

Commercial Public Tender:

Procurement of Christmas Trees for Y. 2013

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 promulgator:

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 Tender promulgator:

Name: Mr. Jaroslav Kuník
Telephone: +421 34 697 4681
E-mail: christmas.tree@nafta.sk

3. Subject of the Tender:

Delivery of 11 pcs of Christmas trees.

Detailed specification is provided in the Tender Documents.
The Tender Documents are attached to this declaration.

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

Purchase Contract.

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 internet site of NAFTA a.s. (www.nafta.sk) via delivery of e-mail to the promulgator by **16th November, 2011** using e-mail address of the contact person the bidders shall demonstrate the interest in the participation in the Tender.

2nd round – Fulfillment of the participation conditions shall be proved by the bidder to the promulgator by **23rd November, 2011 at 12:00 a.m.** by submission of the respective documents applying the method provided in Point 7 of this Declaration. Subsequently, the promulgator shall evaluate fulfillment of the participation conditions.

3rd round – Bidders which fulfilled the participation conditions shall be invited by the promulgator to submit their quotations. The promulgator shall send the call for quotation submission via electronic mail.

The quotation may be submitted only by the bidder which was sent a request for the quotation submission by the promulgator 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 promulgator 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 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 quotation after each round of negotiations.

In case of several rounds of negotiations, the promulgator shall notify bidders in advance that the quotation they are going to submit shall be the final quotation.

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

- (i) Resulting from the contract 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 contract with the promulgator 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 promulgator 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 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 for submission of the document part for proving fulfillment of the participation conditions – 2nd round:

Bidders submit documents required by the promulgator in order to prove fulfillment of the participation conditions in the sealed envelope as well as in electronic form (in .pdf format) as attachment to the e-mail to the e-mail address of the contact person. The envelope shall be clearly designated with an inscription **TENDER - DOCUMENT PART - DO NOT OPEN** and the Tender slogan "**Christmas tree 2013**" while stating the registered office of the promulgator and the registered office of the bidder.

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.

The document part within the required extent shall be submitted to the address:

NAFTA a.s.
Filling room
Mr. Jaroslav Kuník
PTB 900
900 68 Plavecký Štvrtok, Slovak Republic

The proposal delivered to another address of the promulgator shall be deemed to be undelivered.

8. Period for submission of the document part to prove fulfilment of the participation conditions (2nd round of the Tender):

The period shall expire: **23rd November, 2012 at 12:00 a.m.**

The promulgator reserves the right to change the period for quotation 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 promulgator www.nafta.sk.

9. Method of quotation submission – under the call sent by the promulgator:

Bidders submit quotation in the sealed envelope as well as in electronic form (in .pdf format) as attachment to the e-mail to the e-mail address of the contact person. The envelope shall be clearly designated with an inscription **TENDER – quotation - DO NOT OPEN** and with a Tender slogan: "**Christmas tree 2013**" while stating the registered office of the promulgator (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 promulgator shall be deemed to be undelivered.

10. Period for quotation submission:

The period shall expire: **30th November, 2012 at 12:00 a.m.**

The promulgator reserves the right to change the period for quotation 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 promulgator www.nafta.sk.

11. Period for announcement of the selected quotation:

The period shall expire: **28th February, 2013 at 12:00 a.m.**

The promulgator reserves the right to change the period for announcement of the selected quotation. Change of the period shall be notified to all known bidders which fulfilled the participation conditions and requirements of the promulgator and under the call sent by the promulgator submitted the quotation and it shall also be concurrently published on the internet site of the promulgator www.nafta.sk.

12. Additional information:

1. The promulgator shall conclude the contract 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 contract conclusion were refused. The promulgator 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 promulgator 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 promulgator www.nafta.sk.
4. The promulgator reserves the right not to select any bidder or to conclude the contract 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 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 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 the 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. 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 promulgator no later than **16th November, 2012 at 12:00 a.m.**
9. Working hours of the promulgator 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 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.

Annex: Tender Documents including annexes.