

*NOTE: This translation of the Tender specifications from the Slovak into the English language is for an informative purpose only. The Procuring entity provides no guarantee for quality of this translation and the binding wording of the Tender specifications is in the Slovak language.*

### **Public tender**

according to the Act.no. 343/2015 Coll. on public procurement and on amendments and supplements of certain acts, as amended

Evidence number of tender: 19-0011-VS

## **Mid-life overhaul of Gas Generators RB211 24G DLE**

### **Tender specification**

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## **Preamble**

This public tender (hereinafter referred to as "tender") is governed by the provisions of the Act No. 343/2015 Coll. on public procurement and on amendments and supplements of certain acts, as amended (hereinafter referred to as "Public Procurement Act" or "Act").

### **1. Identification data of the Procuring 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, Bratislava I District Court, Section: Sa, File no.: 3480/B  
Company ID: 35 910 712  
Tax ID: 2021931175  
VAT ID: SK2021931175  
Internet: [www.eustream.sk](http://www.eustream.sk)  
Contact person: Ing. Ján Repa, Strategic Purchaser  
Telephone: +421 (0)2 6250 7167  
Mobile: +421 (0) 905 504 700  
E-mail: [jan.repa@eustream.sk](mailto:jan.repa@eustream.sk)

### **2. Subject of the Contract**

The subject of the procurement is a Mid-life overhaul of the gas generators RB 211 24G DLE at CS01 after 75,000 operating hours (hereinafter referred to as "Subject of Contract").

#### **2.1. Designation of the Subject of Contract**

Designation of the Subject of Contract according to CPV:

Main glossary: 50530000-9

#### **2.2. Type of the Subject of Contract**

Goods ☐

Service ☒

Work ☐

#### **2.3. Specification of the Subject of Contract**

The Subject Contract is the mid-life overhaul of gas generators RB211 24G DLE (hereinafter also as "GG") located at CS01 Veľké Kapušany in following assumed dates:

1. GG RB 211 24G DLE serial number: s/n 1 790 828 (internal number of procuring entity R4) assumed year of realization is 2019.
2. GG RB 211 24G DLE serial number: s/n 1 790 808 (internal number of procuring entity R3) assumed year of realization is 2020.
3. GG RB 211 24G DLE serial number: s/n 1 790 809 (internal number of procuring entity R1) assumed year of realization is 2021.

This overhaul includes repair of the hot part section of the GG (i.e. the combustor and blades and also nozzles of the first and second stage of the high pressure turbine) extended by an inspection and eventual repair of the axial compressors (particularly blades and vanes and bearings of the axial compressor, VSV system and accessory gearbox), depending on results of the initial inspection of each GG.

A part of the mid-life overhaul of the GG is also its initial inspection based on which the actual scope of the overhaul will be specified since it is not possible to determine accurately the entire scope of the overhaul prior to this inspection.

The mid-life overhaul specification is split into items specifying individual partial activities to be carried out in the course of this overhaul. These items are divided into three groups:

- Must be items which must be carried out within the overhaul in their entire scope to each GG;
- Optional items, implementation of which in their entire scope is not expected within this mid-life overhaul; there are the activities and spare parts, performing (or supply respectively) of which as well as their scope (quantity) will be agreed on with the supplier individually upon results of the initial inspection of each GG according to the found out extent of the wear of individual GG parts that will be subject of the initial inspection;
- Service bulletins and modifications therefrom (hereinafter also as "MODs"), implementation of which is planned within this mid-life overhaul; the Procuring entity reserves right to take a decision on the implementation of the MODs only after the conclusion of the partial contract (purchase order) at the time when the scope of the overhaul will be detailed (agreed more precisely) on basis of the initial inspection results.

The detailed specification of the individual mid-life overhaul items mentioned above are shown in Annex 1 of business and contractual conditions, which form Annex no. 1 of this Tender specification.

The Procuring entity will conclude a framework contract with each candidate who will submit technically and commercially acceptable bid. By technically and commercially acceptable bid is considered following bid:

- As technically acceptable bid is considered by Procuring entity a bid submitted by company authorized for maintenance, repair and overhaul of the GG RB 211 24G DLE by Original Equipment Manufacturer (hereinafter as "OEM").
- As commercially acceptable bid is considered a bid with an acceptance with the business and contractual conditions of Procuring entity.

Purchasing of the Mid-life overhaul of GG, during the validity of the framework contracts, will be performed based on repeated public tender opening through so called electronic demand via electronic portal (further specified in paragraph 9) between suppliers with whom the framework contracts will be concluded. Within electronic demand, suppliers will send price offers on exact GG mid-life overhaul according to a particular technical specification, while sub-contract (purchase order) will be awarded to the supplier who will submit the lowest price in the electronic demand.

#### **2.4. Type of contract to be concluded for the Subject of Contract**

The tender will result in conclusion of a framework contract. The procuring entity expects to conclude the framework contract with several candidates.

#### **2.5. Place of performance of the Subject of Contract**

The takeover place and also the handover place of GG is locality of eustream, a.s., Compressor station CS01, 079 48 Veľké Kapušany, Slovakia, GPS: 48.531867,22.068014. Place of performance of the Subject of Contract will be the manufacturer's overhaul plant.

#### **2.6. Deadline for performance of the Subject of Contract**

2.6.1. The framework contract for the Subject of Contract shall come into force and effect on a date of its signing by both Contracting parties.

2.6.2. The validity of framework contract for work is till 31.12.2022.

#### **2.7. Business and Contractual Conditions of Performance of the Subject of Contract**

The business and contractual conditions of performance of the Subject of Contract constitute Annex no. 1 to the Tender specification, which contains the complete text of the framework contract including its annexes (hereinafter referred to as "BCC").

## **2.8. Method of price determination in the proposal**

- 2.8.1. The price must be denominated in EUR excluding VAT.
- 2.8.2. The Procuring entity excludes the possibility of price amendment for the Subject of the Contract depending on the change of the exchange rate of EUR and foreign exchanges or on the change of the mutual exchange rate of any other currencies (so-called "exchange rate clause"). The Procuring entity reserves the right not to accept bids, where the option of price change is included based on an exchange rate clause.
- 2.8.3. The price for the Subject of the Contract, which the candidate bids in its proposal, must contain all the economically justified costs of the candidate for the Subject of the Contract (e.g. transport costs, etc.) in the scope and under the conditions specified in the BCC.
- 2.8.4. The price for the Subject of the Contract must be, in case of a candidate with its registered office in the territory of the Slovak Republic, determined in compliance with the provisions of the Act No. 18/1996 Coll. on prices, as amended. If the candidate has its registered office outside the territory of the Slovak Republic, the price must be determined in the manner usual in international business, otherwise in compliance with the price regulations valid in the country of residence of the candidate.
- 2.8.5. The Procuring entity reserves the right to exclude the proposal from the tender, in which the price for the Subject of the Contract is not determined in compliance with the requirements specified in this article.

## **3. Communication**

- 3.1. Communication, providing of explanations and documents submission (hereinafter "communication") between the Procuring entity and candidates will be done in the Slovak language or in the English language in a manner that ensures the completeness and content of the data stated in the bid, terms of participation conditions and ensure the protection of confidential and personal data in this documents.
- 3.2. In communication with the applicants/candidates, the Procuring entity will follow Art. 20 of the Act on Public Procurement using the JOSEPHINE system communication interface. This means of communication applies to any communication and submissions between the Procuring entity and the applicants/candidates (hereinafter referred to as "JOSEPHINE").
- 3.3. For the purposes of this public procurement, JOSEPHINE shall mean the software for electronic award of public contracts. JOSEPHINE is a web-based application on the <https://josephine.proebiz.com>.
- 3.4. In order to use the JOSEPHINE system smoothly, it is necessary to use one of the following supported internet browsers:
  - Microsoft Internet Explorer version 11.0 or higher;
  - Mozilla Firefox version 13.0 or higher, or;
  - Google Chrome;
  - Microsoft edge.
- 3.5. Delivery rules – a shipment shall be deemed delivered to the applicant/candidate if its addressee will have an objective possibility to be acquainted with its content, i.e. immediately after the shipment gets to their sphere of disposition. In the JOSEPHINE system, the moment of posting in the JOSEPHINE system, in compliance with the system functionality, shall be deemed the moment of delivery.
- 3.6. If the Procuring entity sends a shipment, a notice will be sent to the e-mail address specified by applicant/candidate, without undue delay, that a new shipment/message exists to the contract in question. The applicant/candidate shall log in to the system and will be able to view the content of the communication - consignment, message, in the contract communication interface. In the communication interface, the applicant/candidate is able to view the whole history of his communication with the Procuring entity.
- 3.7. If a shipment is sent by the applicant/candidate, after login into the system and into the procurement in question, the applicant/candidate can send messages and relevant attachments to the Procuring entity through the communication interface. Such shipment shall be considered as delivered to the Procuring entity at the moment of sending in the JOSEPHINE system, in compliance with the system functionality.
- 3.8. The Procuring entity recommends the applicants who searched the procurements through the Procuring

entity website or in the JOSEPHINE system (<https://josephine.proebiz.com>), and at the same time would like to be informed about prospective updates regarding the particular procurement through notification e-mails, to click the **"I AM INTERESTED"** button in the particular procurement (top right of the screen).

- 3.9. The Procuring entity enables an unlimited and direct access to the Tender specification and any supporting documents through electronic means. The Tender specification and possible explanation or supplementation of the Tender specification or explanation of the requirements included in the invitation to tender, conditions of participation in public procurement, informative documents or other supporting documentation will be published by the Procuring entity as electronic documents in the Procuring entity's profile <https://www.uvo.gov.sk/> or in form of a link to the JOSEPHINE system.
- 3.10. Filings and documents related to revision procedures are between the Procuring entity and the candidates/applicants delivered electronically through communication interface system JOSEPHINE. The delivery of objections and their appeal in relation to the Office of Public Procurement is solved in accordance with Article 170, para. 8, letter b) of the Act on Public Procurement.

3.11. Language of the tender

- 3.11.1. In compliance with the provisions of Article 21 par. 6 of the Public Procurement Act, the bids and other documents in the public procurement are submitted in the state language, i.e. in Slovak language. Where a document is produced in a foreign language, it shall be accompanied by its official translation into the official language of the relevant country. This does not apply to bids, proposals and documentation produced in the Czech language. If a difference is found in their content, the certified translation into the official language shall prevail.
- 3.11.2. The Procuring entity reserves the right to disregard documents, which will be submitted in other than the state (Slovak) language, except for the documents, submitted in Czech language, and will not be at the same time translated into the state (Slovak) language.

3.12. Explanation and supplementation of the Tender specification

- 3.12.1. Requirements for explanation have to be delivered to the Procuring entity through the JOSEPHINE system in Slovak and/or English and/or Czech language; if not the Procuring entity is not obliged to provide an explanation.
- 3.12.2. The Procuring entity shall communicate explanation to all applicants/candidates who were provided the Tender specification through the JOSEPHINE system according to Art. 48 of the Act on Public Procurement, based on the assumption that the explanation would be requested sufficiently in advance. A timely delivered requirement for explanation shall mean a requirement delivered to the Procuring entity through the JOSEPHINE system in Slovak or English language **no later than 12 days prior to expiration of the period** for submission of the bids according to par. 6.2 of this Tender specification. The Procuring entity is not obliged to provide explanation to a request for explanation delivered later.

4. Registration

- 4.1. An applicant can register into the JOSEPHINE system with password or also using the identity card with electronic chip and security personal code (eID).
- 4.2. Only an authenticated applicant can only submit bids. Authentication can be done in following ways:
- a) In the JOSEPHINE system, by registration and login using the identity card with electronic chip and security personal code (eID). A company is authenticated in the system, by the registration of the eID by the statutory of the company. The JOSEPHINE system provider carries out authentication on working days from 8.00 AM to 4.00 PM.
  - b) Uploading of a qualified electronic signature (for example eID signature) of the company's statutory representative to the user's card upon registration and login into the JOSEPHINE system. The JOSEPHINE system provider will perform authentication during working days from 8.00 AM to 4.00 PM.
  - c) Placing of the power of attorney, signed by an electronic signature of the statutory representative and also by an authorized person, or which has undergone by guaranteed conversion to the user's

card after registration. The JOSEPHINE system provider will perform authentication during working days from 8.00 AM to 4.00 PM.

- d) Waiting for the authorization code sent to the applicant's company address as a registered mail letter. The deadline for this action is within 3 days and it is necessary to consider this period when entering the bid.
- 4.3. After login into the JOSEPHINE system, an authenticated applicant selects the procurement in the overview - list of tenders and enter their bid in the form designated for accepting bids, in the "Bids and Requests" bookmark.

## **5. Participation conditions**

Every candidate must fulfil the participation condition in this tender, shown in this point

### **5.1. Personal status under Art. 32 of the Public Procurement Act**

Only entities that meet the following conditions for participation applying to personal status may participate in this procurement:

- a) It does not have a prohibition on participation in a public procurement confirmed by a court ruling in the Slovak Republic or in the state of residence, place of business or habitual residence;

The applicant shall demonstrate fulfilment of the participation condition according to this point:

- a) letter a) by presenting an affidavit;

### **5.2. Technical and professional competence**

Procuring entity requires, that the candidate proves achievement of conditions concerned Technical or professional competence according to § 34 by:

- a) Submission of the Copy of a Certificate of Authority issued by company Industrial Turbine Company (UK) proving that the candidate is authorized for maintenance, repair and overhaul of the gas generators RB 211 24G DLE.

To demonstrate the technical or professional capacity, the candidate may use the technical or professional capacity of another entity, regardless of the legal relationship between them. In such a case, the candidate must prove to the procuring entity that while performing the contract the candidate will be able to really dispose of the resources of the entity, whose capacity has been used to demonstrate the technical or professional capacity. This fact is demonstrated by the candidate by a written contract concluded with that entity, including the commitment of the entity whose capacity are intended for demonstrating the technical or professional capacity, that such entity will provide the performance for the entire term of the contractual relation. There must be no reason for exclusion according to § 40, section 6 letter a) to h) and section 7 regarding the entity, whose capacity is to be used to demonstrate the technical or professional capacity.

## **6. Submission of bids, contents of bids and instructions for composition of bids**

- 6.1. Candidate shall submit the bid electronically in the period for submitting of the bids. A bid shall be prepared electronically according to Art. 49 par. 1 (a) of the Act on Public Procurement and entered into the JOSEPHINE system published on the web address <https://josephine.proebiz.com/>.
- 6.2. Bids must be submitted no later than by expiration of the period for submitting bids, which shall expire on: **25<sup>th</sup> July at 9:00:00 AM, CET.**
- 6.3. Electronic bid shall be entered by completing the bid form and uploading the required materials and documents in the JOSEPHINE system published on the web address <https://josephine.proebiz.com/>.
- 6.4. A bid submitted through the JOSEPHINE system must contain enclosed scanned materials ("PDF" being the recommended format), in particular:
  - a) Cover sheet of the application, which must contain at least the following information:

- business name and registered seat or address of the candidate/applicant;
  - contact person of the candidate/applicant: name and surname, function, phone and e-mail.
- b) Documents demonstrating compliance with the participation conditions under point 5 of this Tender specification.
- c) An affidavit of the candidate/applicant that if they will be successful in this tender, they will conclude with the Procuring entity the framework contract for work as amended in the Annex no. 1 of this Tender specification. The candidate/applicant or their statutory body or the person authorised to act on behalf of the candidate/applicant in contractual relations should sign the affidavit. This affidavit forms Annex no. 2 of this Tender specification.
- 6.5. If the bid contains confidential information, the applicant shall visibly identify these in the bid.
- 6.6. Following a successful upload of the bid into the JOSEPHINE system, the applicant will be send a notification informative e-mail (to the e-mail address of the applicant user who uploaded the bid).
- 6.7. The applicant is able to withdraw the submitted bid until the deadline for submission of bids. If withdrawing the bid, the applicant shall proceed similarly as when entering the initial bid (clicking the "Withdraw Bid" button and submitting a new bid).
- 6.8. The applicant may only submit one bid. The applicant in the same procedure of contract awarding may not be a member of a group of suppliers, which submits a bid. The procuring entity shall exclude an applicant, who is a member of a group of suppliers at the same time.
- 6.9. The risk of delay in bid delivery is in full scope borne by the applicant. The bid submitted after the deadline for submission of bids will not be made available electronically.

## **7. Group of suppliers**

An candidate in this tender procedure may also be a group of suppliers if all the members of this group of suppliers proved compliance with the participation conditions as per Article 37 par. 3 of the Public Procurement Act (hereinafter referred to as "group of suppliers").

In case that the bid is submitted by a group of suppliers, the Procuring entity within the tender procedure will lead communication with the representative of this group authorise for communication with the Procuring entity within the tender procedure.

In case that a bid which was submitted by a group of suppliers is accepted, the procuring entity:

- a) will require that all the members of the group authorise one member for representing the whole group in contact with the procuring entity upon performance of the Agreement on the Subject of the Contract.
- b) will require that all the members of the group undertake to perform the Agreement on the Subject of the Contract jointly and severally (principle of solidarity);
- c) will require that during the performance of the Agreement on the Subject of the Contract each member of the group separately issues invoices to the procuring entity for its performances provided to the procuring entity hereunder;
- d) will not require creation of any legal form by this group of suppliers but it requires that the members of the group of suppliers duly regulated their mutual relations so that they are able to duly perform the Agreement on the Subject of the Contract; in such a case the procuring entity its entitled to ask the group of suppliers to prove how their mutual relations are regulated;

## **8. Evaluation of bids**

### **8.1. Opening of bids**

8.1.1. The opening of bids is performed pursuant to Article 52 of the Public Procurement Act as follows:

8.1.1.1. Opening of the bids will be done electronically.

8.1.1.2. Date and place of opening of the bids is shown in the announcement of the public procurement.



- 8.1.1.3. The opening of the bids is performed by the committee, which is established by the Procuring entity in compliance with Article 51 of the Public Procurement Act for evaluation of the bids in this competition (hereinafter referred to as "committee").
- 8.1.1.4. Because the final order of bids in the competition will not be set in the automated manner by means of electronic auction, the Procuring entity is, obliged to enable participation in opening of bids to all candidates that submitted a bid in the deadline for bid submission and whose bid was not excluded. The committee will verify intactness of the bids and publish business names, registered offices or places of business of all candidates and their proposals for fulfilment of the criteria, which can be express by numbers; the other information stated in the bid are not published.
- 8.1.1.5. The Procuring entity, within the meaning of Article 52 para. 3 of the Public Procurement Act, will send, at latest within five working days after the date of opening of bids or final bids to all candidates that submitted bids in the deadline for bid submission, the Minutes of opening of bids, which will include data published at opening bids pursuant to point 8.1.1.4 of this Article.

## **8.2. The rules for evaluation of bids**

- 8.2.1. The committee evaluates the bids in compliance with the provision of Article 53 of the Public Procurement Act.
- 8.2.2. The committee shall evaluate the bids from the aspect of meeting the requirements of the Procuring entity for the Subject of the Contract or concession and in case of doubts; it will verify correctness of the information and proof provided by the candidates. If the Procuring entity required a guarantee from the candidates, the committee will evaluate depositing this guarantee. If the committee identifies discrepancies or ambiguities in the information or in the proof provided by the candidate, in writing it will request explanation of the bid and if necessary, also to submit proof. By explanation of the bid, the bid may not change. Under change of the bid, we do not understand removal of clear mistakes in writing and calculation.
- 8.2.3. If an extraordinarily low offer appears, committee will proceed in compliance with Article 53 of the Public Procurement Act. If an extraordinary low offer appears in particular bid in relation to the goods, construction works or service, the committee request in writing from the candidate to explain this part of the bid, which is substantial for its price.
- 8.2.4. The Procuring entity shall exclude the bid if
- a) the candidate has not deposit a guarantee under the specified conditions;
  - b) the bid does not meet the requirements for the Subject of the Contract or concession specified in the documents necessary for elaboration of the offer,
  - c) the candidate does not deliver explanation of the bid base on the requirement according to clause 8.2.2 of this article within:
    - i. two working days as of the date of sending the request for explanation if the committee did not determine a longer period and the communication is carried out via electronic tools,
    - ii. five working days as of the delivery date of the request for explanation if the committee did not determine a longer period and the communication is carried out in a way other than according to the first point,
  - d) the explanation of bid submitted by the candidate as to its contents is not in compliance with the requirement according to clause 8.2.2 of this article,
  - e) the candidate does not deliver a written justification of the extraordinarily low offer within five working days as of the request delivery if the committee did not determine a longer period,
  - f) the explanation of the extraordinarily low offer and the proof submitted by the candidate do not sufficiently justify the low level of prices or costs, mainly with respect to the fact according to § 53, point 2 of the Public Procurement Act,
  - g) the candidate provided incorrect information or distorted information with substantial impact on evaluation of the bids,

- h) the candidate illegally tried to affect the public procurement process.
- 8.2.5. If the candidate justifies the extraordinarily low offer by obtaining a state aid, it must be able within a reasonable period determined by the committee to prove that the state aid was provided to it in compliance with the internal market rules of the European Union otherwise the procuring entity excludes the bid.
- 8.2.6. Upon evaluation of the bids, which were not excluded, the committee proceeds only according to the criteria specified in the invitation to tender and the method specified in this Tender specification.
- 8.3. **Criteria for evaluation of electronic demands (bids) according to point 9 and rules of their application**
- 8.3.1. The bids will be evaluated according to the criteria and rules of its application specified in this clause.
- 8.3.2. Each bid shall be evaluated according to a single criterion: **Price: 100 %**
- 8.3.3. The price excluding VAT offered for the mid-life overhaul of 1 gas generator RB 211 24G DLE throughout its intended scope specified in Annex 1 of the BCC and conditions of performing the Subject of the Contract that are Annex 1 of these Tender specifications, which will be determined as follows:

$$C = C_M + C_{Opt} + C_{SB}$$

Where:

- C - Total expected price for the mid-life overhaul of 1 pcs gas generator within intended scope;
- $C_M$  - Total price for the so-called Must-be overhaul items, which is determined as the sum of the prices of all Must-be items in the scope that forms Annex 1 of the BCC and which will be a part of the framework contract for the Subject of the Contract;
- $C_{Opt}$  - Total estimated price for the so-called Optional items of the mid-life overhaul of 1 gas generator, which is determined as the sum of weighted prices of individual Optional items in the scope that forms Annex 1 of the BCC and which will be a part of the framework contract on the Subject of the Contract;
- $C_{SB}$  - Total price for the so-called Service Bulletins (MODs), which is determined as the sum of the prices of all Service Bulletins (MODs) items in the scope that forms Annex 1 of the BCC and which will be a part of the framework contract for the Subject of the Contract;

The weights of each Optional items during the mid-life overhaul will be determined as the probability of their realization based on the results of the mid-life overhauls realized by the Procuring entity in the past.

- 8.3.4. On each one mid-life overhaul that is planned in year 2019, 2020 and 2021, the suppliers, with which the framework contract will be entered into the force for the Subject of the Contract, will be called to submit a current price bid by means of repeated opening of the public tender through so called electronic demand (hereinafter referred to as "demand"). On each mid-life overhaul will be announced separate demand. The criterion for bid evaluation in demands will be the **Price 100%** according to point 8.3.3.

## **9. Electronic demand**

During the validity of the framework contract, demand will be use by the Procuring entity for determination of the final order of proposals in the bid.

### **9.1. General information**

- 9.1.1. Demand is for the purpose of this public procurement understood as a process using electronic equipment for submission of new prices.
- 9.1.2. The subject of demand is the same as the Subject of the Contract, specified in the invitation to the public procurement procedure and further specified in this Tender specification and invitation to the electronic demand.
- 9.1.3. The administrator of the Procuring entity is the person, who within the online demand invites the candidates to submit new prices. The administrator of demand is:

Name and surname: Ján Repa, Strategic Purchaser

E-mail address: jan.repa@eustream.sk

Tel: +421 (0)2 6250 7167

Or

Name and Surname: Lenka Gažová, Strategic purchaser

E-mail address: lenka.gazova@eustream.sk

Tel.: +421 (0)2 6250 7147

## **9.2. The course of demand**

- 9.2.1. The administrator repeatedly (once again) opens the public tender and sends a call for participation in the demand (hereinafter referred to as "call") by the electronic means at the same time to all candidates with whom the framework contract was concluded
- 9.2.2. In the call all the respective information related to the individual connection to the used electronic equipment, date and time of start of demand and the method of demand completion, the formula for determination of the automated re-evaluation of the order will be included.
- 9.2.3. The call will also contain application to demand. The candidate must complete the application and in return send it through electronic means to the auction portal or administrator.
- 9.2.4. After delivery of the completed application, the auction portal or administrator sends to the candidate a ten-digit access key with the use of which the candidate may enter into the e-auction room.
- 9.2.5. The demand will take place in one stage.
- 9.2.6. In the filing stage, the e-auction room will be available to the candidates, where they can submit their final price, in compliance with the submitted proposal of each candidate. Each candidate in the filing stage sees only its own offer.
- 9.2.7. The demand will finish after time limit expiration. The time limit will be shown in the call but it will not be less than 14 days.
- 9.2.8. After completion of the demand, the candidates may print the protocols from the course of the demand.
- 9.2.9. The validity period of the access keys will be determined in the call and after expiration of this period; the candidate will not be able to log into the demand.

## **9.3. Information related to the electronic equipment, conditions and specifications of technical connection**

The computer must be connected to the Internet and installation of one of the following supported web browsers is necessary:

- Microsoft Internet Explorer version 11.0 and higher (<http://microsoft.com/ie>)
- Mozilla Firefox version 13.0 and higher (<http://firefox.com>)
- Google Chrome (<http://google.com/chrome>)

It's also necessary to have Adobe Flash Player installed (<http://get.adobe.com/flashplayer>), and pop-up windows, javascript and cookies must be enabled. For instructions on how to enable cookies go to: <http://proebiz.com/en/support>.

The Procuring entity is not liable for any loss of the communication connection or power supply or any malfunction of the computer of the candidate during the entire e-auction including the online competition stage.

## **10. Information on contract conclusion**

### **10.1. Information on the result of bid evaluation**

- 10.1.1. The Procuring entity will further proceed according to Article 55 of the Public Procurement Act regarding

the information on the result of bid evaluation.

#### 10.2. **Contract conclusion**

- 10.2.1. **The Procuring entity cannot conclude contract, framework contract or concession with the candidate who is obliged to register in the Public partners register according to Act no. 315/2016 Coll. as amended and it is not register in this Public partners register, or which subcontractors or subcontractors according to special regulations are obliged to register in the Public partners register and they are not registered in Public partners register.**
- 10.2.2. The procuring entity may conclude an agreement, framework agreement or concession agreement with the successful candidate or candidates **no earlier than on the sixteenth day** as of the date of sending the information on the result of tender evaluation according to Article 55 if no request for remedy was delivered, if the request for remedy was delivered after expiration of the deadline according to Article 164 par. 3 or if no objections were delivered according to Article 170.
- 10.2.3. The Procuring entity upon conclusion of the Framework contract on the Subject of the Contract will further proceed according to Article 56 of the Public Procurement Act.

#### 11. **Other tender conditions**

##### 11.1. **Period during which the candidate is bound**

The period during which the candidate is bound to keep valid his bid expires on 30 September 2019. During this period the candidates are bound to keep their bids valid and must not withdraw from them. The period of binding bids may be in justified cases adequately extended by the Procuring entity while the candidates will be informed in advance about the extension of bid binding period. (e.g in case of application of revision procedures or filing objections against the procedure of the procuring entity, etc.).

##### 11.2. **Variant Solution**

- 11.2.1. Submission of a variant solution is not enabled. If a variant solution is submitted in the proposal, upon evaluation of the bids, such a variant solution will not be taken into consideration.
- 11.2.2. If in case of submitting a variant solution it is not clear which of the submitted variants is the main solution, that variant will be included in the evaluation of bids which is listed as first on the list of submitted documents on the cover sheet of the proposal. If the variant solution is not listed on the cover sheet of the proposal, that variant will be included in the evaluation of bids, which will be listed as first in the proposal of the candidate for performance of the criteria for evaluation of bids.

##### 11.3. **Conditions of Tender Cancellation**

- 11.3.1. The procuring entity will cancel this tender if the conditions for its cancellation are met pursuant to Article 57 par. 1 or 2 of the Public Procurement Act.

##### 11.4. **Guarantee**

The procuring entity does not require a guarantee or bank guarantee.

#### 12. **Further Information**

##### 12.1. **Costs of the candidates for Tender participation**

Participation of candidates in this tender is voluntary and it represents its own business risk. All the costs of candidates related to their participation in this tender, as well as with preparation and submission of their proposal and the related communication between the procuring entity and the candidate will be borne in full scope by the candidates. The procuring entity shall bear no liability and shall not provide the candidate with any compensation of any costs or damages in connection with its participation in this tender regardless of the fact whether the candidate is successful in this tender or not, and that is applicable even in case of cancelling this tender due to any reason.

#### **12.2. Relevant Law and Other Legal Information**

This tender is governed by the respective legal regulations of the Slovak Republic. If it is proven that the candidate whose proposal will be successful in the tender and with whom a framework purchase contract should be signed, submitted in the proposal invalid certificates or documents or included incorrect information in its proposal, and hereby it misled the procuring entity and gained undue advantage towards other candidates in the tender, the proposal of such a candidate will be excluded from the tender. If such conduct of the candidate is proven only after conclusion of the Agreement on the Subject of the Contract, the procuring entity reserves the right to take steps leading to fair remedy, including the right to file to the competent public administration authority or court a petition for determination of invalidity of such a concluded Agreement for the Subject of the Contract. The candidate, who acted this way, is then in full scope responsible for all the damage caused by its conduct.

#### **13. List of Annexes of the Tender specification**

Annex 1: Business and Contractual Conditions

Annex 2: Affidavit according to point 5.1. letter a) of Tender specification

Annex 3: Affidavit according to point 6.4. letter c) of Tender specification