

## Commercial Public Tender:

### Subsurface valve

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. Tender Contracting Authority:

##### Contracting Authority No 1

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

##### Contracting Authority No 2

Business name: **POZAGAS a.s.**  
Registered office: Malé námestie 1, 901 01 Malacky  
Registered in: the Commercial Register of the District Court Bratislava I,  
Section Sa, File No.: 1271/B  
COMPANY ID No.: 31435688  
VAT ID No.: SK2020357372

Contracting Authority No.1 and Contracting Authority No.2 further common also as "Contracting Authorities" or as "Contracting Authority".

#### 2. Contact person of the Tender Contracting Authorities:

Name: Mrs. Lujza Kimličková  
E-mail: [subsurface.valve@nafta.sk](mailto:subsurface.valve@nafta.sk)

### 3. Subject of the Tender:

Delivery Tubing Retrievable Surface Controlled Subsurface Safety Valve w/thru-the-flapper self-equalizing feature with equipment, for companies:

- 1) NAFTA a.s
- 2) POZAGAS a.s.

Detailed specification is provided in the Tender Documents Annex 2.

Expected date of delivery: September 2016, at latest date December 2016.

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

Purchase Contract with each of Contracting Authorities separately.

### 5. Course of the Tender:

Commercial public tender will be performed in two rounds.

Based on publishing of this notice of the commercial public tender call on the internet site of NAFTA a.s. ([www.nafta.sk](http://www.nafta.sk)) via delivery of e-mail to the contracting authorities by ~~5<sup>th</sup> May 2016~~ **9<sup>th</sup> May 2016** using e-mail address of the contact person **the bidders shall demonstrate the interest in the participation in the Tender**. The Contracting Authority No.1 shall subsequently send via electronic mail to e-mail address stated by the bidder a draft of the purchase contract to all bidders, who demonstrated their interest to participate in the tender.

The proposal may be submitted by the bidder applying the method and the form listed in this declaration and the tender documents.

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 in part of delivery for Contracting Authority No.1, the bidders who submitted the proposal shall be deemed to be the bidders applying for the Tender.

The Contracting Authorities reserve the right to restrict the number of bidders after submission of proposals and to invite the bidders determined in this way to individual negotiations about the contract terms and conditions.

The Contracting Authorities reserve the right to negotiate the proposal with the bidder in several consecutive rounds with the possibility to invite bidders to submit the updated price proposal after each round of negotiations.

The Contracting Authorities reserve the right to invite the bidders to update the final proposal in the form of electronic auction.

Detailed information on the course and conditions of electronic auction shall be provided in the Tender Documents or they 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 Authorities reserve the right to disqualify a bidder which in any contractual relation with the one of Contracting Authorities or in regard to any contractual relation with the one of Contracting Authorities breached the obligations:

- (i) Resulting from the contract concluded with the one of Contracting Authorities and/or
- (ii) Resulting from the generally binding legal regulation.

Documentary part for demonstration of fulfillment the conditions participation have to include:

- a) The cover letter have to contain:
  - i) identification data of the bidder - Name of the organization, Company registered office, Company ID No;
  - ii) the name and position of the contact person, telephone number, e-mail;
  - iii) an inventory of documents and other deeds submitted in the documentary part of the bid;
- b) the documents demonstrates fulfillment the conditions participation according to tender conditions.

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 Authorities reserve the right to ask the bidder for submission of supplementary information or documents.

## 7. Method for submission bids

Bidders shall submit documents required by the Contracting Authority in the sealed envelope as stated in this call as well as in the Tender documents. The envelope shall also include electronic form of the bid on CD, DVD or USB key.

The envelope shall be clearly designated with an inscription

**TENDER – Price proposal - DO NOT OPEN**

and the Tender slogan "**Subsurface valve**" while stating the registered office of the Contracting Authority No.1 (presented below in point 7 of the statement) and the registered office of the bidder.

The correspondence address where the bids shall be sent:

**NAFTA a.s.**  
**Ms. Lujza Kimličková**  
**Votrubova 1**  
**815 05 Bratislava 1,**  
**Slovak Republic**

The proposal delivered to another address of the Contracting Authorities shall be deemed as undelivered.

## 8. Period for proposal submission:

The period shall expire: ~~9<sup>th</sup> May, 2016; 1:00. p.m.~~ **16<sup>th</sup> May, 2016; 1:p.m.**

The Contracting Authorities reserve the right to change the period for proposal submission. The change of the period shall be notified to all known bidders via electronic mail and it shall also be published on the internet site of the Contracting Authority [www.nafta.sk](http://www.nafta.sk).

## 9. Period for announcement of the selected proposal:

The period shall expire: **31<sup>st</sup> October, 2016.**

The Contracting Authorities reserve the right to change the period for announcement of the selected proposal. Change of the period shall be notified to all known bidders which fulfilled the participation conditions and requirements of the Contracting Authority proposal and it shall also be concurrently published on the internet site of the Contracting Authority [www.nafta.sk](http://www.nafta.sk).

## 10. Additional information:

- a) The Contracting Authorities shall conclude the contracts with the bidder only after approval of the results of the commercial public tender pursuant to the internal bylaws 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.
- b) The language (languages), in which the documents proving fulfillment of the participation conditions may be submitted are: Slovak, Czech, and English.
- c) Pursuant to Art. 283 of the Commercial Code the Contracting Authorities 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 internet site of the Contracting Authority [www.nafta.sk](http://www.nafta.sk).
- d) The Contracting Authorities reserve the right not to select any bidder or to conclude the contract with several bidders.
- e) The Contracting Authorities reserve the right to refuse all submitted proposals.
- f) The papers and documents submitted by the bidder in the form of a scanned copy has to be unambiguously legible and comprehensible in minimum quality of 200 dpi.
- g) All expenses related to the preparation (as well as eventual inspection), submission of the proposal 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 proposal was the winning one.
- h) The explanation of the participation conditions mentioned in this notice is possible only based on a written request delivered via electronic mail to the contact person of the Contracting Authorities no later than ~~6<sup>th</sup> May 2016 10 a.m.~~ **12<sup>th</sup> May 2016; 10 a .m**
- i) Working hours of the Contracting Authorities during working days from Monday to Friday are from 9:00 a.m. to 2:00 p.m.
- j) The tender documents shall be subject to the trade secret without any time restriction.

- k) The bidder takes notice of the fact that refusal of the proposal, not inclusion of the bidder's proposal in the evaluation, not acceptance of the bidder's proposal or cancellation of the commercial public tender fails to establish the right for submission of any remedies or other revision procedures.
  
- l) 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 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 proposal for the Tender.