterion for tender evaluation, is not considered a change of a tender.
- 5.2.3. If an exceptionally low bid appears, the Commission shall proceed in accordance with Article 53 of the PPA. If some tender appears as exceptionally low bid in relation to the goods, construction works or a service, the Commission shall request the tenderer in writing for an explanation regarding those parts of the tender, which are substantial for the price thereof. An explanation may relate in particular to:
- a) economy of construction procedures, economy of production procedures or economy of provided services,
 - b) technical solution or particularly favorable conditions that the tenderer has at disposal for delivery of goods, execution of construction works or provision of service,
 - c) particularity of the goods, particularity of the construction works or particularity of the of the service proposed by the tenderer,
 - d) compliance with obligations in area of labor law, especially with regard to compliance with minimum wage requirements, environmental protection or social law pursuant to specific regulations,
 - e) compliance with obligations towards subcontractors,
 - f) the possibility of the tenderer to obtain state aid.
- 5.2.4. The Contracting Entity shall reject a tender, if
- a) the tenderer has not posted a bid bond according to the required conditions (if the Contracting Entity requires a bid bond),
 - b) the tender does not meet requirements for the Subject-Matter of the Contract, specified in the documents needed for tender elaboration,
 - c) the tenderer does not deliver a written explanation of its tender upon a request according to paragraph 5.2.2 hereof within two (2) business days from the date of delivering the request for explanation, if the Commission has not specified a longer period,
 - d) explanation of the tender submitted by the tenderer, in its content, is not in accordance with the requirement according to paragraph 5.2.2 hereof,
 - e) the tenderer does not deliver a written justification of exceptionally low bid within five (5) business days from the date of delivering the request according to paragraph 5.2.3 hereof, if the Commission has not specified a longer period,
 - f) explanation of exceptionally low bid and evidences thereof, submitted by the tenderer, do not satisfactory justify the low level of prices or costs especially with regard to the facts according to paragraph 5.2.3 hereof,
 - g) the tenderer has provided for untrue information or distorted information with substantial affect to the evaluation of tenders,
 - h) the tenderer has attempted to unduly influence the public procurement procedure.

- 5.2.5. If a tenderer justifies the exceptionally low bid by obtaining a state aid, it must be able to prove within a reasonable period prescribed by the Commission, that the state aid has been provided to him in accordance with the rules of the internal market of the European Union, otherwise the Contracting Entity shall reject the tender.
- 5.2.6. The Contracting Entity will notify a tenderer in writing of its eventual disqualification, or rejecting its tender, along with specifying the reason of such disqualification.
- 5.2.7. In evaluating the tenders that have not been rejected, the Commission proceeds only upon the criteria specified in the notification of this Competition and in the manner specified in these Tender Specifications.

5.3. Criteria for evaluation of tenders and rules of their application

- 5.3.1. Tenders that have not been rejected shall be evaluated upon to the criterion and rules of its application specified in this paragraph 5.3 of these Tender Specifications.
- 5.3.2. Tenders shall be evaluated upon the criterion: **The Lowest Price – 100%**
- 5.3.3. Upon the criterion specified in paragraph 5.3.2 hereof, every part of the Subject-Matter of the Contract according to paragraph 2.3.1 hereof shall be evaluated separately.
- 5.3.4. In each part of the Subject-Matter of the Contract, the total price (without VAT) for the relevant part of the Subject-Matter of the Contract specified in the Proposal for Criteria Fulfilment shall be subject of evaluation upon the criterion specified in paragraph 5.3.2 hereof.
- 5.3.5. Within every part of the Subject-Matter of the Contract, successful becomes a tender of the lowest total price for the given part of the Subject-Matter of the Contract, which shall be ranked on the first place in tender ranking.
- 5.3.6. The final ranking of tenders according to the criterion specified in paragraph 5.3.2 hereof will be determined upon automated manner by means of an online electronic auction (hereinafter referred to as “**e-Auction**”). Detailed information on e-Auction is specified in Article 6 hereof.
- 5.3.7. Based on the final ranking of tenders determined upon an e-auction, the Contracting Entity will conclude the Contract with tenderers whose tenders will become successful pursuant to paragraphs 5.3.2 till 5.3.6 hereof at least within one part of the Subject-Matter of the Contract.

5.4. Information on result of tender evaluation

- 5.4.1. If documents proving the compliance with the participation conditions have not been submitted earlier, the Contracting Entity is obliged, after completing the tender evaluation, to assess the compliance of the tenderer whose tender have been ranked on the first place on tender ranking. The Contracting Entity may even assess also the compliance with participation conditions of other tenderers next in the ranking.
- 5.4.2. In assessing the compliance with participation conditions, the Contracting Entity proceeds according to paragraph 3.5 hereof, while requesting the tenderers to submit documents proving the compliance with participation conditions within a period of no less than five (5) business days from the date of delivery of such request; a failure to submit documents within this period is considered a failure to meet the conditions of participation.
- 5.4.3. After completing the procedure according to paragraphs 5.4.1 and 5.4.2 hereof and after sending all notices of disqualification of tenderers, the Contracting Entity shall immediately notify all affected tenderers in writing of the result of the evaluation of tenders, including the order of tenderers. The affected tenderer is a tenderer whose tender was evaluated, a disqualified tenderer to whom the period for filing objections against the disqualification is running out, and a tenderer who had filed objections against disqualification whereas the Office for Public Procurement has not legally decided yet on such objections. At the same time, the Contracting Entity shall publish the information about the result of tender evaluation and ranking of tenderers in its profile.
- 5.4.4. The Contracting Entity will notify the successful tenderer that its tender is accepted. Unsuccessful tenderers will be notified of their failure and the reasons for not accepting their tender. In the notification, the Contracting Entity shall also indicate the identification of the successful tenderer, information on the characteristics and advantages of the accepted tender, the result of the evaluation of the successful

tenderer's compliance with the participation conditions, which contains information proving the fulfillment of the participation conditions regarding the financial and economic status and technical competence or professional competence, including the identification of the person providing the financial sources according to Article 33, paragraph 2 of the PPA and persons providing technical and professional capacities according to Article 34, paragraph 3 of the PPA, and the deadline in which an objection can be filed.

6. ELECTRONIC AUCTION

This article includes rules of the e-Auction that will be used within this Competition and based on the results of which the Contract will be concluded.

6.1. General information

- 6.1.1. For the purpose of this Competition, the e-Auction is understood as a repeating process using electronic devices for submission of new prices adjusted downwards within this Competition.
- 6.1.2. The purpose of the e-Auction is to determinate the ranking of tenders by means of an automated evaluation after the completion of initial evaluation of tenders.
- 6.1.3. The subject of the e-Auction is the same as the Subject-Matter of Contract specified in the notification of this public procurement procedure and further specified in this Tender Specifications.
- 6.1.4. The e-Auction administrator is a person at Contracting Entity's party, who invites the e-Auction participants to submit new prices adjusted downwards (hereinafter referred to as the **"Administrator"**). The Administrator in this Competition is:
- Name and surname: Ján Repa Strategic Purchaser
E-mail address: jan.repa@eustream.sk
Phone: +421 (0)2 6250 7167
- 6.1.5. The electronic auction room (hereinafter referred to as the **"e-Auction Room"**) is an environment placed at the pre-determined address in the public data network Internet, where the tenderers submit their new prices in accordance with e-Auction rules.
- 6.1.6. The filling stage (hereinafter referred to also as **"entry round"**) is a part of the procedure when, after making the e-Auction Room available, a tenderer can become acquainted with the e-Auction environment prior to launching the e-Auction. Further information on the entry round is specified in paragraph **Chyba! Nenašiel sa žiaden zdroj odkazov.** hereof.
- 6.1.7. The competition stage (hereinafter referred to also as **"auction round"**) is a part of the procedure, within which an online mutual comparison of prices offered by tenderers who are currently logged in into the e-Auction, and their automated evaluation within a limited time interval takes place. Further information on auction round is specified in paragraph **Chyba! Nenašiel sa žiaden zdroj odkazov.** hereof.
- 6.1.8. The Contracting Entity reserves the right to perform the e-Auction even in several consecutive stages. In such case, a time schedule of individual stages will be a part of the invitation to e-Auction participation.

6.2. Course of e-Auction

- 6.2.1. The e-Auction shall be executed by electronic means through the Internet network.
- 6.2.2. The Administrator shall send an invitation to participation in the e-Auction by electronic means at the same time to all tenderers who will be invited to participate in the e-Auction, at least two (2) business days prior to the date of e-Auction launching (i.e. prior to the date of commencement the entry round of the e-Auction).
- 6.2.3. In the invitation to participation in the e-Auction, appropriate information related to the connection to the e-Auction, date and time of starting and completing the entry round, date and time of starting the auction round, method of e-Auction ending, the minimum and maximum step of reducing the new prices and the formula for determination of the automated evaluation of new prices ranking will be included.
- 6.2.4. **IMPORTANT!: In order to participate in the e-Auction, a tenderer must properly register to the e-Auction.** For the purpose of registration, the invitation to participation in the e-Auction will include also the

- section “REGISTRATION” where a link to an electronic online registration form shall be specified. In order to register to the e-Auction, a tenderer has to properly fill in the said online registration form and in send it to the Administrator. Otherwise, the tenderer shall not be allowed either to log in into the e-Auction, shall not be able either to participate in the e-Auction, and shall not be able even either to submit otherwise its new price bid. Further information on registration to the e-Auction is specified in paragraph 6.4.1 hereof.
- 6.2.5. After delivering the completed application, the Administrator shall send a tenderer a ten-digit access key (hereinafter referred to as “**access key**”) with the use of which a tenderer can log in into the e-Auction Room.
- 6.2.6. The e-Auction will take place in two rounds (stages):
- (i) Entry round;
 - (ii) Auction round;
- 6.2.7. Within the entry round, the e-Auction Room will be made available to tenderers who can, within this round, check for correctness of the initial price that the Administrator inserts into the e-Auction Room for each tenderer in accordance with submitted tender of each tenderer respectively after completing the initial evaluation of tenders. Each tenderer can see only its own bid within the entry round.
- 6.2.8. Within the entry round, tenderers are to become acquainted with the course and rules of the e-Auction. The e-Auction rules include also information regarding the minimum step of reducing the bid, rules of prolongation of the auction round and the period of validity of the access keys.
- 6.2.9. Within the entry round, tenderers may not change their bid prices.
- 6.2.10. Within the auction round, the e-Auction will take place online and tenderers will have the opportunity to adjust their prices downwards at least by the minimum and at most by the maximum step determined by the Administrator. The new price bid submitted by a tenderer, however, may not be the same as the currently lowest bid.
- 6.2.11. Any change of the price must not be to the detriment of the quality of the Subject-Matter of the Contract or deadline for the performance thereof and/or other commercial and contractual terms. It means that any new price offered by a tenderer must be the price for the same Subject-Matter of the Contract as specified in the tenderer’s tender submitted within the period for tender submission, the same deadline for the performance thereof and for the same commercial and contractual terms as specified in the T&C’s.
- 6.2.12. During the auction round, online information enabling the tenderers to determine their relative ranking at each moment shall be concurrently available to all tenderers in the e-Auction Room. The Contracting Entity may make available also further information related to the other submitted prices (e.g. the lowest price, etc.) to the tenderers during the e-Auction.
- 6.2.13. The basic time limit of auction round term is 20 minutes.
- 6.2.14. If the lowest price changes downwards within the last two (2) minutes of the basic time limit, the auction round shall extend automatically by next two (2) more minutes (hereinafter referred to as “**extended time limit**”).
- 6.2.15. If the lowest price changes downwards within the extended time limit, the auction round shall always automatically extend again by next two (2) more minutes.
- 6.2.16. The e-Auction shall end:
- upon expiration of the basic time limit according to paragraph 6.2.13 hereof, if there was no change in the lowest price downwards according to paragraph 6.2.14 hereof until basic time limit expiration, or
 - upon expiration of any extended time limit, if there was no change in the lowest price downwards according to clause 6.2.15 hereof within such extended time limit.
- 6.2.17. After the end of the auction round, tenderers may print out the protocol of the e-Auction.
- 6.2.18. The validity period of the access key will be determined in the invitation to participation in the e-Auction and, after this period has expired, a tenderer will no longer be able to log in into the e-Auction Room.
- 6.3. **Information related to the electronic equipment, conditions and specifications of technical connection**

A tenderer's computer must be connected to the Internet and installation of one of the following supported web browsers is required:

- Mozilla Firefox version 13.0 or higher (<http://firefox.com>);
- Google Chrome (<http://google.com/chrome>);
- Microsoft Edge (<https://www.microsoft.com/edge>);

6.4. **Other information**

6.4.1. **Registration into the e-Auction**

6.4.1.1. In the section “REGISTRATION” of the invitation for participation in the e-Auction, click on link “**HERE**” in order to get into your registration form. There you should fill in the required information, confirm your consent with the Description of the PROEBIZ TENDERBOX e-auction environment and send the registration form. By completing this procedure, you will be registered to the e-Auction.

6.4.1.2. Within the Application, you need to choose your login name and password. The minimal length of both login name and password is eight characters. Do not use spaces, punctuation marks or special characters. **Keep your login details safe to prevent them from being misused!** Using these login details, you can enter into the e-Auction Room once you receive the access key.

6.4.1.3. Instead of the aforementioned login details (login name and password), you can log in by means of eID card alternatively.

6.4.2. **Entering the e-Auction Room**

6.4.2.1. To enter into the e-Auction Room, use the website link/address in the section “GENERAL” of the invitation for participation in the e-Auction. Clicking thereon, the Internet browser will open at the address of e-Auction Room of the tenderer. You will be asked to enter your access data (your login name, password and access key, or you can alternatively use eID card and the access key). After this data is properly entered in, the authentication will take place and the e-Auction Room will open.

6.4.2.2. The access key may be copied (using Ctrl+C) from the email and pasted into the appropriate field (using Ctrl+V). Be careful to copy only the access key code, the space at the end thereof must not be copied.

6.4.2.3. The e-Auction Room cannot be accessed before starting the entry round of the e-Auction.

6.4.2.4. If there are any complications just contact the Administrator whose contact details are in clause 6.1.4 hereof, or you find it also in the “CONTACT” section of the invitation for participation in the e-Auction.

6.4.3. **Exit from the e-Auction Room**

6.4.3.1. You can log out from the e-Auction Room by clicking on “**Logout**” in the top-right corner of the e-Auction Room.

6.4.3.2. If you exit from the e-Auction Room by closing the browser window, you will be able to log in back into the e-Auction Room again just after 1 minute.

6.4.4. **Entry round**

6.4.4.1. The entry round is dedicated mainly for entering the initial bids that the Administrator shall enter respectively in accordance with tenders submitted by tenderers into the Competition.

6.4.4.2. Within the entry round, a tenderer may view its initial bid and become familiar with the e-Auction Room environment. A tenderer can see only its own bid and is allowed neither to change nor modify it within this round.

6.4.4.3. If an item name is underlined, upon clicking on it a note will display (usually more detailed information about the item).

6.4.4.4. A particular attention should be paid to the time until the end of the entry round. This time usually changes every 3-5 seconds if it is less than 24 hours until the end of this round. If this is not happening, then your connection has probably been lost and you will need to log in to the e-Auction Room again.

6.4.4.5. In case of any questions, you can contact the Administrator.

6.4.5. **Auction round**

- 6.4.5.1. Within the auction round, you can modify your price bid according to the rules specified in the Tender Specifications and in the invitation for participation in the e-Auction.
- 6.4.5.2. **It is inevitable to confirm every new price bid entry by hitting the "ENTER" key, otherwise your new price bid shall not be accepted by the system!**
- 6.4.5.3. Your new price bid must not be the same as the current minimum price.
- 6.4.5.4. Within the auction round, it is recommended to monitor that the time until the end of the round – its updating confirms your connection with the e-Auction system. If the time lapsing stops, hit the F5 key on your keyboard in order to refresh the e-Auction Room.
- 6.4.6. **Other general information**
- 6.4.6.1. The e-Auction Room includes also a chat communication function by means of which you can communicate with the Administrator during the e-Auction and receive his messages.
- 6.4.6.2. The whole course of the e-Auction, from the sending the invitation for participation in the e-Auction up to the very end thereof, is logged in a history report. All operations carried out are recorded to the nearest second.
- 6.4.6.3. After the end of the e-Auction a tenderer will be offered an option to view the history and participation protocol thereof that the tenderer may print out.

7. CONCLUSION OF THE CONTRACT

- 7.1. The Contracting Entity will conclude the Contract with the successful tenderer or tenderers for that part(s) of the Subject-Matter of the Contract, for which its tender has been accepted.
- 7.2. Every tenderer with whom the Contract will be concluded, and every its subcontractor as well, must be registered in the register of partners of the public sector (hereinafter referred to as "RPSP") pursuant to the Act No. 315/2016 Coll. On The Register Of Partners Of The Public Sector And On Modification Of And Amending Some Acts as amended (hereinafter referred to as "RPSP Act") even prior to the conclusion of the Contract, or appropriate sub-contract respectively, if the obligation to register with the RPVS arises to him/her from the aforementioned RPSP Act.
- 7.3. Every tenderer with whom the Contract is to be concluded upon this Competition, is obliged to register with the RPSP if the Contract:
- (i) is a one-off contract and the value of the performance of this contract exceeds EUR 100,000 excluding VAT, or
 - (ii) is a framework contract or a contract for repeated performance and the total estimated value of all performances provided under or based on this contract exceeds EUR 250,000 excluding VAT.
- 7.4. The obligation to register with the RPSP relates also to every subcontractor (in any order) of the tenderer with whom the Contract is to be concluded upon this Competition, if the value of his sub-contract exceeds the respective value specified in paragraph 7.3 hereof and, at the same time, it knows, or should know considering all given circumstances, that the performances to be provided thereunder are related to the Contract.
- 7.5. A tenderer and/or its sub-contractor, if they have an obligation to register with RPSP, must be registered in the RPSP for the time of Contract duration at least.
- 7.6. The method and rules of determining the value of Contract performance, and other details as well as obligations of economic entities registered in the RPSP, are specified in appropriate provisions of the RPSP Act.
- 7.7. Pursuant to Article 11 of the PPA, the Contracting Entity must not conclude the Contract with a tenderer:
- (i) who is obliged to register with the RPSP under the RPSP Act and is not registered there or whose ultimate beneficiary listed with the RPSP is a person referred to in Article 11, paragraph 1, letter (c) of the PPA, or
 - (ii) whose sub-contractor is obliged to register with the RPSP under the RPSP Act and is not registered there or whose ultimate beneficiary listed with the RPSP is a person referred to in Article 11, paragraph

1, letter (c) of the PPA.

- 7.8. The Contracting Entity may conclude the Contract with the successful tenderer or tenderers no earlier than on the eleventh (11th) day as of the date of sending the information on the result of tender evaluation pursuant to Article 55 of the PPA, if no objection has been filed according to Article 170 of the PPA.
- 7.9. If any objection has been filed, the Contracting Entity may conclude the Contract with the successful tenderer or tenderers if one of the following actualities occurs:
- a) the delivery of the decision of the Public Procurement Office (hereinafter referred to as “PPO”) on the termination of the procedure for reviewing the actions of the Contracting Entity pursuant to Article 174, paragraph 1 of the PPA to the Contracting Entity, or
 - b) the date of entry into force of the decision of the PPO pursuant to Article 175, paragraph 4 of the PPA,
- 7.10. If objections have been filed and the PPO has issued a decision upholding the objections, the Contracting Entity shall proceed in accordance with the decision of the PPO.
- 7.11. In concluding the Contract, the Contracting Entity will further proceed pursuant to Article 56 of the PPA.
- 7.12. The successful tenderer (or tenderers respectively) is obliged to provide the Contracting Entity with due assistance needed for concluding the Contract so that the Contract is concluded within 10 business days as of the expiry of the respective period according to paragraph 7.7 hereof, or paragraph 7.8 hereof respectively, if had been invited to conclude it in writing. The Contracting Entity may stipulate (even on the basis of a justified request from the successful tenderer) that the period under this paragraph within which the Contract is to be concluded, is longer than 10 working days.
- 7.13. A written invitation to provide due assistance may be sent to the successful tenderer or tenderers together with the information on the result of the tender evaluation, or as part of the information on the result of the tender evaluation.
- 7.14. The Contracting Entity may, prior to conclusion of the Contract, conduct negotiations with the successful tenderer or tenderers exclusively on a reduction of the contract price.
- 7.15. If a tenderer or tenderers refuse to conclude the Contract within 10 business days from the date on which they were invited to conclude it, or they do not provide the due assistance as per paragraph 7.12 hereof, the Contracting Entity may conclude the Contract with the tenderer or tenderers who have ranked next in order.

8. OTHER CONDITIONS OF THE COMPETITION

8.1. Tender binding period

The tender binding period is **4 months upon their submission**. Within the tender binding period, tenderers are bound by their tenders and cannot withdraw therefrom. The Contracting Entity may reasonably extend the tender binding period in a justified case (e.g. if an objection is filed by tenderer against the Contracting Entity's approach, etc.).

8.2. Variant solutions

Submission of a variant solution is not enabled. If a variant solution that had not been allowed is submitted within a tender, such variant solution shall be disregarded in tender evaluation.

8.3. Conditions of Competition cancellation

The Contracting Entity will cancel this Competition if the conditions for its cancellation pursuant to Article 57, paragraph 1 or 2 of the PPA are met.

8.4. Bid bond

The Contracting Entity does not require from tenderers any bid bond for securing the blindness of tenders.

9. FURTHER INFORMATION

9.1. Costs of tenderers for participation in the Competition

The participation of a candidate and/or tenderer in this Competition is voluntary and represents its own business risk. All the costs of a candidate and/or tenderer related to its participation in this Competition, as well as with preparation and submission of a tender and related communication between the Contracting Entity and a candidate and/or tenderer, will be borne in full by a candidate or tenderer respectively. The Contracting Entity shall neither bear any liability nor provide for any compensation of any costs or damages to a candidate or tenderer in connection with its participation in this Competition regardless of whether a candidate or tenderer respectively is successful in this Competition or not, and that even either in case of cancelling this Competition due to any reason.

9.2. Relevant law and other legal information

This Competition is governed by applicable legal regulations of the Slovak Republic. If it is proven that the tenderer, whose tender will be successful in this Competition and with whom the Contract should be concluded, has submitted invalid certificates or documents or provided false information within its tender misleading thereby the Contracting Entity and thus obtaining an undue advantage against other tenderers in the Competition, the tender of such tenderer shall be rejected from the Competition. If such conduct of the tenderer is proven only after conclusion of the Contract, the Contracting Entity reserves right to take appropriate steps leading to fair remedy including the right to file a petition for determination of invalidity of so concluded Contract to a competent public administration authority or court. The tenderer having acted in the aforementioned way is liable in full for all damages caused by such conduct.

9.3. Personal data protection

A candidate, or a tenderer respectively, declares that it provides personal data of persons concerned to the Contracting Entity upon a reasonable legal basis whereas such concerned persons has informed in advance on provision their personal data to the Contracting Entity as well as that the information on personal data treatment in Contracting Entity's information systems are published on its website (<http://www.eustream.sk>). A candidate, or a tenderer respectively, shall demonstrate, at any time upon Contracting Entity's request, the existence of such reasonable legal basis.

10. LIST OF ANNEXES

- Annex 1: Proposal for Criteria Fulfilment – Specification;
- Annex 2: Commercial and contractual terms and conditions – Purchase Contract reg. no. 080/26/EUS;
- Annex 3: List of supplies;
- Annex 4: Tenderer's declaration on agreement to the T&C's;
- Annex 5: Tenderer's declaration related to the conditions according to Article 5k of the Regulation of the Council (EU) 2014/833;