

CONFIDENTIAL



## **TENDER DOCUMENTS**

Name of the Commercial Public Tender (hereinafter referred to as "Tender"):

**OVS 20200771**

**Delivery of downhole gauge permanent  
monitoring**

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# **TENDER DOCUMENTS**

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## **A.1 Instructions for tenderers**

### Part I

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Part I  
**General information**

**1 Identification of Contracting Authority**

Trade name: **NAFTA a. s.**  
Head office: Votrubova 1, 821 09 Bratislava, Slovak Republic  
Registered: The joint stock company is registered in the Commercial Register with District Court Bratislava I, section: Sa, entry no.: 4837/B  
Business identification number: 36 286 192  
VAT identification number: SK2022146599  
The contact addresses of the Contracting Authority:  
The postal contact address: NAFTA a. s., Votrubova 1, P.O.BOX 815 05, 815 05 Bratislava 1, Slovak Republic  
The electronic contact address:  
Name: Antonia Cavalli  
Purchasing portal NAFTA a.s.: <https://nafta.1803sw.com>  
Web sites: [www.nafta.sk](http://www.nafta.sk)

**2 Subject of procurement**

**The subject of the procurement is the delivery of downhole gauge permanent monitoring**

2.1 A detailed definition of the subject of the procurement forms *Part B.1 Description of the subject of the procurement* in this Tender documentation.

**3 Source of finance**

The subject of procurement is financed from the Contracting Authority funds.

**4 Type of Contract**

4.1 Purchase contract/Order

4.2 The detailed limitation of Contractual terms and conditions for goods delivering comprises of the following parts of this Tender Documents:

*B.1 Description of the subject of procurement*  
*B.2 Method of determining the price*  
*B.3 Commercial and contractual conditions*

4.3 With the tenderer, who submitted the best proposal will be concluded the purchase contract or the purchase order.

## 5 Place and term of goods delivery

5.1 The place of goods delivery are the storage premises of the Contracting Authority or the other premises specified by the Contracting Authority in the purchase contract or the purchase order.

5.2 Required term of goods delivery: 30.10.2020

## 6 Eligible tenderers

6.1 A bid may be submitted only by such a tenderer who: (i) requested and received the Tender Documents.

## 7 Submission of a bid

7.1 Any tenderer may submit only one bid. Any bid shall comprise all the documents in the order as given in point 16 and shall be submitted within the term given in point 20.2.:

7.1.1 Purchase contract, set out by the Contracting Authority in the Tender Documents (Part B.3), signed by the tenderer, its statutory body or a member of its statutory body, or by another representative of tenderer, authorised to act on behalf of the tenderer in commitment relationships.

7.1.2 Records and documents required in the notification of the Tender and pursuant to this part of Tender Documents – part *A.2 Conditions of the participation of tenderers*.

7.2 The tenderer submits its bid in the electronic form pursuant to points 20 and 21 to the purchasing portal NAFTA a.s. and within the term of bid submission pursuant to point 20.2.

## 8 Variant solution

8.1 It is not allowed to submit a variant solution.

## 9 Validity of a bid

9.1 Any bid remains valid over the bid's period of firmness till **31.12.2020**.

## 10 Expenses for bids

10.1 The tenderer shall bear any expenses related to the preparation and submission of its bid, without any financial claim towards the Contracting Authority.

## 11 Conditions of the Tender

11.1 The Contracting Authority reserves the right to not accept any of the submitted bids in the case where all the bids exceed the amount of funds that the Contracting Authority has allocated in the budget for ensuring the subject of procurement.

11.2 The Contracting Authority reserves the right to restrict the number of tenderers after submission of bids and to invite the tenderers determined in this way to individual negotiations about the contract terms and conditions.

11.3 The Contracting Authority reserves the right to negotiate the proposal with the tenderer in several consecutive rounds with the possibility to invite tenderers to submit the updated quotation after each round of negotiations.

- 11.4** The Contracting Authority reserves the right to invite the tenderers to update the final quotation in the form of electronic auction.
- 11.5** Detailed information on the course and conditions of electronic auction shall be notified to the tenderers in a different manner.
- 11.6** The Contracting Authority shall conclude the contract with the tenderer only after approval of the results of this Tender pursuant to the internal rules of the Contracting Authority. The remaining tenderers 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.
- 11.7** The Contracting Authority reserves the right to change the published conditions of this Tender or to cancel this Tender even without stating the reason. The change of the published conditions of the Tender or the Tender cancellation shall be notified to all the knowing tenderers.
- 11.8** The Contracting Authority reserves the right not to select any tenderer.
- 11.9** The Contracting Authority reserves the right to refuse all submitted proposals.
- 11.10** 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 tenderer shall be fully borne by the tenderer. Eventual failure in the Tender shall not entitle the tenderer to claim compensation of costs related to the participation in the Tender from the Contracting Authority. The tenderer 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.
- 11.11** The Tender Documents shall be subject to the trade secret without any time restriction.
- 11.12** The tenderer takes notice of the fact that refusal of the proposal, not inclusion of the tenderer's proposal in the evaluation, not acceptance of the tenderer's proposal or cancellation of the tender fails to establish the right for submission of any remedies or other revision procedures.

## Part II

### Communication and explanation

#### 12 Communication between the Contracting Authority and the tenderers

- 12.1** The Contracting Authority shall provide explanations and other communication (hereinafter referred to simply as "**information**") for the tenderers only in writing by email in the electronic form.

#### 13 Explanation and supplementing the Tender Documents

- 13.1** Where there is a need to explain the Tender Documents, any tenderer may, pursuant to point 13, ask for an explanation directly through the purchasing portal NAFTA a.s.
- 13.2** A request of a tenderer for an explanation of the Tender Documents shall be deemed as having been delivered in time, if delivered to the Contracting Authority in writing in accordance to point 13 at latest **18<sup>th</sup> August, 2020**.

- 13.3** A common response to any request for an explanation of the Tender Documents submitted by any tenderer pursuant to points 13 notified within three working days from the delivery of the respective request to all tenderers who took receipt of the Tender Documents.

### Part III.

## Preparing a bid

### 14 Language of bid

- 14.1** The Contracting Authority allows bids to be submitted in the Slovak, Czech or English language.

### 15 Content of a bid

- 15.1** Any bid submitted by a tenderer must comprise the following:

List of documents - the contents of the material;  
Statement by the tenderer, confirming the following:

- i. Veracity and completeness of all the documents and data given in its bid;
- ii. Affidavit of the fact that the tenderer has elaborated its bid based on the submitted specification in accordance with Slovakian legislation;
- iii. Information about the company registration from the income tax viewpoint in the Slovakia pursuant to point 18.4;
- iv. Records and documents pursuant to point 18 and part A.2 Conditions of the participation of tenderers;
- v. Proposal for meeting individual criteria, i.e., properly and complete filled in Appendix no. 1;

- 15.2** Where a tenderer does not respond to any of the questions of the Bid Evaluation Committee, it shall be excluded from the Tender.

### 16 Compliance with the conditions of the participation of tenderers

- 16.1** Compliance with the conditions of the participation of tenderers in the Tender pursuant to point 15.1 shall be assessed based on the records and documents submitted pursuant to the requirements stipulated in part A.2 Conditions of the participation of tenderers.

- 16.2** The tenderer may submit also other record or documents as required in part A.2 Conditions of the participation of tenderers, points 2 and 3, while it proves the required facts.

- 16.3** Where the participant fails to submit any among the required records and documents, or it fails to respond any of the questions by the Contracting authority within the explanation of bids, or it does not meet the conditions of the participation in the Tender pursuant to part A.2 Conditions of the participation of tenderers, the tenderer shall be excluded from the Tender.

### 17 Requirement for Bid bond Guarantee

- 17.1** The Bid bond Guarantee is not required.



## **18 Currency and contractual prices given in a bid, VAT**

**18.1** The proposed prices must be set out pursuant to part B.2 Method of determining the price.

**18.2** The contractual price proposed by the tenderer must be given in EURO.

**18.3** Where the tenderer is a payer of value-added tax (hereinafter only as “VAT”) in Slovakia, it must give the proposed contractual price as follows:

18.3.2 Proposed contractual price, excluding VAT,

18.3.3 Rate of VAT and amount of VAT,

18.3.4 Proposed contractual price, including VAT.

Where the tenderer is not a payer of VAT in Slovakia, it shall give the proposed contractual price as a whole, excluding VAT. Simultaneously, the tenderer shall advise of this fact in its bid.

**18.4** Information about the company registration from the income tax viewpoint in Slovakia.

18.4.2 If the potential contract partner has an operation in Slovakia from the viewpoint of tax purposes, we require a statement that it pays advances for its income tax.

18.4.3 If the potential contract partner does not have an operation in Slovakia from the viewpoint of tax purposes, we require an affidavit whose contents is as follows:

“The supplier hereby states that it has no permanent operation in Slovakia according to the Treaty on Prevention of Double Taxation between Slovakia and the country of the supplier’s residence. The supplier also states that it has concluded no contract on the basis of which a permanent operation could be established. If the supplier establishes a permanent operation in Slovakia according to the relevant Treaty on Prevention of Double Taxation or if it concludes a contract on the basis of which a permanent operation could be established, it will notify the client of this fact within 30 days at the latest. In case of any breach of these obligations the supplier undertakes to pay to the Contracting Authority for any costs or expenses arising to the Contracting Authority in this relation.”

## **19 Design of a bid**

**19.1** Documents demonstrating the compliance with the participation criteria for tenderers or candidates who are established outside Slovakia must be submitted in the original language – at the same time – translated in to the English language. Where the tenderer or candidate has not been established in Slovakia, and the country in which he is established does not issue any of the documents referred to the Terms of Tender, they may be replaced by a solemn declaration in accordance with the regulations in the country in which he is established.

Part IV.  
**Submission of bids**

**20 Place and term of the bid submission**

**20.1** It is required to submit bids via purchasing portal NAFTA a.s. by the deadline for bid submission.

The deadline for bid's submission ends **on 24<sup>th</sup> August, 2020 at 14:00 p.m. CET.**

**21 Supplementing, amending and revoking bids**

**21.1** The tenderer may additionally supplement, amend or revoke its submitted bid at anytime until the lapsing of the deadline for bid submission pursuant to point 20.1.

**21.2** Supplementing or amending the bid may be done through revoking the original bid based on an application signed by the authorised person of the tenderer sent via purchasing portal NAFTA a.s. and delivering of a new bid within the term for bid submission.

Part V.  
**Evaluation of bids**

**22 Confidentiality of the tender process**

**22.1** Any information concerning the examination, explanation, mutual comparison of the bids and recommendations shall be deemed as confidential until acceptance of the bid.

**22.2** The information that the tenderer has marked as confidential in its bid shall not be disclosed.

**23 Assessing of bids**

**23.1** Only such bids that comply with the following shall be included in the bid evaluation process:

**23.1.1** They contain the essentials set out in point 15, and concurrently

**23.1.2** They comply with the requirements and conditions stipulated in the notification of announcing the Tender Documents and herein.

**23.2** A bid shall be considered as valid, where it does not contain any restrictions or reservations, which are at variance with the given requirements and conditions. Any other bids of tenderers are excluded from the Tender.

**23.3** A tenderer shall be notified of the exclusion of its bid, with a statement of the reasons for the exclusion.

**24 Correction of errors**

**24.1** The Contracting Authority shall correct evident mathematical errors found in evaluating the bids in this way:

**24.1.1** Where there is any difference between an amount stated in numbers and an amount stated in words, then the sum given in word is valid;

**24.1.2** Where there is any difference between a unit price and a total price, and the given error has arisen as the consequence of incorrect multiplication of that unit price and the amount, then the unit price is valid;

**24.1.3** Where there is an evident gross error of the unit price in the decimal point, then the total price of the item as it is quoted shall be valid, merely that decimal point is corrected;

**24.1.4** Where there is incorrectly calculated a sum in the mutual summation or a subtotal of separate items and similar.

**24.2** The Contracting Authority shall notify the tenderer immediately of any correction made.

**24.3** The Contracting Authority shall exclude any bid from the bid evaluation process if:

**24.3.1** The tenderer does not accept a corrected sum.

**24.4** The tenderer shall be notified of the exclusion of its bid, with a statement of the reasons for its exclusion.

## **25 Explanation of bids**

**25.1** The Contracting Authority may ask tenderers for explanation of bids. However, it may not call for or accept any offer of the tenderer for a change, through which the bid is more advantageous.

**25.2** The Contracting Authority shall ask the tenderer for a substantiation of its price proposal in the case, where a bid contains an unusually low price.

## **26 Currency and evaluation of bids**

Prices given in the tenderers' bids are evaluated in EURO.

### Part VI.

## **Acceptance of Contract**

## **27 Notification of the ranking of bids**

**27.1** A notification of the result of the assessment of bids shall be sent to every tenderer whose bid has been evaluated.

**27.2** The successful tenderer (winner) shall be notified of the acceptance of its bid. Other tenderers shall be notified of their non-acceptance.

# **TENDER DOCUMENTS**

## **A.2 Conditions of the participation of tenderers**

## A.2 Conditions of the participation of tenderers

Any tenderer must comply with the following conditions of the participation in the Tender:

### 1. The tenderer must comply with the conditions of the participation proving this through the submission of documents as follows:

- 1.1 A certificate of the relevant regional court that **the tenderer is not in bankruptcy**, that no bankruptcy and compensation proceedings is running against the tenderer, that no refusal was given to the petition for bankruptcy due to the lack of assets/property (these documents shall be submitted by juridical persons, as well as by natural persons). Such a certificate must reflect the current status at the time when the tenderer participates in the Tender;
- 1.2 A certificate of the relevant court that **the tenderer is not in a winding up process** (documents shall be submitted by juridical persons). Such a certificate by the court must be current, reflecting the real status at the time when the tenderer participates in the Tender;
- 1.3 A certificate of the relevant tax office not older than three months, that **the tenderer has not registered any tax arrears in Slovakia** or in the country of its registered office that have been enforced through the execution of a decision;
- 1.4 A certificate(s) of the relevant health insurance institution(s) not older than three months, that **the tenderer is kept in the health insurance** premium payer records and the tenderer has not registered any arrears of insurance premium in Slovakia or in the country of its registered office that have been enforced through the execution of a decision;
- 1.5 A certificate of the relevant social security institution not older than three months, that **the tenderer is kept in the sickness and pension insurance** premium payer records and the tenderer has not registered any arrears of insurance premium in Slovakia or in the country of its registered office that have been enforced through the execution of a decision;
- 1.6 A document proving the authorisation to do a business, where the subject of business is written down, authorising the tenderer to provide/deliver the services required:
  - 1.6.1 An extract from the **Commercial Register** (shall be submitted by a juridical person-entrepreneur registered in the Commercial Register);

A document proving the authorisation to do a business must reflect the current status at the time when the tenderer participates in the Tender.
- 1.7 The tenderer with its registered office out of Slovakia shall submit the documents required in points 1.1 to 1.6. Where in the country of its registered office some of the required documents are not issued, then the tenderer shall replace them by its affidavits in accordance with the regulations applicable in the country of its registered office.
- 1.8 Through an affidavit stating that its business activity has not been suspended, or it is not in any similar situation pursuant to law and regulations applicable in its country of its registered office.

### 2. In the bid the tenderer must submit the following information and documents proving its financial or economic standing:

- 2.1 A statement by the bank that the tenderer is able to meet its financial liabilities; this document may not be older than three months at the time of submission.
- 2.2 A certificate on the insurance of compensation of damages arising from the entrepreneurial risk.

**3 The tenderer must submit within its bid the following information and documents proving its technical competence necessary to delivery of the goods:**

- 3.1 A statement that the tenderer has available the means
  - 3.1.1 The Contracting Authority requires the tenderer to submit a quality certificate issued by an independent institution attesting to the tenderer's compliance with quality assurance standards.
  - 3.1.2 The Supplier shall provide at least one complete sets of operation and servicing manuals and technical drawings in the English language.
  - 3.1.3 Operating lifespan (assumed) 12 years

# TENDER DOCUMENTS

## A.3 Bid evaluation criteria

### **A.3 Bid evaluation criterion**

- 1. The criterion for evaluation of the bids is: the price of the subject of the procurement and fulfilment all of parameters mentioned in the technical specification**

**Prices shall be evaluated in EURO excl. VAT.**

The price for the subject of procurement shall contain the item unit prices and also the calculation of these unit prices applied to the given technical conditions also in according to the part *B.1 Description of the subject of procurement*.

Please split the final price:

- A) In the amount of the tax base (including all related costs);
- B) In the amount of VAT (if applicable);
- C) In the amount of other taxes that may apply (e.g. withholding tax, etc.)



## Appendix 1) - proposal of the tenderer for fulfilling the criterion

1. Trade name of the tenderer:

2. Address or residence of the tenderer:

Subject of procurement: **Delivery of the GC-IRMS Analyzer for  $\delta^{13}C$  and  $\delta^2H$  in Natural Gas.**

<b>Name of criterion:</b>	<b>Unit:</b>	<b>Proposal of the tenderer:</b>
The price	Price in EURO excl. VAT for <b>The equipment</b>	<i>Tenderer will complete price rounded for max. 2 decimal places</i>
	Price in EURO excl. VAT for <b>Assembly, Testing and Training</b>	<i>Tenderer will complete price rounded for max. 2 decimal places</i>
	Price in EURO excl. VAT for <b>Servicings documents, certificate of conformity etc.</b>	<i>Tenderer will complete price rounded for max. 2 decimal places</i>
	Total Price excl. VAT (DAP Plavecky Stvrtok Incoterms 2010)	<i>Tenderer will complete price rounded for max. 2 decimal places</i>

**Notice:** \* DAP Plavecky Stvrtok Incoterms 2010  
Delivery time : 30.10.2020

**Notice:** the required warranty period is 24 month after equipment's delivery.

## **TENDER DOCUMENTS**

### **B.1 Description of the subject of procurement**

## **B.1 Description of the subject of procurement**

**B.1.1 Subject of the procurement is delivery of downhole gauge permanent monitoring to the following specification appendix 1:**

### **Technical Specification**

# TENDER DOCUMENTS

## B.2 Method of determining the price

### **B.2 Method of Determining the Price**

The basis for elaborating a price quotation is the detailed specification given herein in part B.1 Description of the subject of procurement.

1. The price proposed by the tenderer shall be denominated in EURO.
2. The Bid Evaluation Committee may ask the tenderer to explain and substantiate the commensurateness of the proposed prices, where the tenderer's bid contains an unusually low price or unusually high price.

**The criterion for evaluation of the bids is: the price of the subject of the procurement and fulfilment all of parameters mentioned in the technical specification**

# **TENDER DOCUMENTS**

## **B.3 Commercial and Contractual Terms and Conditions**

### **Commercial and contractual conditions**

**GENERAL BUSINESS TERMS AND CONDITIONS - CUSTOMER - (Separate .doc file)**