

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.

Negotiated procedure with publication

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: 25-0144-RKSZ

Internal inspections of pipelines DN 1400

**Procurement documentation
(Tender specification)**

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Preamble

This order award procedure is governed by the relevant provisions of Act No 343/2015 on public procurement and on amendments to certain laws, as amended and other laws of the Slovak Republic.

I. General public procurement information

1. Identification details of the Contracting Entity

Business name: **eustream, a.s.**
 Seat: 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, File No.: 3480/B
 Organization ID: 35 910 712
 Tax ID: 2021931175
 VAT ID: SK2021931175
 Bank account: VÚB, a.s.
 IBAN: SK72 0200 0000 0000 0110 1153
 Website: www.eustream.sk
 Contracting Authority profile: <https://www.uvo.gov.sk/vyhľadavanie-profilov/zakazky/10199>
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 hereinafter referred to as "Contracting Entity"

2. Method of procurement

This Contract is awarded through a public procurement procedure pursuant to Act no. 343/2015 Coll. on Public Procurement and on Amendments to Certain Acts, as amended (hereinafter referred to as "Public Procurement Act" or "PPA").

3. Method of public procurement

Negotiation procedure with prior publication under Article 94 and 95 of PPA ("Tender Procedure").

4. Designation of the subject of the Contract according to CPV:

Main CPV code: 76600000-9 - Pipeline-inspection services
 Main CPV code, supplementary vocabulary: CB03-0, KA06-7, ME02-1

5. Type of the subject of the Contract

Goods

Service

Works

6. Specification of the subject of the Contract

The subject of procurement is to perform internal inspection of natural gas pipeline defects on the gas pipelines in order to collect data from the pipelines on the transmission network. By internal inspection the technical condition of the gas pipelines in operation is monitored according to standard ASME B31G by using the technique of the Magnetic flux leakage (MFL).

Performance of the internal (in line) inspection of 4 pipelines DN 1400/56" in total length of 448,2km:

- I. Part 1: KS01 – KS02 in total length 112,1 km;
- II. Part 2: KS02 – KS03 in total length 110,7 km;
- III. Part 3: KS03 – KS04 in total length 112,7 km;
- IV. Part 4: KS04 – HPS Lanžhot (Česko) in total length 112,7 km.

The internal inspections of gas pipelines consist mainly, though not exclusively from the following activities:

- a) Mobilization of the inspection tool and personnel to the place of the base.
- b) Inspection device run in the designated gas pipeline sections (MFL).
- c) Preparation and delivery of operation report.
- d) Processing and supply of preliminary inspection report.
- e) Processing and supply of the final report for every part according to standard ASME B31G.
- f) Delivery of software for inspection data display.

The internal cleaning of the DN 1400 gas pipeline will be carried out by Eustream, a.s. with own cleaning tool. The cleaning tool run will be carried out with an installed calibration plate, which will sufficiently verify the transition of the gas pipeline for the inspection run by the supplier inspection tool so that it is not necessary to perform a profile equipment run by the supplier before the inspection run.

7. Place of performance of the Contract

The place of fulfilment of the subject of the Contract is territory of the Slovak Republic. The exact place of performance is shown in the annex no. 1 to this Tender specification

8. Time for completion of the Contract

Completion of the subject of the Contract is shown in the annex no. 1 to this Tender specification.

9. Group of Suppliers

- 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.
- 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.
- 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

10. Contract Agreement

- 10.1 The outcome of the Tender Procedure will be a conclusion of the Contract for Work ev. no. 032/26/EUS ("Contract Agreement") in a deed (i.e. paper form).
- 10.2 The Contract Agreement constitutes Annex 1 to these Procurement Documents, which contains the complete text of the Contract for Work including its annexes ("CCTC").

11. Price determination method

- 11.1 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 CCTC (i.e. in the Contract including annexes thereof).
- 11.2 The price of the subject of the Contract must be denominated in EUR net of VAT. Tenderers are required to submit their quotations using Annex 2 to CCTC - Price List.
- 11.3 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.
- 11.4 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 CCTC.
- 11.5 Where the tenderer has its registered seat in the territory of the Slovak Republic, the price for the subject of the Contract must be determined in compliance with the provisions of Act No 18/1996 on prices, as amended. Where the tenderer has its registered seat outside the territory of the Slovak Republic, the price must be determined in the customary manner recognised in international business, or in compliance with the price regulations valid in the country of residence of the tenderer.
- 11.6 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 11 hereof.

12. Source of funds

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

13. Communication

- 13.1 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 14 hereof.
- 13.2 The communications shall be carried out by means of communication interface of the system JOSEPHINE (hereinafter referred to as the "JOSEPHINE system").
- 13.3 Link to the Competition: <https://josephine.proebiz.com/sk/tender/76690/summary>
- 13.4 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;

- 13.5 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.
- 13.6 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.
- 13.7 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.
- 13.8 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.
- 13.9 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.
- 13.10 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.
- 13.11 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

14. Language of the Tender Procedure

- 14.1 The communication language in this Competition is the Slovak and/or Czech and/or English language.
- 14.2 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 and /or in English language as well.
- 14.3 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.
- 14.4 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.

15. Explanation and supplementation of the Procurement Documents

- 15.1 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.
- 15.2 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.

16. Registration and authentication

16.1 Participation of a candidate in this Competition is not possible without its proper authentication according to this paragraph 16 hereof

- 16.2 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).
- 16.3 Submission of tenders is allowed only to authenticated candidates. 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.
- 16.4 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**".
- 16.5 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.
- 16.6 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.

17. 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.

II. Basic steps of the Public Procurement process

1. Submission of the application for participation in the Tender Procedure and evaluation of the fulfilment of selection criteria;
2. Initial tenders (call for initial tenders, submission of initial tenders, negotiation of initial tenders);
3. Final tenders (call for final tenders, submission of final tenders, opening of final tenders, evaluation of tenders);
4. E-auction;
5. Notification on the result of tender evaluation;
6. Conclusion of the Contract.

Detailed information on each of the above steps in the Tender Procedure is provided in the other sections of these Procurement Documents.

1. Submission of an application for participation in the Tender Procedure and evaluation of the fulfilment of selection criteria

A candidate / tenderer will submit its application for participation in the Tender Procedure in an electronic form within the time limit for the submission. The application for participation is to be prepared electronically in accordance with Article 49 (1) (a) of PPA and entered in the JOSEPHINE system located at <https://josephine.proebiz.com>.

The application for participation must be submitted no later than the end of the time limit for the submission of applications for participation, which will expire on: **22.05.2026 at 10:00 hours CET**

The application for participation is to be entered by completing the application form and attaching to it the required documents and posting the application dossier to the JOSEPHINE system, which is available at <https://josephine.proebiz.com>.

The application for participation submitted via the JOSEPHINE system must be accompanied by the required documents in an electronic form, including:

- a) Cover letter with the following scope of information:
 - Registered name and registered office of the candidate / tenderer;
 - Name, surname and title, and telephone and e-mail of the contact person.
- b) Documents demonstrating the fulfilment of the selection criteria laid down in Article 1.1 hereof, or the Single European Procurement Document duly completed and signed by the candidate.

All submitted electronic documents must comply with the requirements as per Article V, paragraph 6 of these Procurement Documents.

Any documents issued in a paper form must be submitted for the Tender Procedure in form of electronic documents of PDF format, produced either by means of the qualified conversion of the original paper documents in accordance with the Ordinance of the Office of the Deputy Prime Minister of the Slovak

Republic for Investment and Informatisation No 331/2018 on qualified conversion, or such different method provided for in laws in effect in the candidate's / tenderer's country of residence which is able to guarantee the authenticity of the document (s) converted (hereinafter "qualified conversion"). The Contracting Entity reserves the right to disregard any copies of documents issued in a paper form that have been submitted for the Tender Procedure in a form other than electronic documents produced through the qualified conversion of the original paper documents.

Where the application for participation contains confidential information, the candidate must visibly identify such information in the application for participation in the manner specified in Article V, paragraph 5 of these Procurement Documents so that the confidential information is clearly identifiable.

When the application for participation has been successfully uploaded to the JOSEPHINE system, an informational notification e-mail will be sent to the candidate (namely to the e-mail address of the candidate's user who have uploaded the application for participation).

A candidate may withdraw its application for participation at any time until the expiry of the time limit for the submission of applications for participation. To withdraw its application for participation, a candidate will proceed identically to the uploading procedure (click the "Withdraw Application for Participation" button and submit a new application for participation).

A candidate may only submit one application for participation. A candidate must not be a member of a Group of Suppliers submitting an application for participation in the same Tender Procedure. The Contracting Entity will exclude any candidate who is at the same time a member of a Group of Suppliers.

The risk of delayed delivery/entry of the application for participation will be fully borne by the candidate. Electronic access to any application for participation submitted after the expiry of the time limit for the submission of applications will be disabled.

1.1 Selection criteria of the Tender Procedure

To be able to participate in this Tender Procedure, each candidate must meet the selection criteria specified in Articles 1.1.1, 1.1.2 and 1.1.3.

1.1.1 Personal status

Not applicable in this Competition.

1.1.2 Financial and economic status

Not applicable in this Competition.

1.1.3 Technical and professional competence, as referred to in Article 34 of PPA

The subject of this Contract is specific and technically complex, and the minimum standards of quality for the subject of the Contract are prescribed by the applicable laws and standards referred to in the specification of the subject of the Contract. In order to ensure that the subject of the Contract is delivered with a sufficient level of quality, the Contracting Entity requires that the candidates / tenderers must demonstrate that they have experience with contracts equivalent or similar to the subject of this Contract and, accordingly, the adequate technical and personal resources for the proper delivery of the subject of the Contract. To that end, the Contracting Entity requires that a candidate must demonstrate its technical and professional competence by submitting the following references:

1.1.3.1 Based on Article 34 (1) (a) of PPA, Contracting entity requires to submit:

List of provided services (references) for the last 10 years from the announcement of this public procurement. For this selection criterion to be fulfilled reference must be submitted where the subject of the contract was the internal inspections of pipelines performed by MFL method in the total scope of min. 500 km on DN \geq 1200 diameters. The reference list must also contain information regarding the price, delivery dates and customers be submitted

The Contracting Entity requires to submit the list of supplies based on the template constituting Annex 2 hereof.

The Contracting Entity reserves the right to disregard references failing to include all the above information. The Contracting Entity reserves the right to check the accuracy of information in any candidate's reference with the relevant customers and where the candidate's customer does not confirm at the Contracting Entity's request the accuracy of information indicated in the reference, the Contracting Entity reserves the right to disregard the reference.

1.1.3.2 Based on Article 34 (1) (g) of PPA, Contracting entity requires to submit:

Information on the professional qualifications of the personnel which will perform the Contract: Copies of valid certificates according to ANSI/ASNT-ILI-PQ-2005 (or newer version) as per the requirement Specifications and requirements for in-line inspections of the pipelines Pipeline Operators Forum, Version 100, November 2021 (hereinafter "POF100") of the personnel operating the inspection equipment and the staff analysing the inspection results.

1.1.3.3 Based on Article 34 (1) (j) of PPA, Contracting entity requires to submit:

Information regarding technical equipment availability of the candidate to provide service: Copy of declaration that the candidate will have available at the contract signature the required dimensions of inspection equipment DN1400 for corrosion data collection and that such inspection equipment will be in compliance with the EU Directive 2014/34/EU (94/9/EC) concerning equipment and protective systems for use in potentially explosive atmospheres (ATEX), together with Tool specification (Tool data sheet and Performance specifications) according to POF 100.

A candidate may use the technical and professional capacities of another person/entity to prove its own technical and professional competence, irrespective of their legal relationship. In such case, the candidate must demonstrate that it will actually use in performing the Contract the capacities of such other person whose competence is being used to demonstrate the candidate's technical and professional competence. The candidate will demonstrate this by submitting a written agreement made with the person whose competence is being used to demonstrate the candidate's technical and professional competence. Such written agreement must clearly indicate the commitment of such person to provide its capacities throughout the duration of the contractual relationship. The person whose capacities are being used to demonstrate technical and professional competence must not meet the grounds for exclusion specified in Article 40 (6) sub-paragraphs (a) to (h) and Article 40 (7).

1.2 European Single Procurement Document

Based on Article 39 of PPA, the European Single Procurement Document ("ESPD") may be used by a candidate to provisionally substitute documents demonstrating the fulfilment of the selection criteria specified by the Contracting Entity. ESPD is available on the following web page: <https://www.uvo.gov.sk/jednotny-europsky-dokument-pre-verejne-obstaravanie-602.html>

Documents demonstrating the fulfilment of criteria must be submitted along with the candidate's application for participation in this Tender Procedure. A candidate may enclose with its application for participation either all documents demonstrating the fulfilment of selection criteria, or merely a duly completed ESPD. Where the candidate submits with its application for participation only ESPD, the Contracting Entity will be entitled to request such candidate at any time during the Tender Procedure to submit the relevant documents demonstrating the fulfilment of selection criteria. The Contracting Entity will request the submission of documents demonstrating the fulfilment of selection criteria from the winning tenderer or the tenderers taking the first three places in the final ranking of tenders before the conclusion of the Contract Agreement, unless such tenderers have already submitted the documents or have already been requested by the Contracting Entity to submit the documents.

1.3 Evaluation of fulfilment of selection criteria

1.3.1 Each tenderer must provide documents demonstrating the fulfilment of selection criteria in the manner specified in paragraph 1.1 of this Article. The Contracting Entity will evaluate the fulfilment of selection criteria by the individual candidates through a committee set up for this purpose ("Committee").

1.3.2 In assessing whether the conditions of participation are met, the Committee is entitled to ask a candidate to clarify or supplement the submitted documents.

- 1.3.3 If the candidate fails to demonstrate the fulfilment of the selection criteria in the manner and to the extent specified in paragraph 1.1 of this Article, the candidate will be excluded from the Tender Procedure.
- 1.3.4 In assessing whether or not the conditions of participation are met, the Contracting Entity will proceed in accordance with Article 40 of PPA.
- 1.3.5 A candidate that has submitted an application for participation for the Tender Procedure and fulfilled the conditions of participation specified in paragraph 1.1 hereof and has not been excluded from the Tender Procedure will be invited by the Contracting Entity to submit an initial tender.

2. Initial tenders

2.1 Submission of initial tenders

- 2.1.1 An initial tender may be submitted for this Tender Procedure only by a tenderer that has been invited to do so by the Contracting Entity. The Contracting Entity will send the invitation to tender to all tenderers that have fulfilled the conditions of participation and have not been excluded from the Tender Procedure; the call for initial tenders will be sent via the JOSEPHINE system located at <https://josephine.proebiz.com/>.
- 2.1.2 A tenderer must submit the initial tender in an electronic form within the time limit for the submission of initial tenders. The initial tender is to be prepared electronically in accordance with Article 49 (1) (a) of PPA and entered in the JOSEPHINE system located at <https://josephine.proebiz.com/>. All electronic documents submitted within the tender must comply with the requirements as per Article V, paragraph 6 of these Procurement documents.
- 2.1.3 The time limit for the submission of initial tenders will be indicated in the call for initial tenders.
- 2.1.4 The electronic initial tender is to be entered by completing the tender form and attaching to it the required documents and posting the tender dossier to the JOSEPHINE system, which is available at <https://josephine.proebiz.com/>.
- 2.1.5 The initial tender submitted via the JOSEPHINE system must be accompanied by the following documents at least:
- a) Initial tender cover letter with the following scope of information:
 - Registered name and registered office of the tenderer;
 - Name, surname and title, and telephone and e-mail of the contact person.
 - b) 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.
 - c) The tenderer's Declaration stating that the tenderer accepts the Contract Agreement and has no comments to the CCTC or a tenderer submitting its comments and suggestions is required to make the submission by incorporating the comments and suggestions directly into the CCTC document, both in the editable MS Word (DOC/DOCX) format and the PDF format, in the form of colour-highlighted tracked changes (text revision).
 - d) Commercial documents as follows:
 - Prepare and attach the following attachments to the Contract:
 - Annex No. 2 – "PRICE LIST";
 - Annex No. 3 – "ACCURACY OF DATA DETECTION AND SPECIFICATION OF THE INSPECTION DEVICES";
 - Annex No. 6 part – "LIST OF CONTACT PERSONS".
 - 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.
 - e) Any other documents up to tenderer's discretion, needed for presenting and clarifying the offered

technical solution and for demonstration of its compliance with the requirements specified in these Procurement Documents (particularly, but not exclusively, in the Specification);

- f) Other documents of the initial tenders:
- (i) Pursuant to the Regulation of the Council (EU) 2022/576 of 8 April 2022, amending Regulation of the Council (EU) 2014/833 on restriction measures with regard to Russia acting, by means of which it destabilizes situation in Ukraine, 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.
 - (ii) With regard to the restriction according to paragraph (i) hereof, the Contracting Entity requires that every tenderer or candidate submits within its tender a solemn declaration pursuant to Annex 3 hereof, signed by the tenderer or candidate, or its statutory body, or a person authorized to act on behalf of the tenderer or candidate.
 - (iii) If a tenderer meets the conditions of prohibition to award public contracts or licenses according to paragraph (i) hereof, it shall be disqualified from this Competition.
 - (iv) If a subcontractor of a tenderer or candidate meets the conditions of prohibition to award public contracts or licenses according to paragraph (i) 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 (i)f 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.
 - (v) 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 (ii) hereof and shall not otherwise prove that it does not meet the conditions of prohibition to award public contracts or licenses according to paragraph (i) hereof.
- 2.1.6 Where the initial tender contains confidential information, the tenderer must visibly identify such information in the tender in the manner specified in Article V paragraph 5 of these Procurement Documents so that the confidential information is clearly identifiable.
- 2.1.7 When the initial tender has been successfully uploaded to the JOSEPHINE system, an informational notification e-mail will be sent to the tenderer (namely to the e-mail address of the tenderer's user who have uploaded the initial tender).
- 2.1.8 A tenderer may withdraw its initial tender at any time until the expiry of the time limit for the submission of initial tenders. To withdraw its initial tender, the tenderer will proceed identically to the uploading procedure (click the "Withdraw Initial Tender" button and submit a new initial tender).
- 2.1.9 A tenderer may only submit one tender. A tenderer must not be a member of a Group of Suppliers submitting a tender in the same Tender Procedure. The Contracting Entity will exclude any tenderer who is at the same time a member of a Group of Suppliers.
- 2.1.10 The risk of delayed delivery of the tender will be fully borne by the tenderer. A tender submitted after the time limit for the submission of tenders will be returned to the tenderer unopened.

2.1.11 The Contracting Entity reserves the right to exclude from the Tender Procedure any tenderer whose initial tender does not meet the above mentioned requirements.

2.2 Opening of initial tenders

Opening of the initial tenders will be performed in accordance with Article 52 of PPA as follows:

- 2.2.1 The opening of tenders will be carried out by electronic means.
- 2.2.2 Opening of the initial tenders will be done by a committee established by the Contracting Entity in accordance with Article 51 of the PPA for evaluating tenders in this Tender Procedure ("Committee").
- 2.2.3 The opening of the initial tender will not be public and tenderers are not allowed to attend it. At opening the initial tenders the Contracting Entity shall not announce any information on initial tenders and shall not send the tenderers any minutes of opening the initial tenders pursuant to Article 52, paragraph 3 of the PPA.

2.3 Evaluation of initial tenders

Detailed information on the evaluation of initial tenders can be found in Article III paragraph 1 of these Procurement Documents.

2.4 Negotiations on initial tenders

- 2.4.1 The Contracting Entity will negotiate the submitted initial tenders and the terms of the Contract, including without limitation the technical, administrative and financial conditions, with the tenderers. The Contracting Entity is obligated to ensure the equal treatment of all tenderers during the negotiations. The Contracting Entity will not provide information in any manner favouring some tenderers. The Contracting Entity will not disclose any confidential information obtained during the negotiations without the consent of the tenderer.
- 2.4.2 The Contracting Entity will negotiate the submitted tenders with the tenderers. The negotiations will take place with each tenderer separately at the registered seat of the Contracting Entity or electronically (for example via MS TEAMS).
- 2.4.3 The term and place of the negotiations will be specified in the invitation to negotiation, which will be delivered by the Contracting Entity to the tenderers by electronic means.
- 2.4.4 The Contracting Entity will notify tenderers in writing of the termination of the negotiations and invite them to submit their final tenders.

3. Final tenders

3.1 Submission of final tenders

- 3.1.1 The final tender in this Tender Procedure may only be submitted by a tenderer that has been invited to do so by the Contracting Entity. The Contracting Entity will send the call for final tenders via the JOSEPHINE system located at <https://josephine.proebiz.com/>.
- 3.1.2 A tenderer must submit the final tender in an electronic form within the time limit for the submission of final tenders. The final tender is to be prepared electronically in accordance with Article 49 (1) (a) of PPA and entered in the JOSEPHINE system located at <https://josephine.proebiz.com/>. All electronic documents submitted within the tender must comply with the requirements as per Article V, paragraph 6 of these Procurement documents.
- 3.1.3 The electronic final tender is to be entered by completing the tender form and attaching to it the required documents and posting the dossier to the JOSEPHINE system, which is available at <https://josephine.proebiz.com/>.
- 3.1.4 The final tender submitted via the JOSEPHINE system must be accompanied by the following documents at least:
 - a) Final tender cover letter with the following scope of information:
 - Registered name and registered office of the tenderer;

- Name, surname and title, and telephone and e-mail of a contact person
 - 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.
- b) The tenderer's Declaration of Honour stating that if the tenderer is successful in the Tender Procedure, the tenderer will sign a Contract Agreement with the Contracting Entity with the text set out in the annex enclosed with the call for final tenders (i.e. the Contract for Work resulting from the negotiations with the tenderers). The Declaration of Honour must be signed by the tenderer and its statutory body or authorised person empowered to act on the tenderer's behalf in contractual matters (the specimen declaration will be set out in an annex to the call for final tenders).
- c) Complex commercial documents as follows:
- Prepare and attach the following attachments to the Contract:
 - Annex No. 2 – "PRICE LIST";
 - Annex No. 3 – "ACCURACY OF DATA DETECTION AND SPECIFICATION OF THE INSPECTION DEVICES";
 - Annex No. 6 part – "LIST OF CONTACT PERSONS".
 - 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.
- d) Any other documents up to tenderer's discretion, needed for presenting and clarifying the offered technical solution and for demonstration of its compliance with the requirements specified in these Procurement Documents (particularly, but not exclusively, in the Specification);
- 3.1.5 Where the final tender contains confidential information, the tenderer must visibly identify such information in the tender in the manner specified in Article V paragraph 5 of these Procurement Documents so that the confidential information is clearly identifiable.
- 3.1.6 When the final tender has been successfully uploaded to the JOSEPHINE system, an informational notification e-mail will be sent to the tenderer (namely to the e-mail address of the tenderer's user who have uploaded the final tender).
- 3.1.7 A tenderer may withdraw its final tender at any time until the expiry of the time limit for the submission of final tenders. To withdraw its final tender, the tenderer will proceed identically to the uploading procedure (click the "Withdraw Final Tender" button and submit a new final tender).
- 3.1.8 A tenderer may only submit one tender. A tenderer must not be a member of a Group of Suppliers submitting a tender in the same Tender Procedure. The Contracting Entity will exclude any tenderer who is at the same time a member of a Group of Suppliers.
- 3.1.9 The risk of delayed delivery of the tender will be fully borne by the tenderer. A tender submitted after the time limit for the submission of tenders will be returned to the tenderer unopened.
- 3.1.10 The Contracting Entity reserves the right to exclude from the Tender any tenderer whose final Tender does not meet the above mentioned requirements.

3.2 Date and place of submission of final tenders

The time limit (deadline) for the submission of final tenders will be indicated in the call for final tenders.

3.3 Opening of final tenders

The opening of tenders will be performed in accordance with Article 52 of PPA as follows:

- 3.3.1 The opening of tenders will be carried out by electronic means.
- 3.3.2 The opening of tenders will be performed by a committee established by the Contracting Entity under Article 51 of PPA for the evaluation of tenders in this Tender Procedure ("Committee").

3.3.3 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.

3.4 Evaluation of final tenders

Detailed information on the evaluation of final tenders can be found in Article III paragraph 1 of these Procurement Documents.

III. General information relating to initial and final tenders

1. Rules for the evaluation of tenders

- 1.1. The Committee will evaluate the tenders in compliance with the provision of Article 53 of PPA.
- 1.2. The Committee will evaluate the tenders with regard to how they meet the Contracting Entity's requirements for the subject of the Contract or concession and in case of doubts, it will verify the accuracy of the information and evidence provided by the tenderers. If the Committee identifies any discrepancies or ambiguities in the information or evidence provided by a tenderer, the Committee will send a written request for the explanation of the tender and, where appropriate, for the submission of evidence. Any explanation of a tender must not result in any change in the tender. Correction of obvious writing or counting mistakes will not constitute a change in the tender.
- 1.3. If an exceptionally low tender is encountered, the Committee will proceed in accordance with Article 53 of PPA. If a tender for a specific contract appears to be exceptionally low in relation to the goods, construction works or service concerned, the Committee will request the tenderer in writing to explain the parts of the tender relevant to the quoted price.
- 1.4. The Contracting Entity will exclude a tender if
 - a) The tenderer has not deposited the security required under the specified conditions, if any;
 - b) The tender does not meet the requirements for the subject of the Contract specified in the documents necessary for the preparation of the tender;
 - c) The tenderer does not deliver a written explanation of its tender upon a request according to paragraph 1.2 hereof within two (2) business days from the date of delivering the request for explanation, unless the committee determined a longer period,
 - d) The explanation of the tender submitted by the tenderer as to its contents is not in compliance with the requirement in paragraph 1.2 of this Article;
 - e) The tenderer has not delivered a written substantiation of the exceptionally low tender within five (5) business days as of the receipt of the request, unless the committee determined a longer period;
 - f) The explanation of the exceptionally low tender and the evidence submitted by the tenderer do not sufficiently justify the low level of prices or costs, particularly with regard to the matters referred to in Article 53, paragraph 2 of PPA;
 - g) The tenderer has provided false or distorted information which has a substantial impact on the evaluation of tenders;
 - h) The tenderer has attempted to improperly influence the public procurement process.
- 1.5. If the tenderer substantiates its exceptionally low tender by obtaining a state aid, it must be able to prove within a reasonable period determined by the Committee that the state aid was provided to it in compliance with the internal market rules of the European Union; failing that, the Contracting Entity will exclude the tender.
- 1.6. When evaluating the tenders that were not excluded, the Committee will proceed using the criteria specified in the Contract Notice and the process specified in these Procurement Documents.

2. Award criteria and rules for their application

- 2.1. The tenders will be evaluated in accordance with Article 44, paragraph 3, letter c) of PPA.
- 2.2. Each tender will be evaluated against the following criterion:

Lowest Price - 100%

- 2.3. The final ranking of tenders according will be determined upon automated manner by means of an online electronic auction according to Article III, paragraph 3 hereof.
- 2.4. Based on the final order of tenders set up by automated evaluation through electronic auction, the successful bidder shall be identified for specific individual parts of the Contract subject. A successful bidder will be the one whose price for the relevant part of the Contract subject is the lowest after the electronic auction.

3. Electronic auction (e-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.

1. General information

- 1.1. For the purpose of this Competition, the e-Auction is understood as a repeating process using electronic devices certified according to Article 151 of PPA for submission of new prices adjusted downwards within this Competition.
- 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.
- 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.
- 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 1: Ján Repa, Strategic purchaser
E-mail address 1: jan.repa@eustream.sk
Phone 1: +421 (0)2 6250 7167

Name and surname 2: Martin Mikula, Procurement Expert
E-mail address 2: martin.mikula@eustream.sk
Phone 2: +421 (0)2 6250 7161
- 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.
- 1.6. 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.

2. Course of e-Auction

- 2.1. The e-Auction shall be executed by electronic means through the Internet network.
- 2.2. The Administrator shall send an invitation to participation in the e-Auction by electronic means at the same time to all tenderers whose tenders where not excluded.
- 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.
- 2.4. The call will also contain application to e-auction. The applicant must complete the application and in return send it to the auction portal or to the administrator.

- 2.5. After delivery of the completed application, the auction portal or the administrator shall send to the applicant a ten-digit access key with the use of which the applicant may enter into the e-auction room.
- 2.6. The e-Auction will take place in two rounds (stages):
 - (i) Entry round;
 - (ii) Auction round;
- 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.
- 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.
- 2.9. Within the entry round, tenderers may not change their bid prices.
- 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.
- 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 CCTC.
- 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.
- 2.13. The basic time limit of auction round term is 20 minutes.
- 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").
- 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.
- 2.16. The e-Auction shall end:
 - upon expiration of the basic time limit according to paragraph 2.13 hereof, if there was no change in the lowest price downwards according to paragraph 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 2.15 hereof within such extended time limit.
- 2.17. After the end of the auction round, tenderers may print out the protocol of the e-Auction.
- 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.

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 of higher (<http://firefox.com>);
- Google Chrome (<http://google.com/chrome>);

- Microsoft Edge (<https://www.microsoft.com/edge>);

4. **Other information**

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

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

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

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.

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.

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

If there are any complications just contact the Administrator whose contact details are in clause 1.4 hereof, or you find it also in the "CONTACT" section of the invitation for participation in the e-Auction.

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

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

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.

4.4. **Entry round**

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. 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. If an item name is underlined, upon clicking on it a note will display (usually more detailed information about the item). 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. In case of any questions, you can contact the Administrator.

4.5. **Auction round**

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. **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!** Your new price bid must not be the same as the current minimum price. 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.

4.6. **Other general information**

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. 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. 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.

The contracting authority is not liability for any loss of the communication connection or power supply or any malfunction of the computer of the applicant during the entire e-auction including the online competition stage.

IV. Communication of the result and conclusion of the Contract

1. Communication of the result of the tender evaluation

- 1.1 The Contracting Entity will communicate the result of the tender evaluation in accordance with Article 55 of PPA.

2. Agreement conclusion

- 2.1 **The Contracting Entity must not enter into a contract, framework agreement or concession contract with a tenderer or tenderers not entered in the Public Sector Partners Register while being subject to registration with the Public Sector Partners Register under Act No 315/2016, as amended, or those whose subcontractors or subcontractors are not entered in the Public Sector Partners Register while being subject to registration with the Public Sector Partners Register under a special law.**
- 2.2 The Contracting Entity may conclude the Contract with the successful tenderer 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.
- 2.3 When concluding the Contract Agreement, the Contracting Entity will proceed in accordance with Article 56 of PPA.

V. Other conditions of the Tender Procedure

1. Period during which tenderers are bound by their tenders

The period during which tenderers are bound by their tenders ("tender validity period") will expire on 31/10/2026. During the tender validity period, tenderers will be bound by their tenders and will not be allowed to withdraw them. The Contracting Entity may reasonably extend the tender validity period in justified cases (e.g. if review procedures are applied or if a tenderer files objections against the Contracting Entity's conduct, etc.).

2. Variants

Submission of variants is not allowed.

3. Conditions for cancelling the Tender Procedure

The Contracting Entity may cancel this Tender Procedure if the circumstances referred to in Article 57 (1) or (2) of PPA arise.

4. Security

The Contracting Entity does not request any security or bank guarantee.

5. Information confidentiality

- 5.1. 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.

- 5.2. 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.
- 5.3. 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”).
- 5.4. 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.
- 5.5. 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.
- 5.6. 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

6. Requirements applicable to the submission of electronic documents

- 6.1. The requirements specified in this paragraph 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.
- 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.
- 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 5 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.
- 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.
- 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”).
- 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.
- 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 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).

- 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 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 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:
- (i) 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
 - (ii) 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.

- 6.9. If a tenderer uses for signing a document according to paragraph 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.
- 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.
- 6.11. If a tenderer uses for signing a document according to paragraph 6.9.6.9 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.
- 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 6. hereof.

VI. Additional information

1. Tenderers' costs of participation in the Tender Procedure

The Participation of tenderers in this Tender Procedure is voluntary and at their own business risk. All tenderers' costs related to their participation in this Tender Procedure and the preparation and submission of their tenders and the related communication between the Contracting Entity and the tenderer will be fully borne by tenderers. The Contracting Entity will not bear any liability and will not provide any compensation for any costs or damages incurred by a tenderer in connection with its participation in this Tender Procedure, whether or not the tenderer is successful in this Tender Procedure and whether or not this Tender Procedure is cancelled for any reason.

2. Applicable law and other legal information

This Tender Procedure will be governed by the applicable laws of the Slovak Republic. If it turns out that the tenderer whose tender is successful in the Tender Procedure and with which the Contract Agreement is to be signed submitted in its tender invalid certificates or documents or inaccurate information and thereby misled the

Contracting Entity and gained an undue advantage over the other tenderers in the Tender Procedure, the tender of such tenderer will be excluded from the Tender Procedure. If such conduct of the tenderer is established only after the conclusion of the Contract Agreement, the Contracting Entity reserves the right to take necessary steps pursuant to applicable legal regulations in order to achieve a fair remedy, including the right to withdraw from the Contract Agreement or to file with a competent public administration authority or court a petition for the determination of invalidity of such concluded Contract Agreement. The tenderer acting in such way will then incur full liability for any damage caused by its conduct.

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.

4. List of Annexes of the Procurement Documents

Annex 1: Commercial and Contractual Terms and Conditions – Contract for Work ev. no. 03/26/EUS (“CCTC”)

Annex 2: List of supplies

Annex 3: Tenderer's declaration related to the conditions according to Article 5k of the Regulation of the Council (EU) 2022/576