

Electronic Demand and Electronic Auction

1. Electronic Demand (e-demand)

1.1. General information

- 1.1.1. During the validity of the framework purchase contract (hereinafter referred to as “**Contract**”) individual partial contracts for the purchase of ball valves (hereinafter referred to as “**Partial Contract**” or “**Purchase Order**”) will be concluded upon e-demands that shall be carried out electronically by means the web portal TENDERBOX (hereinafter referred to as “**e-auction portal**”) provided for by the company PROEBIZ, s.r.o. (hereinafter referred to as “**e-auction portal provider**”). Within each e-demand, the Seller may submit its current price bid for the Goods specified by the Buyer in a call upon which the Buyer will invite the Seller to submit its bid. The Buyer reserves right to change the e-auction portal provider whereas in such event the Buyer shall notify the Seller of such change in writing without undue delay. The Buyer shall also notify the Seller of information needed for ensuring Seller’s access and eventual Seller’s registration into the e-auction portal as well.
- 1.1.2. The Seller acknowledges that the Buyer is entitled, concurrently with the Seller, to invite for submitting a price bid within the e-demand also all other participants of the framework purchase contract, with whom, the Buyer has concluded such contract for relevant part of the subject-matter of the contract within respective public procurement procedure (hereinafter jointly referred to also as “**sellers**”), and allow them to submit competitive price bids as well.
- 1.1.3. The Seller is obliged to ensure timely access for itself to the e-auction portal by means of its registration at the e-auction portal provider (unless such access has been granted to the Seller by the e-auction provider earlier) and bear its eventual costs connected with such registration.
- 1.1.4. No later than 10 business days prior to delivery of the call for bid submission according to paragraph 1.2.1 of this Attachment 3, the Buyer is obliged to provide the Seller with information needed for the Seller to access the e-auction portal, including the information needed for registration of the Seller for granting the access into the e-auction portal, if the Buyer has not provided for such information to the Seller in the earlier.
- 1.1.5. Within each e-demand, the Buyer is entitled to determine the final ranking of submitted bids upon an e-auction implemented within the e-auction portal. Further information on e-auction is specified in paragraph 2 of this Attachment 3.
- 1.1.6. The communication between the Buyer and the Seller within the e-demand shall be carried out electronically by means of a dedicated tools within the e-auction portal.
- 1.1.7. The Seller is obliged to maintain its access into the e-auction portal valid for the purposes of the e-demands during the whole period of the Contract validity at least and follow conditions of the e-auction portal provider. The Seller is obliged to fulfil duly all its obligations towards the e-auction portal provider, in particular (however not exclusively) to maintain its data registered in the e-auction system (including contact information) as up to date and protect its login data for access into the e-auction portal, which have been provided to the Seller, from unauthorized use. In no case the Buyer shall be liable for any damage incurred by the Seller in consequence of breaching the Seller’s obligations according to this paragraph 1.1.7.
- 1.1.8. The Seller is responsible for technical means it uses for accessing the e-auction portal within the e-demand and accessing the e-auction room within the e-auction. The Buyer is not responsible for any loss of communication connection or electric power supply or any computer failure or any other problems at the party of the Seller in course of the e-demand or e-auction (including an on-line competitive phase thereof according to paragraph 2.2.10 of this Attachment 3).

1.2. Progress of the e-demand

- 1.2.1. Prior to conclusion of a Partial Contract (or prior to issuing a Purchase Order respectively), the Buyer is entitled to call the Seller for submitting a price bid by means of the e-demand. Only the subject-matter of the Contract may become the subject-matter of the e-demand. The accurate specification of the subject-

matter of the e-demand shall be specified in the call for submission of bid according to paragraph 1.2.3 of this Attachment 3.

- 1.2.2. The e-demand may be joined with an e-auction. The information on using the e-auction shall be specified in the call for submission of bid within the e-demand according to paragraph 1.2.3 of this Attachment 3.
- 1.2.3. The call for submission of bid shall include information and conditions needed for elaboration and submission of a price bid, in particular (however not exclusively) the specification of requested ball valves, place and deadline of delivery thereof, period for price bid submission, rules for application of the bid evaluation criterion as well as other information needed for submission of a price bid, carrying out the e-demand and communication within the e-demand (hereinafter referred to as "**Call for Bidding**").
- 1.2.4. The Call for Bidding shall be of an electronic form and shall be sent to the Seller by means of the e-auction portal concurrently to all framework purchase contract participants invited no later than 10 business days prior to the requested date of bid submission, unless the Buyer agrees in advance with the invited framework purchase contract participants on a shorter period in writing.
- 1.2.5. Also an application to the e-demand may be a part of the Call for Bidding. In such case the Seller shall duly fill in such application form and send it by return by means of electronic means to the e-demand administrator. Otherwise the Seller shall not be able to log in into the e-demand and shall not be able to submit its price bid therein.
- 1.2.6. Within an e-demand, the Seller submits its current price bid for the Goods specified in the Call for Bidding by means of the e-auction portal. In preparation and submission of a bid, the Seller is obliged to proceed according to instructions and conditions specified in the Call for Bidding.
- 1.2.7. The submitted bids shall be evaluated upon the criterion PRICE– 100%, that shall be implemented in the manner specified in the Call for Bidding and in an invitation to e-auction, if the e-auction is used.

2. Electronic auction (e-auction)

2.1. General information

- 2.1.1. For the purpose of the e-demand, the e-auction is understood as a repeating process using electronic devices for submission of new prices adjusted downwards.
- 2.1.2. The aim of the e-auction is determination of the order of bids (bid ranking) by automated evaluation thereof after the completion of initial evaluation of bids.
- 2.1.3. The subject-matter of the e-auction is the same as the subject-matter of contract specified in the public procurement procedure, upon which the framework purchase contract has been concluded, and shall correspond to relevant part of such contract subject-matter. The accurate specification of the e-auction subject-matter shall be specified in the Call for Bidding according to paragraph 2.2.3 of this Attachment 3.
- 2.1.4. The e-auction administrator is a Buyer's person who appeals e-auction participants to submitting new prices adjusted downwards. The administrator of the e-auction shall be:

Name and surname: **Martin Mikula**, Procurement Expert, contact: martin.mikula@eustream.sk, +421 (0)2 6250 7161;

or

Ján Repa, Strategic Purchaser, contact: Jan.repa@eustream.sk, +421 (0)2 6250 7167;

- 2.1.5. The electronic e-auction room (hereinafter referred to as "**e-auction room**") is an environment located at the dedicated address within the public information network Internet, within which the sellers submit their new prices adjusted downwards.
- 2.1.6. The filling stage (entry phase) is a part of the procedure where, after making the e-auction room available, the Seller may become acquainted with the e-auction environment prior to launching the e-auction. Further information on filling stage are specified in paragraph 2.4.4 of this Attachment 3.

- 2.1.7. The competition stage (competition phase) is a part of the procedure where online mutual comparison of prices offered by sellers logged in into the e-auction and their evaluation within a limited time takes place. Further information on competition stage are specified in paragraph 2.4.5 of this Attachment 3.
- 2.1.8. The Buyer reserves the right to perform the e-auction even in several consecutive stages. In such case, a time schedule of individual stages will be a part of the invitation to e-auction participation.

2.2. Progress of the e-auction

- 2.2.1. The e-auction shall be executed by electronic devices through the Internet network.
- 2.2.2. The administrator shall send an invitation to participation in the e-auction by the electronic means at the same time to all sellers who will be invited to participate in the e-auction, at least two (2) business days prior to the date of e-auction launching.
- 2.2.3. In the invitation to participation in the e-auction, all the relevant information related to the individual connection to the e-auction room, date and time of starting and completing the filing stage, date and time of starting the competition part and the method of e-auction accomplishment, the minimum and maximum step of reducing the new prices, the formula for determination of the automated re-evaluation of the order of new prices will be included.
- 2.2.4. The invitation to participation in the e-auction may include also an application to the e-auction. The Seller shall duly fill in the application and send it by return through electronic means to the administrator. Otherwise the Seller shall not be able to log in into the e-auction and shall not be able to submit its new price bid.
- 2.2.5. After delivering the completed application, the administrator shall send to the Seller a ten-digit access key with the use of which the Seller may enter into the e-auction room.
- 2.2.6. The e-auction will take place in two stages:
(i) filing stage;
(ii) competition stage;
- 2.2.7. Within the filing stage, the e-auction room will be made available to sellers, whereas they can check for correctness of the initial price that the administrator inserts into the e-auction room for each seller in accordance with respective seller's price bid after completing the initial bid evaluation. Each seller can see only its own bid within the filing stage.
- 2.2.8. Within the filing stage, the sellers shall become acquainted with the course and rules of the e-auction. The e-auction rules include also information regarding the minimum step of reducing the bid, rules of prolongation of the competition stage and the period of validity of the access keys.
- 2.2.9. Within the filing stage, the sellers cannot change their bids.
- 2.2.10. Within the competition stage, the e-auction will take place online and the tenderers will have the possibility to adjust their prices downwards at least by the minimum and at most by the maximum steps determined by the administrator. A new price bid submitted by a seller, however, may not be the same as the current lowest bid.
- 2.2.11. The change of the price must not be to the detriment of the quality of the e-auction subject-matter or deadline for the performance thereof. This means that the new price offered by a seller must be the price for the same e-auction subject-matter as specified in the seller's bid submitted within the period for bid submission.
- 2.2.12. During the competition stage, online information enabling to determine relative ranking of respective seller at each moment shall be concurrently available to all sellers in the e-auction room. The Buyer may make available also further information related to other submitted prices (e.g. the lowest price, etc.) to the sellers during the e-auction.
- 2.2.13. The basic time limit of competition stage term is 20 minutes.
- 2.2.14. If there is a change in the lowest price downwards within the last two minutes of the basic time limit, the competition stage shall be automatically extended by next two more minutes (hereinafter referred to as

“extended time limit”).

- 2.2.15. If there is a change in the lowest price downwards within the extended time limit, the competition stage is always automatically extended by next two more minutes.
- 2.2.16. The e-auction shall finish:
- upon expiration of the basic time limit according to clause 2.2.13 of this Attachment 3, if there is no change in the lowest price downwards according to clause 2.2.14 of this Attachment 3 until basic time limit expiration, or
 - upon expiration of any extended time limit, if there was no change in the lowest price downwards according to clause 2.2.15 of this Attachment 3 within such extended time limit.
- 2.2.17. After completion of the competition stage, the sellers may print out the protocols from the course of the e-auction.
- 2.2.18. The validity period of the access keys will be determined in the invitation to participation in the e-auction and after expiration of this period a seller shall not be allowed to log in into the e-auction room.

2.3. Information related to the electronic equipment, conditions and specifications of technical connection

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

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

2.4. Other information

2.4.1. Logging into the e-auction

In the section APPLICATION of the invitation for participation in the e-Auction, click on **"HERE"** in order to get into your application form. There you should fill in the required information, confirm your consent with the Description of the PROEBIZ e-auction environment and send the Application. By completing this procedure you will be entered in the e-auction. Within the application, you need to choose login name and password (minimal length of both login name and password is eight characters). Space, punctuation marks or special characters are not used. It is necessary to remember your login information! Using these login information, you can enter into the e-auction room once you receive the access key. Instead of the login information (login name and password), you can log in by means of eID card alternatively.

2.4.2. Entering the e-auction room

To access the e-auction room use the website link/address in the section GENERAL of the invitation for participation in the e-auction. Clicking thereon will open the Internet browser at the address of seller's e-auction room. You will be asked to enter your access data (login name, password and key, or alternatively use eID card and the key). After this data is authenticated, the e-auction room opens. The ten-digit key may be copied from the email (using Ctrl+C) and pasted into the appropriate field (using Ctrl+V). Be careful to copy only the code (the space at the end thereof must not be copied). The e-auction room cannot be accessed before the start of the e-auction (the filling stage is the commencement thereof). If there are any complications just contact the administrator whose contact details are in clause 2.1.4 of this Attachment 3 or it can be found also in the CONTACT section of the invitation for participation in the e-auction.

2.4.3. Exit from the e-auction room

Log out from the e-auction room by clicking on "Logout" in the top-right corner of the e-auction room. If the browser window is closed, it will be possible to log in into the e-auction room again after 1 minute.

2.4.4. Filling stage

The filling stage of the e-auction is for entering the initial bid that the administrator shall insert in accordance with the bid submitted by the Seller.

Within this stage, the Seller may view its initial bid and become familiar with the e-auction room environment. The Seller is allowed neither to change nor modify its bid within this stage. At this stage, the Seller can see only its own bid.

If an item is underlined, clicking on it will show more information (usually detailed information about such item).

Particular attention should be paid to the time until the end of the stage. This time usually changes every 3-5 seconds (if it's less than 24 hours until the end of the stage). If this isn't happening, then your connection has probably been lost and you will need to log in to the e-auction room again.

In case of any questions, you can contact the administrator.

2.4.5. **Competition stage**

Within the competition stage, you can modify your price bid according to the rules specified in this Attachment 3 and in the invitation for participation in the e-auction.

It is inevitable to confirm every new bid entry by clicking on "ENTER" key, otherwise your new price bid shall not be accepted by the system!

Your new price offer must not be identical with the already entered minimum price.

Within this stage, it is recommended to monitor that the time until the end of the stage – its updating confirms your connection with the e-auction system. If the time stops, click on F5 key on your keyboard in order to refresh the e-auction room.

The e-auction room includes also a Chat communication feature. This can be used to communicate with the administrator and to receive his messages.

The whole course of the e-auction from the sending of the invitation for participation in the e-auction up to the very end is logged in a history report. All operations carried out are recorded to the nearest second.

After the end of the e-auction the Seller shall be offered an option to view the history and participation protocol thereof that the Seller can print out.