



NOTICE OF PUBLIC TENDER

"Steam turbine Medium inspection"

concerning the most suitable draft contract pursuant to the provisions of Section 281 et seq of Act no 513/1991 Zb. Commercial Code as amended ("Commercial Code") and Section 29 (3, 5 and 9) of Act no 250/2012 Z. z. on Regulation in the Network Industries ("**Tender** or "**Public Tender**")

ORGANISING ENTITY:

Business name: **ZSE Elektrárne, s.r.o.**
Seat: SPP Kompresorová stanica 3, 919 33 Trakovice
Company Reg No: 36 239 593
Tax Reg No: 2021542259
Registration: Companies Register of the District Court Trnava, Section Sro, Entry No: 12311/T
Website: www.elektraren-malzenice.sk

Contact person for process, subject and course of the Tender:

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("Organising entity")

1. SUBJECT OF THE TENDER

- 1.1. Subject of this Tender is the call for submitting proposals for Contract for Work (in Slovak: *zmluva o dielo*) concerning Medium Inspection of ST Turbine ("**Contract**") performed by the candidate acting as supplier in line with conditions stated in this Notice of Tender ("**Notice of Tender**"). A more detailed description of the subject of this Tender can be found in annexes to this Notice of Tender.
- 1.2. The candidate may not submit an alternative to the required subject of the Tender. The alternative submitted within the proposal will be excluded from the assessment.

2. CONDITIONS FOR PARTICIPATION IN THE TENDER

2.1. Only those candidates who submit - prior to the end of the period for submission of proposals - all documents proving the fulfilment of the following conditions for participating in the Tender via the electronic system, are entitled to apply for this Tender:

2.1.1. Declaration of the candidate that:

- a) **Honourable statement about ability of providing ST Medium inspection in dates from 7.3.2022 until 8.4.2022.**
- b) he may supply goods, carry out construction works or provide services which are the subject of this Tender;
- c) his business has not been suspended and/or he is not in a similar condition pursuant to the applicable laws in the country he is based in;
- d) no bankruptcy petition has been filed against his property, he is not in crisis under Section 67a and foll. Commercial Code (if the candidate is a company in crisis, the tenderer shall prove and document without any doubts that the existence of the given subject may not threaten the fulfilment of his duties according to the potential legal relationship between the candidate and the Organising entity), he is not in restructuring or liquidation, and no bankruptcy proceedings against him has been rejected or cancelled due to insolvency;
- e) has no underpayments of health and social insurance contributions and contributions to old-age pension schemes in the Slovak Republic or in the state of the seat, place of business or habitual residence;
- f) has no tax underpayments in the Slovak Republic or in the state of the seat, place of business or habitual residence;
- g) has no committed, during three years preceding the Notice of Tender, a serious violation of obligations in the area of environmental protection, social law or labour law, for which a sanction was imposed on him lawfully;
- h) no circumstances exist, which would present a conflict of interest between the Organising entity and the Participant;
- i) has no committed, during three years preceding the Notice of Tender, violation of an obligation resulting from the contract signed with a company of the ZSE Group; ZSE Group means a group of subsidiaries of Západoslovenská energetika, a.s., Company Reg. No:

35 823 351; subsidiaries are controlled persons under Section 66a of Act no 513/1991 Zb. Commercial Code;

- j) he is not on the list of blocked persons and its statutory body, a member of its statutory body or its ultimate beneficial owner is not on such list either, under Act 297/2008 Z. z. on protection against money laundering and terrorist financing and on amendments to certain acts; a list of blocked persons means the list of blocked persons kept by the Office of Foreign Assets Control of the United States department of Treasury (OFAC) or other body in USA, Her Majesty's Treasury or other body of Great Britain, or lists of blocked persons according to the rules of UN or EU under Act no 289/2016 Z. z. on the implementation of international sanctions;
- k) agrees to General Tendering Conditions which can be found at: <https://dp.skupinazse.sk/public.html#/page/articles/detail?articleId=7>;
- l) has no committed, during three years preceding the Notice of Tender, violation of professional obligations which the Organising entity can prove;
- m) all documents and data submitted when applying for the Tender are true and complete.

Document: Signed honourable statement provided in e-system whose sample can be found in the Annex 1

- 2.1.2. The candidate is required to submit a list of works done and services provided of the same as or of equivalent nature of the subject of the order in previous 10 years to the day of Notice of Tender, stating the title of the order/contract, extent of performance of relevant to the subject of contract according to these Tender documents, prices of performance relevant to the subject of order/contract, and identification of the customer including the contact to a person that can confirm the reference and proportion of performance that is to be delivered by a subcontractor, stating the identification of the subcontractor and its proportion in performance. The list must include the order(s) of the same or similar extent as the subject of the Tender by which the candidate proves delivery of at least 5 ST inspections of the same or similar nature as the Tender.

The order/contract made and/or service provided of the same or similar nature includes an ongoing order with continuous performance (e.g. framework contract similar to this order); in such case the value of the

order shall not include the total agreed volume of the order but the proportionate part corresponding to the orders or services provided which have been billed until the date the Notice of Tender.

The list of services provided including references or equivalent documents submitted by the participant must indicate the above requirements, both in terms of form and content.

Document: Completed list of works done and services provided whose sample can be found in the Annex 2

- 2.1.3. The candidate shall submit at least 2 confirmed positive references where the subject was the inspections of steam turbines which the candidate carried out over 10 years. References must be confirmed by the investor of the construction.

The Organising entity shall accept the reference of the candidate, which are published on the website of the Office for Public Procurement, only if the reference contains all required formalities stated in this Clause (except the requirement "Confirmed by the investor of construction").

Document: Completed list of references whose sample can be found in the Annex 3

3. APPLICATION FOR THE TENDER

- 3.1. You can apply for this Tender after registering in our electronic system at the following address: zse.eranet.sk.
- 3.2. To successfully complete the application, the candidate is required to click "Apply" no later than the deadline for application.
- 3.3. Once the application is received, the Organising entity shall send the candidate information about acceptance of the application. The candidate that successfully applies for the Tender shall present the proposal in accordance with the Notice of Tender.
- 3.4. Once applied, the candidate may take part in a public consultation day on a day specified in the time schedule. The purpose of the public consultation day is to explain in detail the subject of the Tender and conditions for the performance. The public consultation day is held on Power plant Malzenice or via Microsoft Teams. Based on the conclusions of the public consultation day, the Organising entity is entitled to reserve the right to modify the Notice of Tender including its annexes.

The modified Tender documents shall be sent by the Organising entity to all participants that applied for.

- 3.5. If the participant does not take part in the public consultation day, the Organising entity may exclude such participant from the Tender.

4. SUBMITTING PROPOSALS

- 4.1. The participant shall submit through the electronic system, within the deadline according to the time schedule of this Tender, a proposal consisting of:

4.1.1. Draft of the Contract, which contents following conditions:

- The Contract is governed by Slovak law; any deviation from this condition shall be subject to customer's consent.
- The customer shall have claims from defects at least in the extent available under Sections 560-565 of Slovak Commercial Code; any deviations from this condition shall be subject to customer's consent.
- No limitation of supplier's liability or supplier's liability not less than 500.000 EUR; in cases of gross negligence and wilful misconduct no limitation of supplier's liability shall be applicable.
- Quality Guarantee (in Slovak: *záruka za akosť*) at least 1 year on all works provided by supplier.
- In case of unexpected findings, supplier is obliged to carry out repair works including required spare parts which are not available in customer storage – see Annex No. 4. (Customer will pay for additional repair works and delivered spare parts).
- The costs which are caused directly or indirectly by the coronavirus Covid - 19 disease and related restrictions (mandatory or necessary quarantine, PCR tests, idle time, administrative matters – registrations in border system, etc.) on supplier side are included in final costs of offer.
- Supplier is obliged to carry out all activities to fulfil scope of work defined in Annex 5 except:
 - a) Provision of all job specific and mandatory inductions according to Site policies and local legislation.
 - b) Provision of emergency and security services
 - c) Providing of work permit, gate pass management and access to all work areas
 - d) Provision of scaffolding (erection and dismantling)

- e) Provision of electricity and any electrician works, sanitation facility (including sanitary consumables) and office room.
- 4.1.2. Final price quotation which serves for the assessment of the total suitability of the proposal of ST Medium inspection. The price stated by the participant shall include all costs relating to the provision of the subject of this Tender within the meaning of the Notice of Tender and draft contract.
- 4.1.3. Price list for field services (repair works).
- 4.1.4. Final price quotation which serves for the assessment of the total suitability of the proposal of Option No. 1 specified in Annex No.5. The price stated by the participant shall include all costs relating to the provision of the subject of this Tender within the meaning of the Notice of Tender and draft contract.
- 4.1.5. Final price quotation which serves for the assessment of the total suitability of the proposal of Option no.2 specified in Annex No.5. Providing of price quotation for Option No.2 is not obligatory.
- 4.1.6. Documents stated in the Article 2 "Conditions for participation in the Tender".
- 4.2. The Organising entity shall check the fulfilment of conditions for the submission of the proposal under this Article of the Notice and assess the proposal under this Notice of Tender.
- 4.3. The Organising entity shall be entitled to ask the participant to supplement, amend and/or correct any documents, which are either not submitted at all, or if they are submitted, but do not include all essentials, or if they deviate from the conditions specified in this Notice, or if they are illegible or incomplete. Any completion, amendment or correction of the documents must be sent by the participant electronically via the ERANET system no later than 5 (five) working days from the Organising entity's request for the completion, amendment or correction of the documents, unless the Organising entity determines a longer period for their submission.
- 4.4. If the participant fails to submit all documents even upon the Organising entity's request under this Article, if the required documents still miss all the essentials or deviate from the conditions specified in this Notice or the submitted documents are incomplete, illegible, incorrect or untrue or if the documents are not submitted within the specified deadline, the Organising entity shall be entitled not to make the contract with the successful participant and invite the participant that ranked next to make the contract.

- 4.5. By submitting its draft contract to the Organising entity, the participant expressly agrees that such draft contract is irrevocable.

5. ASSESSMENT OF PROPOSALS

- 5.1. The Organising entity shall assess the submitted proposals under the below mentioned rules and with the main criteria being **overall suitability of the proposal**. The Organising entity shall specify overall suitability of the proposal based on criteria stated in this Clause.

5.1.1.	Total price of ST Medium inspection	60 %
5.1.2.	Total price of Option No.1	20 %
5.1.3.	References	20 %

- 5.2. The place of assessment of proposals is the registered office of the Organising entity.
- 5.3. If only one participant applies or if only one proposal meeting the conditions for the submission of the proposal is submitted, the Organising entity shall be entitled to cancel the submitting of proposals via the electronic system or e-auction and conduct negotiations with the participant about his proposal instead. The participant shall be informed on the time and place of the negotiations by means of a written invitation sent to the contact person of the participant.
- 5.4. Price quotations of the participants shall be confronted with the comparative price based on the internal calculation of the Organising entity. The Organising entity reserves the right to hold another price round.

6. RIGHTS AND DUTIES OF THE PARTICIPANT AND ORGANISING ENTITY

- 6.1. By submitting its proposal, the participant expresses his unconditional consent to all conditions of this Tender, stated in the following documents of the Organising entity:
- a) The General Terms and Conditions of ZSE Group effective on the day of the Notice of Tender published on the website of the Organising entity or at <https://dodavatel.zse.sk/public.html#/page/articles/detail?articleId=7> which shall be applicable to situations which cannot be solved under a specific provision of the Contract;

- b) The General Tendering Terms of ZSE Group effective on the day of the Notice of Tender published on the website of the Organising entity or at <https://dodavatel.zse.sk/public.html#/page/articles/detail?articleId=7>;
- c) This Notice of Tender including all its annexes;
- d) Delivery of information about the Tender by the Organising entity to the Regulatory Office for Network Industries under applicable Slovak laws.

- 6.2. The Organising entity also reserve the right to reject the participant's proposal, if the failure to meet the conditions of this Tender is identified before the proposal is accepted.
- 6.3. The Organising entity reserves the right to reject the proposal of participant that provides false or incomplete information.
- 6.4. The Organising entity reserves the right to reject the proposal of the participant with whom the Organising entity had ended the contractual relationship due to the failure to comply with the contractual duties of the participant.
- 6.5. The Organising entity reserves the right to ask the participant to review his bid anytime over the course of the Tender.

7. NOTIFICATION OF THE RESULTS OF THE TENDER AND CONCLUSION OF THE CONTRACT

- 7.1. The Organising entity shall inform the participants about the acceptance or non-acceptance of their proposals within the date under the time schedule of this Notice, by informing the successful participant that his proposal is accepted, and informing other participants (unsuccessful participants) that their proposals are not accepted. The Organising entity shall provide no further information.
- 7.2. The successful participant shall be obliged to provide cooperation to the Organising entity in making the Contract. The successful candidate shall send a completed and signed draft Contract via post to the Organising entity's address stated on the front page of this Notice, according to the time-schedule of this Notice. If the successful participant fails to meet the duty under the previous sentence, the Organising entity is entitled not to make the contract with the successful participant and invite the participant that ranked next to make the contract.
- 7.3. Notwithstanding any other provisions of this Notice, the Organising entity reserves the right to reject all submitted proposals.

8. TIME SCHEDULE OF THE TENDER

8.1. The following time schedule shall apply to this Tender:

Notice of Tender (published by the Organising entity)	21. 7. 2021
Period for submitting the application	No later than 6. 8. 2021
Assessment of applications	9.8.2021
Public consultation day	13.8.2021 – 20.8.2021
Modification of technical specification and/or draft contract with respect to the results of public consultation day	23. 8. 2021
Submission of proposals under Art. 4 "Submissions of proposals of this Notice of Tender"	No later than 31. 8. 2021
Assessment of submitted proposals under Art. 5 "Assessment of proposals of this Notice of Tender"	From 3. 9. 2021 to 7. 9. 2021
Period for informing about the selected proposal(s)	7. 9. 2021
Sending a completed draft contract (only winning participant(s))	No later than 5 working days from the notification of the successful candidate about the Tender's results
Period for notifying unsuccessful candidates	7. 9. 2021

9. AMENDMENT AND CANCELLATION OF THIS TENDER

- 9.1. The Organising entity shall be entitled to amend any conditions of this Tender specified in this Notice of Tender, including any annexes, without specifying the reason.
- 9.2. The Organising entity reserves the right to cancel this Tender without notifying the participants about the reasons.

10. LANGUAGE OF THE TENDER

- 10.1. The participant shall be obliged to submit the application, proposal and other documents in this Tender in the Slovak or English language. In case of any discrepancies in the content, the version submitted in the English language shall prevail.
- 10.2. Save for cases where this Notice states else way, the communication language shall be English or Slovak.

11. FINAL PROVISIONS

- 11.1. The participant acknowledges that rejection of proposal, non-inclusion of the proposal in the assessment, non-acceptance of the proposal, cancelation of the Tender or change to any conditions of the Tender in the course of the Tender by the Organising entity shall not establish any right to apply any legal remedies or revisions.
- 11.2. The participant shall not be entitled to amend or remove any terms of the Tender or draft contract. Participant shall be entitled to add new provisions to the contractual terms in the parts in which the Organising entity enabled to make amendment.
- 11.3. The Organising entity shall not include draft contract in the Tender, which such draft was not submitted in line with the terms of this Tender, or if the participant does not comply with the conditions pursuant to this Article of this Notice of Tender. The Organising entity also reserves the right not to make a contract with the participant, if non-compliance with the conditions of this Tender is identified additionally before the conclusion of the contract.
- 11.4. The Organising entity shall bear no costs related to the participation of the participants in this Tender, regardless of the outcome of the Tender. Participants shall bear in full all costs related to their participation in the Tender.

Annexes:

Annex 1 - Honourable statement

Annex 2 - List of works done and services provided

Annex 3 - List of references

Annex 4 - Spare parts list available for Medium inspection

Annex 5 a) - Specification of ST Medium inspection

Annex 5 b) - Operational history of steam turbine