

## Commercial Public Tender:

### “Reconstruction of the rig IDECO BIR 8005”

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 Entity (hereinafter referred to as "Entity"):

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 Entity:

Name: Mr. Milan Gergel  
Telephone: +421 34 697 4729  
E-mail: [BIR8005-reconstruction@nafta.sk](mailto:BIR8005-reconstruction@nafta.sk)

#### 3. Subject of the Tender:

##### Reconstruction of the parts of the rig IDECO BIR 8005.

The detailed specification of the scope of works is stated in the Tender Documents which forms the annex no. 1 to this document.

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

The Contract for works.  
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 two rounds:

**1<sup>st</sup> round** - Based on publishing this notice of the commercial public tender call on the web sites of NAFTA a.s. ([www.nafta.sk](http://www.nafta.sk)) via delivery of e-mail to the Entity by

**18<sup>th</sup> December of 2015** using e-mail address of the contact person the Bidders shall demonstrate the interest in the participation in the Tender.

**2<sup>nd</sup> round** – Bidders which fulfilled the participation conditions shall be invited by the Entity to submit their quotation. The Entity shall send the call for quotation submission electronically by email.

The quotation may be submitted only by the Bidder which was sent a request for the quotation submission by the Entity applying the method provided in Point 9 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 which submitted the quotation shall be deemed to be the Bidders applying for the Tender.

The Entity reserves the right to restrict the number of Bidders after submission of quotations and to invite the Bidders determined in this way to individual negotiations about the contract terms and conditions.

The Entity reserves the right to negotiate the proposal with the Bidder in several consecutive rounds with the possibility to invite Bidders to submit the updated quotation after each round of negotiations.

The Entity reserves the right to invite the Bidders to update the final quotation in the form of electronic auction.

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 Entity reserves the right to disqualify a Bidder which in any contractual relation with the Entity or in regard to any contractual relation with Entity breached the obligations:

- (i) Resulting from the contract concluded with the Entity 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 Entity duly and on time.

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

- a) Cover letter 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 papers, 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.

If the Bidder fails to submit any of the documents proving fulfillment of the participation conditions or provides untrue or otherwise misrepresenting data, the Entity reserves the right not to invite such Bidder to submit a quotation.

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 Entity 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 Entity.

The Entity reserves the right to ask the Bidder for submission of supplementary information or documents.

#### **7. Method of price quotation submission – under the call sent by the Entity – 2<sup>nd</sup> round:**

Bidders submit price quotation in the sealed envelope as well as in electronic form (in .pdf format) on the memory device (CD, USB stick) on the post address of the Entity. The envelope shall be clearly designated with an inscription **TENDER – PRICE QUOTATION - DO NOT OPEN** and with a Tender slogan: "**Reconstruction of the rig IDECO BIR 8005**" while stating the registered office of the Entity (pursuant to Point 7 of this declaration) and registered office of the Bidder. The quotation shall be submitted to the address provided in Point 7 of this declaration. The quotation delivered to another address of the Entity shall be deemed to be undelivered.

The price quotation has to be submitted to the address:

**NAFTA a. s.**  
**Filling room**  
**900 68 Plavecký Štvrtok 900, Slovak Republic**

The quotation delivered to another address of the Entity shall be deemed to be undelivered.

#### **8. Deadline for price quotation submission:**

The deadline shall expire: **29<sup>th</sup> January of 2016 at 12:00 p.m. – Update no. 1.**

The quotation delivered after this deadline shall be deemed to be undelivered.

The Entity reserves the right to change the deadline for quotation submission. The change of the deadline shall be notified to all known Bidders electronically by email and it shall also be published on the web sites of the Entity [www.nafta.sk](http://www.nafta.sk).

#### **9. Deadline for announcement of the selected price quotation:**

The deadline shall expire: **31<sup>st</sup> May of 2016 at 12:00 p.m. – Update no. 2.**

The Entity reserves the right to change the deadline for announcement of the selected price quotation. Change of the deadline shall be notified to all known Bidders which fulfilled the participation conditions and requirements of the Entity and under the call sent by the Entity submitted the quotation and it shall also be concurrently published on the web sites of the Entity [www.nafta.sk](http://www.nafta.sk).

#### **10. Additional information:**

1. The Entity shall conclude the contract with the Bidder only after approval of the results of the commercial public tender pursuant to the internal laws of the Entity. The remaining Bidders shall be notified by the Entity in writing that their proposals for the contract conclusion were refused. The Entity 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, and English.
3. Pursuant to Art. 283 of the Commercial Code the Entity 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 Entity [www.nafta.sk](http://www.nafta.sk).
4. The Entity reserves the right not to select any Bidder or to conclude the contract with several Bidders.
5. The Entity reserves the right to refuse all submitted proposals.
6. The papers and 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 proposal and the related communication between the Entity 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 Entity. The Bidder shall not be entitled to the compensation of costs related to its participation in the Tender not even if its proposal was the winning one.

8. The explanation of the participation conditions mentioned in this notice is possible only based on a written request delivered electronically by email to the contact person of the Entity no later than **15<sup>th</sup> January of 2016 at 12:00 p.m.**
9. Working hours of the Entity 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 proposal, not inclusion of the Bidder proposal in the evaluation, not acceptance of the Bidder proposal 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 proposal 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 Entity 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 proposal for the Tender.

Annex no. 1: Tender Documents including annexes.