



PROCUREMENT DOCUMENTS

ENGINEERING AND CONSTRUCTION-TECHNOLOGICAL SUPERVISION OF MODERNISATION AND ECOLOGISATION OF ZEVO

Over-the-limit contract for providing the services

The negotiating proceeding with publication in mode of the sectorial subject according to § 94 and following Act No. 343/2015 Coll. on Public Procurement and on Amendments and Additions to Certain Acts (hereinafter referred to as "the Act" or "the Act on Public Procurement").

Marcela Turčanová
Process guarantor

Karol Furinda
Project manager

Marek Horváth
Director of strategy and
project management

CONTENT OF COMPETITION DOCUMENTS

- General information 3**
- I. Chapter: General information on tendering procedure..... 3
- II. Chapter: Subject of contract 5
- III. chapter: Requirements on subcontractors..... 7
- IV. Chapter: Confidentiality of public procurement process 7
- V. Chapter: Revision procedures 8
- VI. Chapter: Preparatory market consultations 8
- VII. Chapter: General clause..... 8
- 1. Phase: Qualification of suppliers 9**
- VIII. Chapter: Submission of application for participation in competition 9
- IX. Chapter: Opening and evaluation of requests for participation..... 15
- 2. Phase: Basic bids and negotiation16**
- X. Chapter: Submission of basic bids 16
- XI. Chapter: Opening and evaluation of basic bids..... 20
- XII. Chapter: Negotiation with candidates 21
- 3. Phase: Final bids and winner selection24**
- XIII. Chapter: Call for submission of final bids..... 24
- XIV. Chapter: Opening and evaluation of final bids..... 30
- XV. Chapter: Conclusion of contract..... 32
- ANNEXES to Competition documents 33

General information

I. Chapter: General information on tender

Purchaser:

Name of organisation: Company ODVOZ A LIKVIDÁCIA ODPADU a. s.
(hereinafter referred to as "Company OLO, a.s." or "Purchaser")

Address of organisation: Ivanská cesta 22, 821 04 Bratislava

ID number:

Organisation's website (URL): <http://www.OLO.sk/>

Contact person: Mgr. Marcela Turčanová

Telephone: +421/ 908 225 248

Email: turcanova@apuen.sk
(email is only used in case of technical complications of the Josephine system)

Company OLO, a.s. **applies the negotiated procedure with publication in accordance with § 94 and following** the act on public procurement for selection of the supplier of required services.

These procurement documents (also as "competition documents") are published at the same time as the notice of the call for public procurement in accordance with § 43 of the act. They may be modified or supplemented in subsequent phases/stages of the tender in the course of the negotiations, however, only in relation to subsequent phases/stages, not to phases that have already been completed. The updated procurement documents will be sent by the Purchaser as an annex to the call for submission a basic bid or the call submission a final bid.

These procurement documents are prepared in Slovak and English in order to reach the widest possible range of potential suppliers. In the case of a conflict between the language versions, the Slovak language version of the procurement documents shall prevail. The language of each stage of the tendering procedure is regulated in the individual chapters of the procurement documents.

This tender consists of the following phases and stages:

1. phase – Qualification of suppliers

I. stage: Submission of request for participation in competition

At this stage, economic entities interested in participating in this public procurement shall submit to the company OLO, a.s. within the specified period the request for participation through the Josephine system. Content of the request for participation and the conditions for participation in the tender are defined in Chapter VIII. of these competition documents.

Anyone who does not submit the request within the specified period and in the specified manner may not subsequently demand to participate in the tender.

II. stage: Opening and evaluation of request for participation

In this stage, the company OLO, a.s. will evaluate all received requests for participation. The method and conditions for evaluation of received requests for participation are described in more detail in Chapter IX of these competition documents. This stage will result in the qualification of tenderers who have demonstrated that they meet the specified conditions for

participation. Suppliers who have not demonstrated that they fulfil the specified conditions will not qualify and will not proceed to the next phases/stages of the tender.

2. phase – Basic bids and negotiation

III. stage: Submission of basic bids

Suppliers, who were qualified, the company OLO, a.s. will call for submission of a basic bid. This stage will result in the collection of comments to proposed scope and content of the service and draft of contractual terms and conditions. These comments will be used as a basis for the negotiation stage. The content of the basic bids, the form and the method of submission are described in more detail in Chapter X of these competition documents.

IV. stage: Opening and evaluation of basic bids

In this stage, the company OLO, a.s. will familiarize with the content of basic bids - comments of the suppliers to content and scope of the service and draft of contractual terms and conditions. The supplier will meet the requirements for basic bids if its bid contains a statement on all required documents. The supplier whose basic bid does not contain a statement on all required documents will be excluded from the competition for not meeting the requirements for base bids. The conditions for the evaluation of basic bids are described in Chapter XI. of the Competition documents

The supplier who does not submit a base bid or whose base bid does not meet the specified requirements will be excluded from the tender and may not participate in the subsequent phases/stages of the tender.

V. stage: Negotiating with tenderers

Company OLO, a.s. will start negotiations on the basic bids with all suppliers who submitted complete basic bids (fulfilled the requirements for basic bids), i.e. whose basic bids have not been excluded. The subject of negotiations will be the scope, content and contractual conditions of the service, in particular in the scope of comments resulting from the basic bids. The terms and conditions of negotiation are specified in Chapter XII. of these competition documents.

As the result of this stage of negotiations, the final requirements for the final bids will be established and the final scope, content and contractual terms of the service will be established.

3. phase – Final bids and winner selection

VI. stage: Call for submission of final bids

The call for submission of the final bids the company OLO, a.s. will send to suppliers whose basic bids were not excluded from the tender in the previous stages. The final bid may only be submitted by supplier whose company has been selected by company OLO a.s. for submission of the final bid. The content of the final bids, the form and the manner of their submission will be described in more detail in the call for submission of final bids.

The conditions related to submission of final bids are specified in Chapter XIII. of these competition documents.

VII. stage: Opening and evaluation of final bids

The subject of this stage is evaluation of the final bids, including evaluation of the bids on the basis of price and quality. The result of this stage is the determination of the winner of the tender - the most advantageous bid according to the established criteria, which the company OLO, a.s. will accept.

The conditions related to opening and evaluation of final bids are specified in Chapter XIV. of these competition documents.

The criteria for evaluation of the final bids are specified in Annex 3 to these competition documents.

VIII. stage: Conclusion of contract

The supplier whose bid was accepted by company OLO, a.s. will be asked to provide cooperation to signing of the contract. The conditions related to conclusion of the contract are specified in Chapter XV. of these competition documents.

II. Chapter: Subject of contract

2.1. Subject of contract is the providing of comprehensive engineering services and performance of construction-technical supervision in the implementation of the project "Modernization and ecologization of ZEVO OLO" (hereinafter referred to as "Construction" or "Project") in the form of expert support to the investor in the implementation of the Project, aimed at achieving the highest possible quality and efficiency of the Construction and its subsequent operation. The future supplier will contribute / direct its activities always in the effort to achieve the most effective solution in terms of the Construction, namely through the active coordination of the design preparation and implementation of the Construction from the position of the building supervision of the investor, will be able to search for risks associated with the construction and effectively prevent them, will responsibly assess and deal with changes to the Construction, will provide information to the investor in an appropriate manner and to an appropriate extent on the progress of the preparation and implementation of the Construction. It will use persons with appropriate training, experience, valid authorisations and managerial knowledge to provide the execution of performance.

2.2. Performance/service providing itself will be carried out in 7 stages, stage 8 represents the optional performance, which company OLO, a.s. may or may not require:

- 2.2.1.** Stage no. 1 – The preparation and processing of documentation in the scope for the zoning decision / decision on the building plan and representation of the investor in communication with the authorities in the process of obtaining the needed permissions;
- 2.2.2.** Stage no. 2 – The providing of advisory and consulting services to the investor in the preparation of public procurement for the selection of the general contractor of Construction and preparation of tender documentation;
- 2.2.3.** Stage no. 3 – The participation in the public procurement of the general contractor for design & build;
- 2.2.4.** Stage no. 4 – The review and approval of design documentation submitted by the general contractor in the design phases of the DSP / Construction Design, RPD. The review and approval of the implementation documentation submitted by the general contractor;

- 2.2.5.** Stage no. 5 – The performance of construction-technical supervision of the constructor over the construction implementation, performance of independent professional technical inspection and activities of the coordinator of occupational safety and health protection;
- 2.2.6.** Stage no. 6 – The review and approval of the accompanying technical documentation (STD) submitted by the general contractor of construction and the inspection and approval of the design documentation submitted by the general contractor of construction in the DSV design phases;
- 2.2.7.** Stage no. 7 – The supervision over post-assembly cleaning operations, functional tests, commissioning of construction equipment into permanent operation and the optimization of technology, active participation in the acceptance of the work from the general contractor of construction;
- 2.2.8.** Stage no. 8 – The advisory and technical support during the first three years of operation.
- 2.3.** Company. OLO, a.s. has elaborated the description of subject of the contract in the documents listed below. The scope of activities in the individual stages and the contractual conditions will be subject of negotiations (their specification/addition, etc.). The final version of these documents will be annexed to call for final bids. Company OLO, a.s. strongly urges the suppliers to be familiar with these documents already at the time of submission of the requests for participation or at the latest during the submission of basic bids:
- Description of subject of the contract
 - MaE ZEVO concept for DUR
 - Contract for providing the services and performance of activities of the construction manager "Modernization and ecologization of ZEVO OLO" (hereinafter also referred to as the "Contract").
- 2.4.** Contract type code number according to CPV:
- | | |
|----------------------|--|
| Main subject: | 71314000-2 Energy and related services |
| Additional subjects: | 71241000-9 Feasibility study, consultancy service, analysis |
| | 71244000-0 Cost calculation, cost monitoring |
| | 71248000-8 Project and documentation supervision |
| | 71251000-2 Architectural services and construction supervision |
| | 71310000-4 Consulting engineering and construction services |
| | 71315300-2 Construction supervision services |
| | 71317200-5 Services related to occupational safety and health protection |
| | 71322100-2 Calculation of construction costs for civil engineering works |
| | 71323000-8 Engineering designing for industrial processes and production |
| | 71541000-2 Construction project management |
- 2.5.** Estimated value of contract: **9 700 000,00 EUR without VAT**
This value also includes the optional performance (a value reflecting the approximate expected total value of the future contract, including optional performance), which may or may not occur. The Purchaser will specify the maximum acceptable contract value (maximum total price for providing the services) in the call for final bids.
- 2.6.** Division of the subject of contract: The subject of contract is not divided into parts.

- 2.7.** The variant solution: tenderers are not allowed to submit a variant solution in relation to requested subject of contract.
- 2.8.** Place of performance and duration of contract:
The place of performance is specified in Article IV. of Contract for providing services.
The expected duration of contract as defined in Article XIV. Contract for providing services.
- 2.9.** Source of financing:
OLO's own funds, possible loan financing.

III. Chapter: Requirements on subcontractors

- 3.1.** Company OLO, a.s. in accordance with § 41 of the Act on public procurement:
- requires to identify in the final bid the subcontractors known to tenderer at the time of submission of the final bid, specifying the identification of subcontractor, the person authorised to act on behalf of subcontractor, the object of participation and the share of value of the contract;
 - company OLO, a.s. does not require subcontractors to meet the conditions of participation of personal status according to § 32 of the Act on public procurement; this does not apply to subcontractors whose capacities/resources are used to demonstrate compliance with the conditions of participation (i.e. they are in the position of a person according to § 33(2) or § 34(3) of the Act on public procurement).
 - in Article VI. of the contract established the conditions for changing the subcontractor.

Company OLO, a.s. hereby warns the tenderers to obligation of subcontractors to be registered in the register of public sector partners according to Act no. 315/2016 Coll. on the register of public sector partners and on amendments and additions to certain acts, as amended (hereinafter referred to as the "Act on public sector partners (RPVS)"), if the subcontractor participates in performance of the contract (participates in providing the service) in a scope exceeding the value of the contracts referred to in § 2 of the Act on public sector partners.

IV. Chapter: Confidentiality of public procurement process

- 4.1.** Information related to reviewing, explaining, evaluating of requests for tender/bids and recommendations for acceptance of the tender of the most successful tenderer are confidential. The members of the bid evaluation committee and the responsible persons designated by the company OLO, a.s. will not provide or disclose the introduced information on content of bids nor on content of negotiations during the tender.
- 4.2.** Information that the supplier / applicant / tenderer identifies as confidential in the bid will not be published or otherwise used without the prior consent of the supplier / applicant / tenderer, as long as the above does not conflict with the Act on public procurement and other generally binding legal regulations / personal regulations (in particular Act no. 211/2000 Coll. on free access to information and on amendment and supplementation of certain acts).
- 4.3.** Confidential information may only be designated as technical solutions and designs, manuals, drawings, project documentation, models, the method of calculating unit prices and, if no unit prices are given, but only the price, the method of price calculation and patterns. The

tenderer may not designate as a business secret information which is subject of price and quality evaluation of the bid.

- 4.4.** Neither the tenderers' bids nor any part of them may be used without the prior consent of the tenderers.

V. Chapter: Revision procedures

A person whose rights or legally protected interests have been or may have been affected by a procedure or decision of company OLO, a.s. may, according to § 163 of the Act on public procurement, submit a request for correction or, according to § 170 of the Act on public procurement, an objection.

VI. Chapter: Preparatory market consultations

The call for this tender was preceded by a preparatory market consultations, which were conducted in April-May of 2023 and took place in 2 rounds:

- the 1st round of comments on published documents;
- the 2nd round in the form of personal interview.

More information on this preparatory market consultation can be obtained at the URL address:

- <https://josephine.proebiz.com/sk/tender/39733/summary>

VII. Chapter: General clause

This tender is carried out according to § 94 and following Act on public procurement. Procedures, relations, terms, obligations, acts of company OLO, a.s. and the supplier / applicant / tenderer, which are not described or specified in these competition documents, in the announcement of this procurement or in the call for the submission of basic / final bids, are governed in this tender exclusively by the provisions of the Act on public procurement and the related decision making practice of the Office for public procurement and/or judgments of the Slovak courts or the judgments of the judicates of the Court of Justice of the European Union.

1. Phase: Qualification of suppliers

VIII. Chapter: Submission of request for participation in competition

- 8.1.** Company OLO, a.s. announces this tender by publishing a public procurement notice and by publishing these competition documents including their annexes. The supplier wishing to participate in the tender must, within the time limit for submission of the request for participation, deliver to the company OLO,a.s. in the specified manner the request for participation, including its annexes.
- 8.2. Within the period for submission of request for participation, the supplier may:**
- ask the questions related to phases/stages of the tender for clarification/understanding of the process;
 - ask the questions related to the qualification conditions for the next stages (specified conditions of participation);
 - ask the fundamental/principal questions on the content of service provision (questions aimed to understand the objective/purpose of contract, not the specific aspects of service provision (these are covered in the following stages));
 - carry out the inspection of the existing infrastructure of the incineration plant;
 - deliver the request for correction (request for modification) of the qualification conditions (specified conditions of participation);
 - deliver the objection according to § 170 of the Act on public procurement, by which it seeks the modification of the qualification conditions (specified conditions of participation);
 - deliver the request for participation, including its annexes demonstrating that the conditions of qualification have been met.
- 8.3.** Communication (any exchange of information and submissions) between the supplier and company OLO, a.s. is carried out exclusively electronically, through the Josephine system, for the purpose of permanent capture of its content. For the purposes of electronic communication, **each supplier is obliged to register in the Josephine system (at the URL address: <https://josephine.proebiz.com/sk/>)**
- Manual for registration in Slovak language:
https://store.proebiz.com/docs/josephine/sk/Manual_registracie_SK.pdf
 - Manual for registration in English language:
- 8.4.** Communication at this stage will be carried out exclusively in Slovak, English or Czech language. In the case of a conflict between the language versions, the Slovak language version shall prevail (the contracting authority will always respond in both Slovak and English).
- 8.5. Rules for delivery of the package/message:**
- the package is deemed to have been delivered to the addressee (supplier/ OLO, a.s.) if the addressee has an objective opportunity to familiarize himself with its contents, i.e. as soon as the package comes into his sphere of its availability. In the JOSEPHINE system, **the moment of delivery of a message/information is considered to be the moment of its sending or publication in the JOSEPHINE system**, in accordance with the functionality of the system.

- the Josephine system sends an immediate notification to the supplier's contact person (at the contact email entered at registration in the JOSEPHINE system) of the receipt of the message/posted document, indicating that there is a new package /message for the contract in question. The supplier will log in to Josephine and the content of the communication - packages, messages - will be displayed in the communication module/interface of the contract. The supplier can view the entire history of his communication with the company in the communication interface with company OLO, a.s. in this tender.

Company OLO, a.s. **warns suppliers not to rely only on notifications of Josephine system**, because the message / package is considered delivered regardless of delivery of the notification email. Company OLO, a.s. therefore recommends strongly to suppliers to check the communication module in the Josephine system continuously (on daily base) in their own interest.

8.6. Place of providing information and documents:

Company OLO, a.s. allows all suppliers unrestricted and direct access by electronic means to the competition documents and any additional documents after logging into the Josephine system. The competition documents and any explanations or additions to the competition documents or other supporting documentation will be published as electronic documents in the JOSEPHINE system, under the tab of given contract. At the same time, comp. OLO,a.s. asks to receive the request also in an editable format, or in a format allowing selection and copying of the text, in order to speed up the administrative processing of the answers to the received questions.

In the profile of company OLO, a.s., established in the electronic storage on the website of the Office for public procurement, information about the public portal of the JOSEPHINE system is provided in the form of a link, where all information will be available.

Submissions and documents related to application of the review procedures between the Co. OLO, a.s. and suppliers/qualified tenderers/applicants are delivered through the communication interface of the JOSEPHINE system. The delivery of objection and its cancellation (withdrawal) in relation to Office for public procurement is solved in §170 of the Act on public procurement.

8.7. Rules for explaining published documents:

The Supplier may ask the company OLO, a.s. for clarification of the basic competition documents and their annexes, in particular the qualification conditions, through the communication interface of Josephine system. Company OLO, a.s. **strongly requests the continuous and timely delivery of questions** in order not to unnecessarily prolong the qualification phase of suppliers.

Company OLO, a.s. will consider a **request for clarification**/requirement for clarification/question to be timely received if it is received within 8 days before the deadline for submission of requests for participation. Answers to questions / requests for clarification received in time will be provided / published at the latest 6 days before the deadline for submission of requests for participation.

If a request for clarification/questions is received **later than 8 days prior to the deadline** for submission of requests for participation, the company OLO, a.s. **reserves the right not to extend the deadline for the submission** of the request for participation due to the publication of the answer. A reply to a request for clarification/question received later

than 8 days before the deadline for submission of requests for participation will be published immediately after the reply has been processed, but within the deadline for submission of requests for participation. All answers to questions received (explanations of the competition documents) will be published in the Josephine system on tab of the contract.

8.8. Inspection on site of project realization:

The supplier can ask for performing an inspection through the communication module of the Josephine system. Company OLO, a.s. will provide him with 2 terms in which it will be possible, accompanied by a responsible person, to inspect the accessible technological parts of the incineration plant. The supplier will confirm the date of the inspection by means of the communication module.

A record of the inspection will be made, in particular for the purpose of capturing the accessible areas/parts of the incineration plant. Questions asked during the inspection will not be answered - questions must be sent through the Josephine system and will be answered immediately as the request for clarification.

8.9. Rules for submission of request for participation:

The supplier who is interested in participating in the tender will deliver through the Josephine system the request for participation, including documents and documents proving the fulfilment of the qualification conditions, within the deadline (which is indicated in the notice of the call for public procurement and in the Josephine system). The request for participation must be submitted in a readable and reproducible form. In the case that the supplier submits a paper request for participation delivered to the company's OLO, a.s. registered office,, the company OLO, a.s. will not consider the request so delivered.

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

Authentication can be performed as follows:

- a) in the system JOSEPHINE by registering and logging in with an ID card (it is valid in the case of the supplier whose member of the statutory body is a citizen of the Slovak Republic) with an electronic chip and a security personality code (eID). The system will automatically authenticate the supplier, whose registers his statutory representative with eID. Authentication is carried out by provider of the JOSEPHINE system on working days between 8.00 and 16.00. The supplier is informed of the completion of the authentication by e-mail
- b) by uploading a qualified electronic signature (e.g. eID signature) of the supplier's statutory representative to the user's card after registration and login to the JOSEPHINE system. Authentication will be carried out by the JOSEPHINE system provider on working days between 8.00 a.m. and 4.00 p.m. The supplier is informed by e-mail about completion of the authentication.;
- c) by inserting a document proving the person of the statutory person on the user card after registration, which is signed by an electronic signature of both the statutory person and the authorised person, or has undergone a guaranteed conversion. Authentication will be carried out by the JOSEPHINE's system provider on working days

between 8.00 and 16.00. The supplier is informed by e-mail when the authentication is completed;

- d) by inserting a power of attorney on the user's card after registration, which is signed by an electronic signature of both the statutory body and the authorised person, or has undergone a guaranteed conversion. Authentication shall be carried out by the JOSEPHINE system provider on working days between 8.00 and 16.00. The supplier is informed by e-mail when the authentication is completed.

After logging in to the JOSEPHINE system, the authenticated supplier selects this tender (this contract) in the overview - list of procurements and enters its request for participation in the designated form for receiving requests for participation, which can be found under the tab "Bids and requests".

The electronic request for participation will be sent once the required documents and documents have been uploaded. Company OLO, a.s. **strongly recommends that suppliers upload and send their request for participation on time, not in the last minutes** of the deadline for submission of the request for participation. Uploading documents to the Josephine system takes several minutes (depending on the internet connection and the size of the uploaded files), as well as electronically securing the bid and uploading it to the Josephine server takes several minutes (depending on the internet connection). **A request for participation received after the deadline cannot be opened and will not be taken into account.** Company OLO, a.s. does not see the content of the submitted application until the application is opened, only the identification of the supplier who submitted the application. **The request for participation is only considered submitted once it has been uploaded to the Josephine server.** Submission of data, documents and supporting documents without their binding upload to the Josephine server will not be considered as submission of the request for participation. After the binding submission of the request for participation (i.e. after uploading it to the server), the supplier will be notified of the successful submission of the request and the notification email will be sent to the supplier that the request has been submitted. Company OLO, a.s. recommends suppliers to try this process in time - the submitted request can be downloaded and re-uploaded. The content of the request submitted by company OLO, a.s. will not be able to see the content of request (the Josephine system does not display or make available downloaded requests or their content).

8.10. Content of request for participation:

The submitted request for participation must be accompanied by scanned documents and documents (recommended format is "PDF") by which the supplier demonstrates compliance with the qualification conditions (specified conditions of participation).

The submitted request for participation must contain papers and documents demonstrating compliance with the specified conditions of participation according to Annex 6 of the Competition documents, namely:

- covering sheet - must be signed by the supplier's statutory representative and must include: Name of subject of the contract, Business name of the tenderer, information whether the request for participation contains confidential information (if yes, identification of the method of marking), list of all submitted papers and documents;

- sheet with identification data of the tenderer (in case of a group of suppliers, identification data for each member of a group) - business name and registered office (address) of the organisation, ID number, VAT ID number, name and function of the statutory representative(s) of the tenderer, contact telephone number, contact e-mail, or the name of the tenderer's representative (e.g. advisor in the tender);
 - if the supplier has not prepared the request for participation himself, he will identify in the request for participation the person whose services or documents he used in its preparation. The supplier will provide the following information: name and surname, business name, registered office/residence address, identification number.
- documents proving the fulfilment of the participation condition of personal status according to § 32 of the Act on public procurement
- documents proving fulfilment of the condition of financial and economic standing according to § 33 of the Act on public procurement (accounting statements demonstrating INDEX 05)
- documents proving fulfilment of the condition for participation of technical and professional qualification according to § 34 clause 1 letter a) of the Act on public procurement (previous reference contracts of the supplier or of the person designated by him)
- documents proving the fulfilment of the participation condition of technical and professional competence according to § 34 clause 1 letter g) of the Act on public procurement (experience of the required key experts (totally 13 experts)
- documents proving fulfilment of the condition of technical and professional qualification according to § 34 clause 1 letter k) of the Act on public procurement (documents proving management of the supply chain).
- power of attorney if the request is signed and submitted by a person other than the supplier's statutory representative;
- in the case of submission of the request by a group of suppliers:
 - an agreement/declaration on oath of formation of a group of suppliers, if the request for participation is submitted by a group of suppliers;
 - power of attorney (signed by all members of a group or by person(s) authorised to act in the matter for each member of a group) for one member of a group who will be authorised to accept instructions on behalf of all members of a group and will be authorised to act on behalf of all other members of a group. The actions of the representative on behalf of a group of suppliers will be towards the company OLO, a.s. binding.

The submitted documents must be in the following language:

- **Slovak**, if they were made in Slovak language,
- **Czech**, if they were made in the Czech language,
- in the **original language**, if they were prepared in a language other than Slovak or Czech, and **at the same time an official translation into Slovak or Czech** of the given document must be submitted. In the event of a difference in the information provided, the information given in the original document has priority.

Company OLO, a.s. requires that suppliers **shall submit documents in the following formats**

- for text files: pdf format, also acceptable formats are docx, .doc, .odt, .txt,),
- outputs for files containing tables: pdf format, also acceptable are .xlsx, .xls, .ods formats,
- for graphic files: .gif, .jpg, .jpeg, .jpe, .jfif, .jfi, jif, .tif, .fiff, .svg, .png,
- only if it is necessary to use file compression - (.zip, .rar).

The size of individual files is recommended to be maximally 100 MB (see the Josephine System Manuals for the size limit of a single file in the Josephine system). If the PDF file will be created from a paper version of the document by scanning, it is recommended to convert it into a machine-readable form using text-to-image software (OCR software, e.g. ABBYY FineReader, etc.). If the supplier sends a damaged file or another file that cannot be opened, the company OLO, a.s. will ask the supplier to resend the file. If a readable and openable file is not received within the specified time limit, such document will be considered as if it had not been submitted.

If the request for participation contains commercially sensitive and/or confidential information and/or personal data, the supplier shall visibly indicate such information in the request for participation.

The submitted request for participation shall not be marked. The Josephine system assigns an identification number to request for participation.

8.11. Group of suppliers

Company OLO, a.s. allows participation in the tender of a group of suppliers within the sense of § 37 clause 1 of the Act on public procurement. The use of the term 'tenderer' in these competition documents also means / includes the term 'group of suppliers'.

In the case if a group of suppliers participates in the tender, or if a group of suppliers submits a request for participation, it shall indicate this in its request on a separate sheet signed by the authorised representatives of all the members of a group. In this letter, they shall also designate (authorise) one member of a group from among themselves, with whom the purchaser will communicate and who will represent all members of a group throughout this tender. This authorised group member will register in the Josephine system and submit a request for participation on behalf of all group members. The purchaser will communicate through the Josephine system only with the designated member and not with all members of a group.

In the case that this group of suppliers is the successful tenderer, company OLO, a.s. will require from this successful tenderer, prior to the conclusion of the contract, in order to ensure the proper performance of the contract, that all members of this group of suppliers establish a legal relationship between themselves according to Slovak law, e.g. according to § 829 and following Act no. 40/1964 Coll., the Civil Code, as amended - a agreement of association, or a similar legal relationship according to relevant provisions of private law. The individual members of a group will be bound jointly and severally.

The documentation proving the establishment of the association (or other legal form of cooperation of physical or legal entities) must be clear and obvious which member of the group of suppliers is authorised to act for a group of suppliers, how the mutual rights and

obligations are established, who will participate in the performance and in what part, and the fact that all members of the association are jointly and severally liable for the obligations of the association. The original or a certified copy of this contract or of the documentation proving the establishment of legal relations among the members of the group of suppliers must be provided by the successful tenderer to the company. OLO, a.s. at the latest at the time of conclusion of the contract.

8.12. Conditions for qualification/acceptance of request for participation

Company OLO, a.s. will accept the request for participation from any supplier who demonstrates compliance with the conditions of participation specified in Annex 6 of these Competition documents. The form and method of demonstrating the specified conditions of participation are described in the given annex for each condition of participation.

8.13. Cost of participation and submission of request for participation

All costs and expenses associated with the preparation and submission of request for participation will be borne by the supplier without financial claim against the company. OLO, a.s., regardless of the outcome of evaluation of the submitted request for participation or the outcome of the tender.

IX. Chapter: Opening and evaluation of requests for participation

9.1. Persons designated by company OLO, a.s. will open the received requests for participation within the deadline specified in the notice of the public procurement, or in the Josephine system. The opening of the requests for participation received will not be public.

9.2. Company OLO, a.s. will evaluate each submitted request for participation according to the provisions of § 40 of the Act on public procurement and the related decision practice of the Office for public procurement. Comp. OLO,a.s. reserves the right to verify the information provided in the application for participation with third parties. For this purpose, the Supplier is obliged to provide it with the necessary assistance (in particular, the contact details of the persons competent to confirm the truthfulness of the information provided).

9.3. In case of any uncertainties or the need to supplement the information (ATTENTION!, not to supplement the documents that were not submitted at all and should have been part of the request for participation), the Co. OLO, a.s. will ask the interested party to provide the given information **within a period of no less than 2 working days**.

9.4. Any documentation (in particular requests for clarification of documents submitted or provision of missing information) will be made by means of the communication module of the Josephine system.

9.5. Rules for delivery of package /message:

- a package is deemed to have been delivered to the addressee (interested party/ company OLO, a.s.) if the addressee has an objective opportunity to familiarize himself with its contents, i.e. as soon as the package comes into his sphere of disposal. In the JOSEPHINE system, the moment of **delivery of a message/information** is considered to be **the moment of its sending or publication in the JOSEPHINE system**, in accordance with functionality of the system.

Company OLO, a.s. **warns suppliers not to rely only on Josephine notifications**, because the message / package is considered delivered regardless of delivery of the notification email. Company OLO, a.s. therefore strongly recommends suppliers to continuously check the communication module in the Josephine system in their own interest.

- 9.6.** The evaluation of requests for participation and the outcome of evaluation will be recorded. Company OLO, a.s. will not inform the public, the tenderers among themselves, or any other person of the number or identification of the qualified tenderers.
- 9.7.** Company OLO, a.s. will announce:
- to tenderers who demonstrated fulfilment of the qualification conditions (the specified conditions of participation) that their request for participation is accepted and that they are qualified for the tender,
 - company OLO, a.s. does not limit the number of suppliers who can qualify for the tender.
 - to tenderers who have not demonstrated that they meet the qualification conditions (the specified conditions of participation) that their request for participation will not be accepted and that they have not qualified for the tender
 - such a decision by company OLO, a.s. the given tenderer may challenge at the Office for public procurement in the form of filing an objection according to § 170 of the Act on public procurement.

2. Phase: Basic bids and negotiation

X. Chapter: Submission of basic bids

- 10.1.** Those tenderers who are qualified, the company OLO, a.s. will call for submission of a basic bid (by delivery of the call for submission of a basic bid). The tenderer wishing to participate in the other phases/stages of the tender must, within the deadline for submission of a basic bids, deliver to company OLO S.A. in the prescribed manner, the basic bid containing documents specified in this chapter.
- 10.2. During the period for the submission of basic bids, the tenderer may, as general rule:**
- ask questions about the phases/stages of the tender for clarification / understanding of the process;
 - to ask questions concerning the scope, content and contractual conditions of the provision of the service necessary for the processing of comments to designated documents;
 - to carry out the inspection of the existing infrastructure of the incineration plant;
 - make a base bid.
- 10.3.** Communication at this stage (any exchange of information and submissions) between the supplier and company OLO, a.s. is carried out similarly to the previous stages - due to permanent recording of its content exclusively electronically, through the Josephine system.
- 10.4.** Communication at this stage will be carried out exclusively in Slovak, English or Czech. In the case of a conflict between the language versions, the Slovak language version shall prevail (the contracting authority will always respond in both Slovak and English).
- 10.5. Rules for delivery of the package /message:**

- the package is considered as delivered to the addressee (supplier/ company OLO, a.s.) if the addressee will have an objective opportunity to familiarize himself with its contents, i.e. as soon as the package comes into his sphere of disposal. In the JOSEPHINE system, **the moment of delivery of a message/information is considered** to be the moment of its **sending or publication in the JOSEPHINE system**, in accordance with functionality of the system.
- The Josephine system sends an immediate notification to the supplier's contact person (at the contact email entered when registering for JOSEPHINE system) that a new package /message exists for the contract, upon receipt of the message/published document. The supplier will log in to the Josephine system and the content of the communication - packages, messages - will be displayed in the communication module/interface of the contract. The supplier can view the entire history of his communication with the company OLO, a.s. in this tender in the communication interface.
Company OLO, a.s. **warns suppliers that they should not rely only on the Josephine notifications**, because the message / package is considered delivered regardless of the delivery of the notification email. Company OLO, a.s. therefore strongly recommends to suppliers to check the communication module in the Josephine system continuously in their own interest.

10.6. Place of the providing of information and documents:

Company OLO, a.s. allows qualified tenderers unrestricted and direct access by electronic means to the competition documents and any additional documents after logging into Josephine system. The competition documents and any clarifications or additions to the competition documents or other supporting documentation will be published as electronic documents in the JOSEPHINE system, under the tab for the given contract. Submissions and documents related to application of the review procedures are among the company OLO, a.s. and qualified tenderers/applicants delivered through the communication interface of the JOSEPHINE system. Delivery of the objection and its revocation (withdrawal) in relation to the Office for public procurement is solved in §170 of the Act on public procurement.

10.7. Rules for explaining published documents:

Company OLO, a.s. reserves the right to modify the conditions for explaining the basic bids (in particular the time limits) in the call for submission of the basic bids.

A qualified supplier may apply to the Company. OLO, a.s. for an explanation of the basic competition documents and its annexes, in particular the terms and conditions of service provision, through the communication interface of the Josephine system. The company OLO, a.s. **strongly requests the continuous and timely delivery of questions** in order not to unnecessarily prolong the submission stage of the basic bids. At the same time, comp. OLO,a.s. asks that the request be delivered in an editable format, or in a format allowing selection and copying of text, in order to speed up the administrative processing of the answers to the questions received.

Company OLO, a.s. will consider a **request for clarification/request for clarification/question as timely received if it is received within 8 days before the deadline** for submission of the base bids. Timely received questions/requests for clarification will be answered/published no later than 6 days before the deadline for submission of the base bids.

If a request for clarification/questions is received **later than 8 days prior to the expiration of the deadline** for submission of base bids, the company OLO, a.s. **reserves the right not to extend the deadline** for the submission of basic bids as a result of the publication of the answer. The answer to a request for clarification/question received later than 8 days

before the expiry of the deadline for the submission of the basic bids will be published immediately after the answer has been processed, but within the deadline for submission of the basic bids. All answers to questions received (explanations of the competition documents) will be published in the Josephine system on the tab of the contract.

Company OLO, a.s. would like to emphasize that the **purpose of submission of basic bids is to collect comments** on the content, scope and contractual terms of the provision of service, **as a basis for negotiations** with qualified suppliers.

10.8. Inspection on site of project implementation:

A qualified supplier can request an inspection through the communication module of the Josephine system. Company OLO, a.s. will provide him with 2 dates on which it will be possible to carry out the inspection of the accessible technological parts of the incineration plant accompanied by a responsible person. The supplier will confirm the date of inspection through the communication module.

A record will be made of the inspection carried out, in particular for the purpose of recording the accessible areas/parts of the incineration plant. Questions asked during the inspection will not be answered - questions should be sent via the Josephine system and will be responded to immediately as a request for clarification.

10.9. Rules for submission of basic bids:

A qualified supplier wishing to participate also in the other stages of the tender will submit, through the Josephine system, a basic bid within the time limit (which will be specified in the Call for basic bids and in Josephine system), in the scope specified in this chapter. The basic bid must be submitted in a readable and reproducible form. In the case that a qualified supplier submits a paper basic bid, delivered to the registered office of the company OLO, a.s., the committee will not consider a bid so delivered.

The basic bid will be sent to the server of the Josephine system after uploading the required papers and documents. Company OLO, a.s. **strongly recommends that qualified suppliers upload and submit their basic bid in a timely manner, not in the last minutes** of the basic bid submission period. Uploading documents to Josephine system takes several minutes (depending on internet connection and size of uploaded files), also the electronic securing of the bid and its upload to Josephine system server takes several minutes (depending on internet connection). **A basic bid received after the deadline cannot be opened and will not be taken into account.** Company OLO, a.s. does not see the content of the submitted bid until the bids are opened, only the identification of the supplier who submitted the bid. **A basic bid is only considered submitted once it has been uploaded to the Josephine system server in a binding manner.** Submission of data, documents and papers without their binding upload to the Josephine system server is not considered as submission of a bid. Once a bid has been validly submitted (i.e. uploaded to the server), the supplier will be notified of the successful submission of the bid and sent a notification email of submission of the bid. Company OLO, a.s. recommends suppliers to try this process in time - the submitted bid can be downloaded and re-uploaded. The content of the submitted bid OLO, a.s. will not be able to see (the Josephine system does not display or make available the downloaded bids or their content).

At this stage, tenderers are expected to carefully study the documents provided and to comply with all instructions, forms, contractual provisions and other requirements specified in these competition documents and their annexes. They are also expected to be fully familiar with the objective of the tender and with the project (the documents Description of the subject of contract and MaE ZEVO Concept for DUR) in which the successful tenderer will participate.

10.10. Content of basic bid:

Company OLO, a.s. reserves the right to modify/specify the content of basic bids and the method of commenting on the documents in the call for submission of basic bids.

The basic bid must include scanned papers and documents (recommended format is "PDF") by which the qualified supplier submits proposals for improving (specifying, clarifying, supplementing) the proposed scope, content and contractual terms of the service provision. The basic bid is the basis for negotiation with the qualified supplier. If the qualified supplier does not submit the base bid, it may not participate in the subsequent stages of the tender.

Tenderer is a qualified supplier who submitted the bid. Comments not included in the basic bid may not be raised by tenderer during the negotiations. This does not apply if such a comment / proposal for modification arises directly as a result of information provided during the negotiation which was not known to tenderer at the time of submission of the basic bids.

The basic bid submitted must include the following documents:

- a covering sheet indicating the contact person for organising the negotiations and the content of the basic bid and the persons responsible for negotiating on the supplier's side;
- consent for the processing of personal data during the negotiation from the persons responsible for negotiation on behalf of the supplier;
- a power of attorney if the request is signed and submitted by a person other than the supplier's statutory representative;
- statement on the document: Description of the subject of contract and MaE ZEVO Concept for DUR
- statement on the document: Price offer (in terms of key experts identified and their scope of deployment);
- statement on the document: Contract for the provision of services and the performance of activities of the manager of construction "Modernization and ecologization of ZEVO OLO";
- statement on the document: Annex 3 of the Contract - Key Experts (in terms of the scope of the experts and of the requirements specified in point 2 of a given document).

Company OLO, a.s. reserves the right to modify/specify the content of the basic bids in the call for submission of basic bids.

The submitted documents must be in the following language:

- **Slovak**, if they were made in Slovak language,
- **Czech**, if they were made in the Czech language,
- in the **original language**, if they were prepared in a language other than Slovak or Czech, and **at the same time an official translation** into Slovak or Czech of the given document **must be submitted**. In the event of a difference in the information provided, the information given in the original document has priority.

Company OLO, a.s. requires that qualified suppliers **shall submit documents in the following formats**

- for text files: pdf format, also acceptable formats are docx, .doc, .odt, .txt,)
- outputs for files containing tables: pdf format, also acceptable are .xlsx, .xls, .ods formats,
- for graphic files: .gif, .jpg, .jpeg, .jpe, .jfif, .jfi, jif, .tif, .fiff, .svg, .png,
- only if it is necessary to use file compression - (.zip, .rar).

The size of individual files is recommended to be maximally 100 MB (see the Josephine System Manuals for the size limit of a single file in the Josephine system). If the PDF file will be created from a paper version of the document by scanning, it is recommended to convert it into a machine-readable form using text-to-image software (OCR software, e.g. ABBYY FineReader, etc.). If the supplier sends a damaged file or another file that cannot be opened, the company OLO, a.s. will ask the supplier to resend the file. If a readable and openable file is not received within the specified time limit, such document will be considered as if it had not been submitted.

If the basic bid contains commercially sensitive and/or confidential information and/or personal data, the tenderer will visibly indicate this information in the bid.

The basic bid is not marked in the Josephine system. the Josephine system assigns an identification number to the bid.

10.11. Security of bid:

A security for the basic bid is not required.

10.12. Requirements for the basic bid:

Company OLO, a.s. will accept a basic bid from any tenderer who submits a basic bid within the deadline and whose content shows a statement on the following documents:

- statement on the document: Description of the subject of contract and MaE ZEVO Concept for DUR;
- statement on document: Annex 2 of the Contract: Price offer (in terms of the identified key experts and their scope of deployment);
- statement on the document: Contract for the provision of services and the performance of activities of the manager of construction "Modernization and ecologization of ZEVO OLO";
- statement on the document: Annex 3 of the Contract - Key Experts (in terms of the scope of the experts and the requirements specified in point 2 of the given document).

The statement of the tenderer on the given documents (separately for each) will be in the following text (it must be clear from the content of the bid):

- I have no comments/suggestions to modify or add to the information provided in the given document;
- we are sending comments/suggestions to modify or supplement the information in the document. *Comments will be given in the form specified in the call for submission of bids (use of the form provided).*

10.13. Cost for submission of basic bid

All costs and expenses associated with the preparation and submission of the basic bid will be borne by the qualified supplier/ tenderer without financial claim against the company OLO, a.s., regardless of the outcome of the evaluation of the submitted basic bid or the outcome of tender.

XI. Chapter: Opening and evaluation of basic bids

Company OLO, a.s. reserves the right to modify/specify the method of evaluation of basic bids in the call for submission of basic bids.

- 11.1.** The members of the committee nominated by company OLO, a.s. will open the received basic bids within the deadline specified in the call for submission of basic bids or in the Josephine system. Opening of the received basic bids is not public.

- 11.2.** The nominated committee will evaluate each delivered basic bid according to the provisions of § 53 of the Act on public procurement and the related decision practice of the Office for public procurement.
- 11.3.** In the case of any ambiguities or the need of completion of information (**ATTENTION!**, not the completion of documents that were not submitted at all in the basic bid and should have been part of the basic bid), the company OLO, a.s. or the committee will ask the tenderer to clarify / provide the given information **within a period of not less than 2 working days**.
- 11.4.** Any documentation (in particular request for clarification of documents submitted) will be done through the communication module of the Josephine system.
- 11.5. Rules for delivery of package /message:**
- a package is considered to be delivered to the addressee (tenderer/company OLO, a.s.) if the addressee has an objective opportunity to familiarize himself with its contents, i.e. as soon as the package comes into his sphere of disposal. In the JOSEPHINE system, **the moment of delivery of a message/information is considered to be the moment of its sending or publication in the JOSEPHINE system**, in accordance with functionality of system.
- Company OLO, a.s. **warns tenderers not to rely only on Josephine system notifications**, because the message / package is considered as delivered regardless of the delivery of the notification email. Company OLO, a.s. therefore strongly recommends to the tenderers to check the communication module in the Josephine system continuously in their own interest.
- 11.6.** The course and result of the evaluation of the basic bids will be recorded in a report. Company OLO, a.s. and the committee will not inform the public, nor the tenderers, nor any other person of the number of bids received or identification of the tenderers.
- 11.7.** Company OLO, a.s. or the committee will announce:
- to tenderers who have demonstrated fulfilment of the requirements for the basic bids (by commenting on specified documents) that their basic bid will be accepted and that they will be called to participate in the negotiation of the basic bid,
 - Company OLO, a.s. does not limit the number of tenderers who will be called to the negotiation.
 - to tenderers who have not demonstrated fulfilment of the requirements of the basic bid (not having commented on any or all of the specified documents) that their basic bid will not be accepted and that they will not be called to participate in the negotiation of the basic bid,
 - such a decision of company OLO, a.s. the tenderer may raise an objection to the Office for public procurement by means of filing an objection according to § 170 of the Act on public procurement.
- 11.8.** A tenderer who does not submit a basic bid or whose basic bid has been excluded from the tender may not participate in the subsequent phases/stages of the tender.

XII. Chapter: Negotiation with tenderers

Company OLO, a.s. reserves the right to modify/specify the method and conditions of negotiation in the call for basic bids.

- 12.1.** Company OLO, a.s., or the committee, will start negotiations on the basic bids with all tenderers whose basic bids have been accepted, in the order corresponding to the time of submission of the base tender (i.e. from the tenderer who submitted the base tender first to the tenderer who submitted the base tender last). In the event of a base tender being submitted at the same time, the order of negotiation between suppliers who have submitted a tender at the same time will be determined alphabetically. The subject of negotiations will be the scope, content and contractual conditions of provision of the service, in particular within the scope of the comments resulting from the basic bids. Negotiations will be carried out in several successive rounds/iterations according to thematic areas.
- 12.2.** It is expected at this stage that tenderers will carefully study the provided documents and be constructive in the negotiations, following the stated objective of this competition. It is also expected that they are fully familiarized with the description of the scope of contract, the draft of contract and the project in which the successful tenderer will participate (as described in detail in the document MaE ZEVO Concept for DUR).
- 12.3.** As a result of negotiations, the final requirements for the final bids will be established and the final scope, content and contractual terms of the service will be determined.
- 12.4.** It is exclusively at the decision of the company OLO, a.s. or the committee, which comments proposed / made by tenderers in the basic bids, or which arguments presented by tenderers during the negotiations, will be accepted and marked as binding for the next rounds of negotiations / stages of the selection procedure, and which comments proposed / made by tenderers in the basic bids, or which arguments presented by tenderers during the negotiations, will be rejected. The purchaser will inform all tenderers with whom negotiations will be conducted about any changes or new requirements resulting from negotiations
- 12.5. Organisation of negotiations:**
A tenderer whose basic bid has not been excluded will be duly invited to each negotiation by means of an invitation stating the date, time and place of negotiation and the subject of negotiation, at least 3 working days in advance, unless the date of the next negotiation has been agreed in the negotiation (the previous negotiation round). A single call may include an invitation also for more than one negotiation.
The purchaser reserves the right to change the date of negotiation. The tenderer has the right to excuse himself from a meeting to which he has been invited, in writing, through the Josephine system, giving the reason and not later than 12 hours before the scheduled meeting.
A single negotiation (stage) may also be divided by purchaser into several rounds. The negotiation may be interrupted, in particular for hygiene breaks or to consult the committee/persons in charge of the negotiation on behalf of purchaser.
Negotiations will be conducted with only one tenderer at a time, either by face-to-face meetings or by electronic communication (in particular the MS Teams application). The appropriate form and intensity of negotiation will be determined by purchaser.
The purchaser reserves the right to record the course of negotiations.
No more than five persons may attend a single negotiation on behalf of tenderer, unless the parties agree otherwise, i.e. if the purchaser, at the reasoned request of tenderer, allows a higher number. Whenever a person who was not indicated as an authorised person in the basic bid takes part in negotiations, the tenderer will provide to purchaser,

at the latest at the beginning of the negotiation, the consent of the new person for processing of personal data. On the part of tenderer, at least one person authorised in writing to negotiate on behalf of tenderer (the statutory agent or a person authorised by the statutory agent) must always be present, i.e. at least one person authorised to act on behalf of tenderer must always be present, and this person will also be authorised to approve the minutes of the meeting.

The Purchaser reserves the right not to negotiate further or to terminate the negotiation with a tenderer who fails to attend the negotiation on at least two consecutive occasions within the time limit (irrespective of whether the tenderer excuses himself from attending the negotiation) or if a person authorised to act on the tenderer's behalf is not present at the negotiation.

12.6. Record of course of negotiations

The purchaser will ensure that each tenderer is treated equally during the negotiation and will not provide information to any of them in a way that would advantage any of the tenderers. For this purpose, the negotiations will be audio-visually recorded and the recording will form part of the documentation on file. The tenderer participating in the negotiations expressly agrees to this method of recording the negotiations and, for this purpose, will provide in the basic bid the consents of the persons whom he has authorised to negotiate for the processing of their personal data.

The purchaser will prepare minutes of the meeting, which will include in particular all material facts that were the subject of the negotiation, agreements/conclusions reached/accepted by the parties during the negotiation and which may have an impact on further negotiations and/or the updated/final bid. The minutes of the meeting must be consistent with the audio-visual record of the negotiation. Unless the minutes of the meeting are made and signed immediately after the end of the negotiation, they will always be sent to the tenderer no later than 5 working days after the negotiation has taken place. The tenderer shall have the right to comment the minutes of the meeting within 2 working days of the minutes of the meeting being sent to him. If no comments or statements are received by purchaser, the purchaser will consider the minutes of the meeting as agreed by tenderer.

The tenderer is bound by the conclusions/arguments/information/agreed by the tenderer in the minutes of the meeting and this data is decisive for the further course of the tender. This does not apply if different/changed conditions and/or prices are agreed in subsequent stages/rounds of negotiations, i.e. later agreements included in the approved minutes of the meeting will supersede the previous agreements.

12.7. Submission of updated bids during negotiations:

Company OLO, a.s. may call the tenderers whose basic bids have been accepted to submit updated bids after the end of a stage of the negotiations, even several times during the negotiations. In the call for submission of updated bids, the purchaser will provide the tenderers whose basic bids have been accepted with a sufficient period of time and will specify all the essential requirements for the content of the updated bids, the conditions for their submission and their evaluation. In the case where the updated bids include price proposals from the tenderers, the company OLO, a.s. will ensure that the members of committee work with anonymized price proposals or with proposals in such scope to ensure that open competition and the credibility of the tender are preserved. An updated

bid may only be submitted by tenderer whose company OLO, a.s. will call to submit an updated bid.

Tenderer who does not adapt his/her proposals/comments to complete the specified documents in the updated bid in accordance with the requirements and needs of company. OLO, a.s., will be excluded from further negotiations for the reason that they do not meet the purchaser's requirements for the updated bid. However, such tenderer will be called to submit the final bid, but will not participate in further negotiations.

The updated bids will be evaluated according to conditions specified in the call for submission of the updated bid. The total bid price of the tenderer specified in the final bid may be higher than the bid price in the updated bid only in the case, if the company OLO, a.s. will specify explicitly such possibility in the call for submission of the final bids.

12.8. Communication during negotiations:

Any exchange of information (in particular invitations to a meeting, transmission of negotiating documents or documents referred to by the parties during the meeting) will be made through the communication module of the Josephine system.

Rules for delivery of package/message:

- a package is considered to be delivered to the addressee (tenderer/company OLO, a.s.) if the addressee has an objective opportunity to familiarize himself with its contents, i.e. as soon as the package comes into his sphere of disposal. In the JOSEPHINE system, **the moment of delivery of a message/information is considered to be the moment of its sending or publication in the JOSEPHINE system**, in accordance with the functionality of the system.

Company OLO, a.s. **warns tenderers not to rely only on notifications of the Josephine system**, because the message / package is considered as delivered regardless of the delivery of the notification email. Company OLO, a.s. therefore strongly recommends to the tenderers to check the communication module in the Josephine system continuously in their own interest.

The purchaser also reserves the right to contact by telephone the person designated by the tenderer to organise the negotiations on behalf of tenderer, exclusively for the purpose of determining a suitable date for negotiations, verifying the reasons for the delay in negotiations or verifying the technical connection in the case of electronic communication (e.g. through MS Teams application). Any telephonic communication will also be subsequently recorded and mutually confirmed through the communication interface of the Josephine system or in the minutes of the meeting.

- 12.9.** The purchaser will notify to tenderers, whose basic bids have not been excluded, the termination of the negotiation stage.

3. Phase: Final bids and winner selection

XIII. Chapter: Call for submission of final bids

Company OLO, a.s. reserves the right to modify/specify the requirements for final bids and their evaluation in the call for final bids.

- 13.1.** Tenderers whose base bids have been accepted, company OLO, a.s. will call for the submission of the final bid (by delivering the Call for submission of the final bid). The tenderer who wishes to obtain the contract must, within the time limit for submission of final bids, deliver to company OLO,a.s., in the specified manner, the final bid containing the documents specified in this Chapter.
- 13.2. Within the time limit for submission of final bids, the tenderer may:**
- ask questions related to the scope, content and contractual terms of the provision of services concerning the processing of the final bid;
 - carry out a site inspection of the existing infrastructure of the incineration plant;
 - deliver a request for correction (request for modification) of the conditions of provision of the service (specified in the annexes to call for final bids);
 - deliver an objection according to § 170 of the Act on public procurement, by which it claims the modification of the conditions of provision of the service (specified in the annexes to call for final bids);
 - submit the final bid.
- 13.3.** Communication in this phase (any exchange of information and submissions) between the supplier and company OLO, a.s. is carried out similarly to the previous phases - due to the permanent recording of its content exclusively electronically, through the Josephine system.
- 13.4.** Communication at this stage will be carried out exclusively in Slovak or Czech language. In the case of a conflict between the language versions, the Slovak language version shall prevail (the contracting authority will always respond in both Slovak and English).
- 13.5. Rules for delivery of the package/message:**
- a package is considered to be delivered to the addressee (tenderer/company OLO, a.s.) if the addressee has an objective opportunity to familiarize himself with its contents, i.e. as soon as the package comes into his sphere of disposal. In JOSEPHINE system, **the moment of delivery of a message/information is considered to be the moment of its sending or publication in the JOSEPHINE system**, in accordance with functionality of the system.
 - The Josephine system will send an immediate notification to the supplier's contact person (at the contact email entered when registering for the JOSEPHINE) of the receipt of the message/published document that there is the new package/message for the respective contract. The supplier will log in to the Josephine system and in the communication module/interface of the contract will be shown the content of the communication - package, message. The tenderer can view in the communication interface the entire history of his communication with the company OLO, a.s. in this tender.
Company OLO, a.s. **warns tenderers not to rely only on notifications of Josephine system**, because the message / package is considered as delivered regardless of the delivery of the notification email. Company OLO, a.s. therefore strongly recommends to tenderers to check the communication module in the Josephine system continuously in their own interest.
- 13.6. Place of providing information and documents:**
Company OLO, a.s. allows the tenderers unrestricted and direct access by electronic means to competition documents and to any additional documents after logging into the

Josephine system. The competition documents and any explanations or additions to the competition documents or other accompanying documentation will be published as electronic documents in the JOSEPHINE system under the tab for given contract.

Submissions and documents related to application of the review procedures are between the company OLO, a.s. and tenderers delivered through the communication interface of the JOSEPHINE system. The delivery of the objection and its cancellation (withdrawal) in relation to Office for public procurement is dealt with in §170 of the Act on public procurement.

13.7. Rules for explaining published documents:

Company OLO, a.s. reserves the right to modify the conditions for explaining the final bids (in particular the time limits) in call for final bids.

A tenderer who has been called to submit the final bid may request the company OLO, a.s. for an explanation of call for final bids and its annexes, in particular the conditions for provision of the service, through the communication interface of the Josephine system. Company OLO, a.s. strongly requests the continuous and timely delivery of questions in order not to unnecessarily prolong the stage of submission of the final bids. At the same time, comp. OLO,a.s. asks that the request be delivered in an editable format, or in a format allowing selection and copying of text, in order to speed up the administrative processing of the answers to the questions received.

Company OLO, a.s. **will consider a request for clarification/request for clarification/question as timely received if it is received within 8 days before the deadline** for submission of final bids. Answers to timely received questions/requests for clarification will be provided/published at the latest 6 days before the deadline for submission of final bids.

If a request for clarification/questions is received **later than 8 days prior to the deadline** for submission of final bids, the company OLO, a.s. **reserves the right not to extend the deadline** for submission of final bids as a result of the publication of the answer. The answer to a request for clarification/question received later than 8 days before the deadline for the submission of final bids will be published immediately after the answer has been processed, but within the deadline for the submission of final bids. All answers to questions received (explanations of the tender documents) will be published in the Josephine system on the tab of contract.

Company OLO, a.s. wishes to emphasise that **the purpose of the negotiations is to clarify, specify and/or supplement the content, scope and contractual terms and conditions of the service. The purpose of the final bids is to evaluate the bidder's offer in terms of its price and quality on the basis of the established criteria.**

13.8. Inspection on site of project implementation:

A tenderer who has been called for submission of a final bid may request an inspection on site through the communication module of the Josephine system. Company OLO, a.s. will provide him with 2 dates on which it will be possible to visit the accessible technological parts of the incineration plant accompanied by a responsible person. The tenderer will confirm the date of the inspection through the communication module.

A report will be written of the inspection on site, in particular in order to document the accessible areas/parts of the incineration plant. Questions asked during the inspection on

site will not be answered - questions must be sent through the Josephine system and will be answered promptly as a request for clarification.

13.9. Rules for submission of final bids:

A tenderer who has been called for submission of a final bid and who is interested in obtaining the contract will deliver, through the Josephine system, a final bid within the time limit (which will be specified in call for submission of a final bid and in the Josephine system), in the scope specified in this chapter. The final bid must be submitted in a readable and reproducible form. In the case if the tenderer submits a paper final bid delivered to the registered office of the company OLO, a.s., the committee will not consider the bid so delivered.

The final bid will be sent to the server of the Josephine system after uploading the required papers and documents. Company OLO, a.s. **strongly recommends that qualified suppliers upload and submit their final bid in a timely manner, not in the last minutes** of the basic bid submission period. Uploading documents to the Josephine system takes several minutes (depending on internet connection and size of uploaded files), also the electronic securing of the bid and its upload to the Josephine system server takes several minutes (depending on internet connection). **A final bid received after the deadline cannot be opened and will not be taken into account.** Company OLO, a.s. does not see the content of the submitted bid until the bids are opened, only the identification of the supplier who submitted the bid.

A final bid is only considered submitted once it has been uploaded to the Josephine system server in a binding manner. Submission of data, documents and papers without their binding upload to Josephine system server is not considered as submission of a bid. Once a bid has been validly submitted (i.e. uploaded to the server), the supplier will be notified of the successful submission of the bid and sent a notification email of the submission of the bid. Company OLO, a.s. recommends suppliers to try this process in time - the submitted bid can be downloaded and re-uploaded. The content of the submitted bid OLO, a.s. will not be able to see (the Josephine system does not display or make available the downloaded bids or their content).

13.10. Content of final bid:

Company OLO, a.s. reserves the right to modify/specify the content of the final offers in the call for submission of final bids.

The final bid must include scanned papers and documents (the recommended format is 'PDF') as specified in the call for final bids. The final tender is used to assess the bid in terms of price and quality. The final bid is the expression of will of the tenderer, who has been called to submit it, to carry out the subject of contract, i.e. to provide the services procured, under the conditions specified by the purchaser (in the annexes of the call for submission of the final bid), for the offered price.

The documents to be contained in the submitted final bid will be specified in call for final bids. In particular:

- a cover sheet with the contact data of the Chief Project Engineer for the purpose of conducting the interview, which is one of the qualitative elements of the evaluation of the tenderer's bid;

- consent of the Chief Project Engineer to the processing of personal data during the interview;
- consent to the stated contractual conditions (declaration on oath);
- completed Annex 2 of the Contract - Price offer of the tenderer;
- reference sheets for the individual experience of the qualitatively evaluated key experts according to Annex 4 of the Competition documents;
- bid security, if any will be required;
- if tenderer has not prepared the final bid itself, indicates in the bid **the person whose services or documents were used in the preparation of the bid** (in particular external consultants, legal offices who provided legal advice in the submission of bids). The tenderer will provide the following information: name and surname of the person/company name, address of residence/ registered office or place of business and identification number, if it has been assigned.
- list of subcontractors known to tenderer at the time of submission of the final bid.

The submitted documents must be in the following language:

- **Slovak**, if they were made in Slovak language,
- **Czech**, if they were made in the Czech language,
- in the **original language**, if they were prepared in a language other than Slovak or Czech, and **at the same time an official translation** into Slovak or Czech of the given document **must be submitted**. In the event of a difference in the information provided, the information given in the original document has priority.

Company OLO, a.s. requires that tenderers who have been called for submission of a final bid **should submit documents in the following formats**

- for text files: pdf format, also acceptable formats are docx, .doc, .odt, .txt,),
- outputs for files containing tables: pdf format, also acceptable are .xlsx, .xls, .ods formats,
- for graphic files: .gif, .jpg, .jpeg, .jpe, .jfif, .jfi, jif, .tif, .fiff, .svg, .png,
- only if it is necessary to use file compression - (.zip, .rar).

The size of individual files is recommended to be maximally 100 MB (see Josephine System Manuals for the size limit of a single file in the Josephine system). If the PDF file will be created from a paper version of the document by scanning, it is recommended to convert it into a machine-readable form using text-to-image software (OCR software, e.g. ABBYY FineReader, etc.). If the supplier sends a damaged file or another file that cannot be opened, the company OLO, a.s. will ask the supplier to resend the file; this is not the case for reference sheets describing the experience of qualitatively assessed key experts. If a readable and openable file is not received within the time limit, such a document will be considered as not having been submitted.

If the final bid contains commercially sensitive and/or confidential information and/or personal data, the tenderer will visibly mark this information in the bid.

The final bid is not marked in the Josephine system. Josephine system assigns an identification number to the bid.

13.11. Currency and prices included in final bid:

The contractual prices proposed by the tenderer for the provision of services will be expressed in European currency units (hereinafter referred to as euro/euros/eur) and determined according to § 3 of the Act of the Parliament of the Slovak Republic no. 18/1996 Coll. on prices, as amended, Decree of the Ministry of Finance of the Slovak Republic No. 87/1996 Coll., which implements the Act of the Parliament of the Slovak Republic No. 18/1996 Coll. on prices. Contract prices may not be tied to another currency or parameter. The contractual price for the subject of contract indicated in the tenderer's bid will be paid in euro.

The tenderer will establish unit prices for the deployment of key experts and the price for the implementation of Phase I and Phase II (task price) based on its own calculations, activities, expenses and incomes in accordance with the applicable legislation. The unit prices for the deployment of a key expert cannot be unreasonably different from one stage to another (i.e. it is not possible for the unit prices of one and the same expert to be different from one stage of provision of the service without an objective and demonstrable reason). Company OLO, a.s. has the right to review the pricing of the unit/item prices offered in accordance with Section 53 clause 2 of the Act on public procurement.

Tenderer must take into account everything necessary for the full and proper performance of the contract before submitting his bid, including all costs associated with the performance of contract (including overheads) in his prices. The tenderer submits a price offer according to Annex 2 of the Contract (the form is binding, the tenderer is not authorised to change the specified deployment of key experts or the form of the price offer), so that each price item requested has a numerical value arithmetical rounded to 2 decimal places.

If the tenderer is a payer of value added tax (hereinafter referred to as "VAT"), i.e. a taxable person for VAT within the meaning of the relevant Slovak legislation (hereinafter referred to as "taxable person"), the proposed contractual price in the price offer will be stated in the following composition:

- the offered unit prices per man-hour for the deployment of the key expert and the offered price for the implementation of Phase I and Phase II and the total contract price - in euros excluding VAT
- the total contract price offered in euros including VAT.

If the tenderer is not a taxable person for VAT, he will specify the proposed contractual price as well as all other prices required in these competition documents, excluding VAT, as the total final price. **The fact, that the tenderer is not a taxable person for VAT purposes, is indicated in the bid.**

The tenderer specifies the final contract prices in the bid, without the possibility of any adjustment during the contract duration. The contract price stated in the bid of tenderer in the contract proposal must be valid for the entire duration of the contract and cannot be increased (except for changes explicitly stated in the contract).

All prices given in the tenderer's price offer are the proposed contract prices and must be prepared exactly according to Annex 2 of the Contract.

13.12. Security and binding of bid:

Company OLO, a.s. reserves the right to request the deposit of the final bid security with the submission of the final bid in accordance with § 46 of the Act on public procurement. The conditions, the amount of the security and the binding period of the bid will be specified in call for submission of the final bid.

13.13. Evaluation of final bid:

The final bids will be evaluated on the basis of an assessment of price and quality.

A valid final bid is a bid that does not contain any restrictions or constraints that are contrary to the requirements of the purchaser for the subject of contract specified in these competition documents and in the call for final bids, and does not contain any facts that are contrary to generally applicable legal regulations. The final bid must be in compliance with the legislation in force in the Slovak Republic.

A tenderer will meet the requirements for final bids if in the final bid it clearly agrees to the final contractual terms and conditions, submits all required documents, and its bid is in compliance with applicable legal regulations of the Slovak Republic. A final bid that meets these requirements will be evaluated according to the established criteria.

The criteria on the basis of which the bids will be evaluated in terms of price and quality, and on the basis of which the winner of this tender will be determined, are specified in Annex 3 to these tender documents.

Company OLO, a.s. reserves the right to modify the price/quality ratio in call for submission of the final bid. However, elements that will be subject of evaluation will not be adjusted (only the value of the assigned points depending on the price/quality ratio).

13.14. Cost for submission of final bid

All costs and expenses associated with the preparation and submission of the final bid will be borne by the tenderer without financial claim against the company OLO, a.s., regardless of the outcome of evaluation of the submitted final offer or the outcome of the tender.

XIV. Chapter: Opening and evaluation of final bids

14.1. The members of the committee nominated by company OLO, a.s. will open the final bids received within the deadline specified in call for submission of final bids or in the Josephine system. The opening of the final bids received will be public (the purchaser's obligations under § 52 of the Act on public procurement will be applied).

14.2. The nominated committee will evaluate each received final bid in accordance with the provisions of § 53 of the Act on public procurement and the related decision practice of the Office for public procurement.

14.3. In the case of any ambiguity or the need to complete information (**ATTENTION!**, not to complete documents that were not submitted at all in the final bid and should have been part of the final bid or reference letters and/or information that is the subject of evaluation of the experience of Qualitatively Evaluated Key Experts), the Company OLO, a.s. or the committee will ask the tenderer to clarify/provide the information **within the period of not less than 2 working days, in case of a request for clarification of the price not less than 5 working days.**

14.4. Obvious errors in writing and counting

The obvious errors in writing and mathematical errors identified in the review of bids are:

- The difference between the amount indicated by the number and the amount indicated by the word,
- The difference between the unit price and the total price, if the stated error is due to an incorrect multiplication of the unit price by the quantity, the unit price will be applied,
- Incorrect sum in the subtotal or subtotal of individual items; the correct sum or subtotal of individual items, etc., will be applied,
- Other obvious writing and counting errors as defined in the decision practice of the Office for public procurement and the Slovak courts.

The committee will ask the tenderer in writing for an explanation of the bid in order to correct any obvious mathematical errors in the bid discovered during the evaluation of the bid.

The tenderer's bid will not be included in the evaluation process and will be excluded:

- if the tenderer does not accept the corrected amount due to an obvious mathematical error, or
- if the tenderer does not deliver a written explanation within two working days from the date of receipt of the request for an explanation, unless a longer period has been specified by the committee.

The tenderer will be notified in writing of the rejection of his bid, with the reason for the rejection and the time limit within which an objection may be submitted.

14.5. Communication in process of final offer evaluation:

Any documentation (in particular requests for clarification of submitted documents) will be carried out through the communication module of the Josephine system.

Rules for delivery of package/message:

- a package is considered to be delivered to the addressee (tenderer /company OLO, a.s.) if the addressee has an objective opportunity to familiarize himself with its contents, i.e. as soon as the package comes into his sphere of disposal. In JOSEPHINE system, **the moment of delivery of a message/information is considered to be the moment of its sending or publication in the JOSEPHINE system**, in accordance with the functionality of the system.

Company OLO, a.s. **warns tenderers not to rely only on the Josephine notifications**, because the message / package is considered as delivered regardless of the delivery of the notification email. Company OLO, a.s. therefore strongly recommends to the tenderers to check the communication module in the Josephine system continuously in their own interest.

14.6. Minutes of the meeting will be prepared on the course and outcome of evaluation of the final bids. Company OLO, a.s. and the committee will not inform the public, the tenderers or any other person about the process of evaluation of the final bids.

14.7. After completion of evaluation of the final bids, company OLO, a.s. or the committee will announce the result of evaluation of the bids, namely:

- to tenderer whose bid was awarded the highest number of points on the basis of the established criteria and was ranked 1st, that it was the successful tenderer and that its bid was accepted by company OLO, a.s.;
 - to the tenderers whose bids do not obtain the highest number of points on the basis of the established criteria and are ranked 2nd, etc., that their bid will not be accepted. These tenderers will be informed of the winner of the tender and of the other information according to § 55 clause (2) of the Act on public procurement.
 - such decision of company OLO, a.s. the given tenderer may object to the Office for public procurement by form of submission of an objection according to § 170 of the Act on public procurement.
- 14.8.** Company OLO, a.s. reserves the right to cancel this tender if the lowest submitted bid excluding VAT exceeds the maximum acceptable price expressed as price excluding VAT, which will be specified in call for submission of the final bids and which will at the same time exceed the specified estimated value of contract by more than 30% (i.e. 1.3 times the PHZ).

XV. Chapter: Conclusion of contract

- 15.1.** The result of this competition will be the conclusion of Contract for the provision of services and performance of activities of the manager of construction "Modernization and ecologization of ZEVO OLO". The contract will be concluded with one contractor or a group of contractors whose final bid is accepted by the Purchaser. The contract concluded shall not be in conflict with the competition documents, the submitting of the final bid and the final bid submitted by the successful tenderer.
- 15.2.** After announcement of the result of evaluation of the final bids and the conclusion of any proceedings by which unsuccessful tenderers may contest the result of evaluation of the final bids, the Purchaser will call on the successful tenderer to provide assistance in the signing of contract.
- 15.3.** The provision of assistance for the signature of contract (i.e. the terms and conditions for the provision of assistance for the signature of contract) will be specified in call for submission of final bids.
These will include in particular:
- 15.3.1.** the deposit of a contract performance security;
 - 15.3.2.** proof of valid insurance for liability for damages;
 - 15.3.3.** ensuring registration in the Register of partners of public act no. 315/2016 Coll. on the Register of public procurement partners, as amended;
 - 15.3.4.** submission of a list of subcontractors known at the time of signing of the contract;
 - 15.3.5.** the submission of declaration on oath by which the tenderer declares honestly and truthfully that he has verified the absence of the facts according to Article 5k of Council Regulation (EU) No 833/2014 of 31st July of 2014 on restrictive measures in view of Russia's actions destabilising the situation in Ukraine, as amended, in particular as amended by Council Regulation (EU) no 2022/578 of 8th April of 2022, which prohibits the award of contracts and the use of subcontractors for the performance of more than 10% of the contract value:
 - Russian citizens, companies, entities or bodies established in Russia,

- companies or entities that are owned in any way, directly or indirectly, more than 50 % by Russian citizens, companies, entities or bodies residing in Russia; and
- persons who, on their behalf or on their instructions, submit a bid or perform a contract.

15.3.6. the submission of declaration on oath that there are no facts preventing the signing of the purchase contract according to Council Regulation (EU) No 833/2014 of 31st July of 2014 on restrictive measures in view of Russia's actions destabilising the situation in Ukraine, as amended by later Regulations, in particular EU Council Regulation No 2022/578 of 08 April 2022 (facts in relation to persons on the sanctions lists under the relevant regulations).;

15.3.7. submission of declaration on oath that there are no facts preventing the signing of the purchase contract according to § 11 clause 1 letter c) of the Act on public procurement.

The purchaser reserves the right to modify the obligations of the successful tenderer to be fulfilled in the framework of the provision of cooperation for the signature of the contract, at the latest on the date of call for final bids.

15.4. The successful tenderer will submit the documents required in the framework of the provision of the assistance through the Josephine system (communication interface) within a time limit and in a manner to be specified in call for final bids.

15.5. In the case if the successful tenderer is a group of suppliers within the sense of § 37 of the Act on public procurement, the draft contract to be submitted by the successful tenderer - group, will be signed by the authorized representative of each of the participants of the group of suppliers (member of the group) and in the header of the draft contract the data of each member of the group of suppliers will be listed separately. In the case of participation of a group, the contract must be signed for each member of the group separately, or if the contract is to be signed by an authorised representative of the group, a power of attorney (scan of the original or certified photocopy) must be submitted which explicitly states that the power of attorney also covers the signing of contract with the purchaser.

15.6. Company OLO, a.s. will proceed to the signing of the contract with the successful tenderer once the conditions for providing the assistance for the signing of contract have been fulfilled.

ANNEXES to Competition documents

Annex marking:	Annex name	Note
Annex no.1	Contract for provision of services and performance of activities of the manager of construction "Modernization and	

	ecologization of ZEVO OLO" (also as "Service contract")	
Annex no.2	Concept of MaE ZEVO for DUR	<i>It is a conceptual design, it is not a detailed specification or a detailed description of all technological processes, technological equipment, construction objects and structures, the construction and installation of which will be necessary to ensure safe, compliant with regulations and legislation and economical operation of the MaE ZEVO construction (see page 14 of the document). English translation will be available for call for submission of basic offers.</i>
Annex no.3	Criteria for evaluation of bids	
Annex no.4	Letter of reference of the key expert for purposes of assessment of the quality criterion - Criterion "Ks"	
Annex no.5	Checklist of Qualities and Skills of the Chief Project Engineer - Criterion "Kv"	
Annex no.6	Conditions of participation	
Annex no.7	Bid Evaluation Checklist	
ANNEXES to the Contract for providing services and performance of activities of the manager of construction "Modernization and ecologization of ZEVO OLO"		
Annex no.1	Identification of services/activities (Description of subject of the contract)	
Annex no.2	Prices / price list for providing services / activities (Price offer)	
Annex no.3	List of Key Persons	<i>For the final offer and for the signing of the Contract, it shall be filled in only to the extent of the key experts listed in point 1 of the given Annex.</i>
Annex no.4	Documents demonstrating supply chain management	
Annex no. 5	List of subcontractors	
Annex no. 6	Formula for calculation of the changed/reduced remuneration of the Key Person	