

Commercial Public Tender

“BOP Control Unit”

Called pursuant to provision of Art. 281 et seq. Act No. 513/1991 Coll. of the Business Code as amended Art. 29 par. 3, 5 and 6 of Act No. 250/2012 Coll. on Regulation in Network Industries for the most suitable proposal for contract conclusion under the following conditions:

1. Contracting authority:

Business name: **NAFTA a.s.**
Registered office: Votrubova 1, 821 09 Bratislava
Registered in: the Commercial Register of the District Court Bratislava I,
Section Sa, File No.: 4837/B
Company ID No.: 36 286 192
VAT ID No.: SK2022146599

2. Contact person of the Contracting authority:

Name: Jaroslav Kuník
Purchasing portal NAFTA a.s.: <https://nafta.1803sw.com>
Web sites: www.nafta.sk

3. Subject of the Tender:

The subject of the procurement is:

- 3.1 The delivery of 1 (one) piece of the BOP Control Unit;
- 3.2 A detailed definition of the subject of the procurement forms *Part B.1 Description of the subject of the procurement* in the Tender documentation.

4. Type of contract to be concluded and further business conditions:

The Contract of sale or Purchase Order.
Further business conditions related to the subject of this tender including the technical specification are provided in the Tender Documents.

5. Course of the Tender:

The commercial public tender shall be executed in three rounds:

1st round - Based on publishing this notice of the commercial public tender call on the web sites of <https://nafta.1803sw.com> the bidders shall demonstrate the interest in the participation in the Tender via delivery of e-mail to the Contracting authority by

3rd February 2021 using the address of the purchasing portal NAFTA a.s. <https://nafta.1803sw.com/>.

The bid may be submitted only by the bidder to whom was sent a request for the bid's submission by the Contracting authority applying the method provided in Point 8 of this declaration. For the purposes of fulfillment of the obligations against the Regulatory Office for Network Industries pursuant to Art. 29 par. 5 subpar. b) of Act No. 250/2012 Coll. on Regulation in Network Industries, the bidders who submitted the quotation shall be deemed to be the bidders applying for the Tender.

2nd round - Based on the first evaluation of the submitted bids and also the meeting of the participation conditions the bidders should be invited to the negotiation's round via the purchasing portal NAFTA a.s. The date of this round's starting shall be notified by the Contracting authority later in accordance with the result of the 1st round of the tender.

The Contracting authority reserves the right to negotiate the bid with the bidder in several consecutive rounds with the possibility to invite bidders to submit the updated quotation after each round of negotiations.

3rd round - Based on the evaluation of the bids negotiations bidders should be invited to the final round carried out by the electronic auction's way via the purchasing portal NAFTA a.s. or by the other way of the negotiation. The date of this round's starting shall be notified by the Contracting authority later in accordance with the result of the 2nd round of the tender.

Detailed information on the course and conditions of electronic auction shall be notified to the bidders in a different manner.

6. Conditions of participation in the Tender:

The bidder shall be obliged to submit the documents and deeds in order to prove competence to fulfil the subject-matter of the contract provided in the Tender Documents.

The Contracting authority reserves the right to restrict the number of bidders after submission of bids and to invite the bidders determined in this way to individual negotiations about the price and other contractual terms and conditions.

The Contracting authority reserves the right to disqualify a bidder who in any contractual relation with the Contracting authority or in regard to any contractual relation with the Contracting authority breached the obligations:

- (i) Resulting from the contract concluded with the Contracting authority and/or
- (ii) Resulting from the generally binding legal regulation especially, including but not limited to, if it failed to eliminate the claimed defects of the works

executed under the contract with the Contracting authority duly and on time.

If the bidder fails to submit any of the documents proving fulfillment of the participation conditions or provides untrue or otherwise misrepresenting data, the Contracting authority reserves the right not to invite such bidder to submit a bid.

In case of failure to submit all documents by the bidder or if the submitted documents fail to contain all appurtenances or deviate from the conditions set in this declaration or in the Tender Documents or if the submitted documents are non-eligible or incomplete, the Contracting authority shall be entitled to ask the bidder to supplement these documents or to ask for their change or correction. In order to exclude doubts, the procedure according to the previous sentence is a right not the obligation of the Contracting authority.

The Contracting authority reserves the right to ask the bidder for submission of supplementary information or documents.

7. Method for submission of the document part for proving fulfillment of the participation conditions:

Bidders submit documents required by the Contracting authority in order to prove fulfillment of the participation conditions in the electronic form (in .pdf format) via the purchasing portal NAFTA a.s.

The document part for proving fulfillment of the participation conditions shall contain the following:

- a) Cover letter which shall contain:
 - i) Identification data of the bidder - business name, registered office, Company ID;
 - ii) Name, surname and function of the contact person, his/her telephone number, fax number, e-mail;
 - iii) A list of documents and other deeds submitted in the document part of the bid;
- b) Documents proving fulfillment of the participation conditions pursuant to the Tender Documents.

The Contracting authority reserves the right to change the period for quotation submission. The change of the period shall be notified to all known bidders electronically by email and it shall also be published on the web sites of the Contracting authority <https://nafta.1803sw.com/>.

8. Method of bid's submission – under the call sent by the Contracting authority:

Bidders submit its bid in the electronic form (in .pdf, .xlsx or .docx format) to the address of the Contracting authority's purchasing portal NAFTA a.s.

The bid delivered to another address of the Contracting authority shall be deemed to be undelivered.

9. Period for bid's submission:

The period shall expire **5th February 2021**.

The Contracting authority reserves the right to change the period for bid's submission. The change of the period shall be notified to all known bidders electronically by email and it shall also be published on the web sites of the Contracting authority <https://nafta.1803sw.com/>.

10. Period for announcement of the selected bid:

The period shall expire **26th February 2021**.

The Contracting authority reserves the right to change the period for announcement of the selected bid. Change of the period shall be notified to all known bidders who fulfilled the participation conditions and requirements of the Contracting authority and under the call sent by the Contracting authority submitted the bid and it shall also be concurrently published on the web sites of the Contracting authority <https://nafta.1803sw.com/>.

11. Additional information:

1. The Contracting authority shall conclude the contract with the bidder only after approval of the results of the commercial public tender pursuant to the internal rules of the Contracting authority. The remaining bidders shall be notified by the Contracting authority in writing that their proposals for the contract conclusion were refused. The Contracting authority shall not provide any further information.
2. The language (languages), in which the documents proving fulfillment of the participation conditions may be submitted are Slovak, Czech, or English.
3. Pursuant to Art. 283 of the Commercial Code the Contracting authority reserve the right to change the published conditions of the Tender or to cancel the Tender even without stating the reason. The change of the published conditions of the Tender or the Tender cancellation shall be published on the web sites of the Contracting authority <https://nafta.1803sw.com/>.
4. The Contracting authority reserves the right not to select any bidder.
5. The Contracting authority reserves the right to refuse all submitted bids.

6. The documents sent by the bidder in electronic form (in the .pdf format) attached to e-mail shall be sent in the form of a scanned copy which has to be unambiguously legible and comprehensible in minimum quality of 200 dpi.
7. All expenses related to the preparation (as well as eventual inspection), submission of the bid and the related communication between the Contracting authority and the bidder shall be fully borne by the bidder. Eventual failure in the Tender shall not entitle the bidder to claim compensation of costs related to the participation in the Tender from the Contracting authority. The bidder shall not be entitled to the compensation of costs related to its participation in the Tender not even if its bid was the winning one.
8. The explanation of the tender documents is possible only based on a written request delivered electronically by email to the contact person of the Contracting authority no later than **4th February 2021**.
9. Working hours of the Contracting authority during working days from Monday to Friday are from 9:00 a.m. to 2:00 p.m.
10. The tender documents shall be subject to the trade secret without any time restriction.
11. The bidder takes notice of the fact that refusal of the bid, not inclusion of the bidder bid in the evaluation, not acceptance of the bidder's bid or cancellation of the commercial public tender fails to establish the right for submission of any remedies or other revision procedures.
12. Via submission of the bid for the Tender the bidder takes notice of the fact that pursuant to the provision of Art. 29 par. 5 of Act No. 250/2012 Coll. on Regulation in Network Industries the Contracting authority shall be obliged to notify certain data related to this Tender to the Regulatory Office for Network Industries with which the bidder expresses its consent by submission of the bid for the Tender.

Appendix: Tender Documents including the appendices.