

## Commercial public tender:

### "Natural gas supply"

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

#### 1. Tender promulgator:

Business name: **NAFTA a.s.**  
Registered office: Votrubova 1, 821 09 Bratislava  
Registered in: 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 promulgator:

Name: Ing. Lujza Kimličková  
E-mail: [lujza.kimlickova@nafta.sk](mailto:lujza.kimlickova@nafta.sk)

#### 3. Subject of the Tender:

The subject of the Tender is selection of a supplier for the supply of natural gas for the required place of supply NAFTA a.s. under the following conditions:

##### 1. Amount of natural gas

The successful bidder will supply 100,000 MWh of natural gas to NAFTA a.s.

##### 2. Time of supply

The successful bidder will supply the entire required amount of natural gas to NAFTA a.s. on the date of 1 August, 2014 at 06:00 CEST

##### 3. Place of supply

The successful bidder will supply natural gas to NAFTA a.s. into the Storage of NAFTA a.s. in accordance with the Technical conditions of NAFTA a.s.

##### 4. Quality of the supplied gas

The successful bidder is responsible for the supply of natural gas in a quality in accordance with the Technical conditions of NAFTA a.s.

##### 5. Reliability of supply

The successful bidder is responsible for the reliable supply of natural gas to the place of supply under Act No. 251/2012 Coll, on energy and on amendments to certain laws.

#### 6. Other conditions

Other conditions of supply are listed in the Draft natural Contract for Natural Gas Delivery and in Tender Documents.

#### 4. Type of agreement to be concluded and other terms and conditions:

Contract for Natural Gas Delivery

#### 5. Course of the Tender:

On the basis of the 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)) is the proposal submitted by the bidder in a manner provided in Point 7 of this Declaration. For purposes of fulfilment 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 proposal shall be deemed to be the bidders applying for the Tender.

The promulgator reserves 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 agreement terms and conditions.

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

In the case of several rounds of negotiations, the promulgator shall notify the bidders in advance that the price quotation, which they are about to submit, will be the final one.

The promulgator 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 the electronic auction shall be provided in the Tender documents or shall be provided 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 agreement provided in the Tender documents.

The promulgator reserves the right to disqualify a bidder which in any contractual relation with the promulgator or in regard to any agreemental relation with the promulgator breached the obligations:

- (i) Resulting from the agreement concluded with the promulgator 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 agreement with the promulgator duly and on time.

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 illegible or incomplete, the promulgator 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 promulgator.

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

## **7. Method of submission of proposals**

The bidders shall submit their proposals to the e-mail address below established for this purpose:

[dodavka.zp@nafta.sk](mailto:dodavka.zp@nafta.sk)

Subject of message shall be called "Natural gas supply" including the name of the company.

## **8. Time limit for submission of proposals:**

1<sup>st</sup> round -

based on published announcement of commercial public tender on the website of NAFTA a.s. ([www.nafta.sk](http://www.nafta.sk)). The bidders who are interested in participation in this tender are requested to send the confirmation of the interest to the promulgator by e-mail to e-mail address: [dodavka.zp@nafta.sk](mailto:dodavka.zp@nafta.sk) till 25 July 2014 to 10:00 a.m.

The promulgator will invite all bidders to the e-auction who provide the interest in participation in tender.

2<sup>nd</sup> round - e-auction (test round on 28 July 2014, competitive round 29 July 2014).

The time limit will expire on: **29 July, 2014**

The bidder shall submit the proposal in an electronic auction on 29 July 2014.

The promulgator reserves the right to change the time limit for submission of proposals. The change of the time limit shall be announced to all known bidders via electronic mail and it shall also be published on the internet site of the promulgator [www.nafta.sk](http://www.nafta.sk)

## **9. Time period for announcement of the selected proposal:**

The time period will expire on: **29 July, 2014**

The promulgator reserves the right to change the time period for the announcement of the selected proposal. The change of the time period will be announced to all known bidders, or to those bidders who received the Tender documents and will be also published on the internet site of the promulgator [www.nafta.sk](http://www.nafta.sk)

## 10. Additional information

1. The promulgator shall conclude the agreement with the bidder only after approval of the results of the commercial public tender pursuant to the internal bylaws of the promulgator.

The remaining bidders shall be notified by the promulgator in writing that their proposals for the agreement conclusion were refused. The promulgator shall not provide any other information.

2. The language (languages), in which the documents proving fulfilment of the participation conditions may be submitted are: Slovak, Czech and English.

3. Pursuant to Art. 283 of the Commercial Code, the promulgator reserves 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's cancellation shall be published on the internet site of the promulgator [www.nafta.sk](http://www.nafta.sk)

4. The promulgator reserves the right not to select any bidder or to conclude the agreement with several bidders.

5. The promulgator 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 must be unambiguously legible and comprehensible in the 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 promulgator 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 participation in the Tender from the promulgator. 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. Working hours of the promulgator during working days from Monday to Friday are from 9:00 a.m. to 2:00 p.m.

9. The tender documents shall be subject to trade secret without any time restriction.

10. The bidder takes notice of the fact that refusal of the proposal, non-inclusion of the bidder proposal in the evaluation, non-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.

11. 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 promulgator 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.