



Negotiated Procedure with a Publication electronically

GOODS

TENDER DOCUMENTS

(No electronic auction)

TENDER SUBJECT MATTER: **Modernisation of TG4 PSPP Čierny Váh technology**

N°: 2025/15107

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Compliance of Tender Documents with Act No. 343/2015 Coll. on Public Procurement and on the Amendments of Certain Acts, as amended (hereinafter referred to as the “Act”) is confirmed by:

In Jaslovské Bohunice, on 10.12.2025

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Approved by:

In Jaslovské Bohunice, on 10.12.2025

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A.1 INSTRUCTIONS FOR TENDERERS

A.2 CONDITIONS OF PARTICIPATION

A.3 BID EVALUATION CRITERIA

ANNEXES:

EMPLOYER'S REQUIREMENTS

DRAFT OF CONTRACT AGREEMENT

EVALUATION CRITERIA FORM

TECHNICAL SOLUTION FORM – CONTRACTOR PROPOSAL

EUROPEAN SINGLE PROCUREMENT DOCUMENT

**CONFIRMATION OF ACQUAINTANCE WITH THE NOTICE ON OBTAINING AND
PROCESSING PERSONAL DATA**

**APPLICANT'S DECLARATION ON HONOUR REGARDING ACCEPTANCE OF THE
COMPETITION RULES AND ABSENCE OF CONFLICT OF INTEREST**

LIST OF SUPPLIERS

APPLICABLE SANCTION PROGRAMMES

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ERANET_SUPPLIER GUIDE_ REGISTRATIONS



A.1 INSTRUCTIONS FOR TENDERERS

PART I.

GENERAL INFORMATION

1. IDENTIFICATION OF THE CONTRACTING ENTITY

Name of organisation: **Slovenské elektrárne a.s.**
Address of organisation: **Pribinova 40, 811 09 Bratislava**
Slovak Republic

Company ID: **35 829 052**

Tax ID: **2020261353**

VAT ID: **SK 2020261353**

Internet address of the company (URL): www.seas.sk/

Contact person: Mgr. Linda Bajgartová

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Contact address:

Slovenské elektrárne, a.s.

Mechanical Technology Procurement Department

Plant: Bohunice Nuclear Power Plant

919 31 Jaslovské Bohunice

Slovak Republic

2. TENDER SUBJECT MATTER

2.1. TITLE OF THE TENDER SUBJECT MATTER:

MODERNISATION OF TG4 PSPP ČIERNY VÁH TECHNOLOGY
(hereinafter as "the tender subject matter" or "goods")

2.2. NOMENCLATURE

Common Procurement Vocabulary (CPV):

42112200-9: Hydraulic turbines

42113200-6: Parts of hydraulic turbines

45315200-0: Turbine works

2.3. Detailed specification of the tender subject matter including technical specifications, constituting the annex of these Tender Documents - **"Employer's Requirements"**.

The subject matter of procurement in this tender is procured as a single item and it cannot be divided into parts.

Justification:

By not dividing the subject-matter of the contract into lots, the contracting authority will not deny or restrict the participation of interested parties in this public procurement, as the Public Procurement Act permits several forms of participation, including for economic operators who, for various reasons, would not be capable of performing the subject-matter of the contract as a whole.

This requirement arises from the contracting authority's policy of reducing costs associated with the operation and maintenance of technical/technological equipment and the related logistics (in particular the purchase and storage of spare parts). Dividing the contract into lots would not



enable the achievement of the above objective; therefore, such division would be uneconomical and ineffective from the contracting authority's perspective.

Beyond economic considerations, splitting the subject-matter into lots would impose unnecessary and disproportionate organisational burdens on the contracting authority in relation to contract performance. A higher number of suppliers would place substantially greater demands on the contracting authority for coordinating and managing the contract implementation processes, as well as for asserting rights under warranties.

The contracting authority considers all of the above reasons sufficiently significant to justify procuring the subject-matter of the contract as a single whole.

3. ALTERNATIVE SOLUTION

Tenderers shall not be granted the opportunity to submit an alternative solution. If an alternative solution is included in a bid, such alternative solution shall not be included in evaluation and it shall be treated as if it had not been submitted.

4. SOCIAL ASPECTS OF TENDER/ENVIRONMENTAL CONSIDERATIONS

In this public procurement procedure, the contracting entity will not consider social aspects/environmental considerations.

5. BASIC STEPS OF THE PUBLIC PROCUREMENT PROCEDURE

The public procurement procedure shall take place in the form of the following consecutive steps:

5.1.1. Submission of requests for tender participation and evaluation of satisfaction of the conditions of participation

All information for Tenderers necessary for submitting an application for participation in order to prove the satisfaction of participation conditions as set out by the Contracting Entity in this negotiated procedure with publication is provided in the notice used as an invitation to tender (hereinafter referred to as "notice") (including the form, content and manner of submitting an application for participation, place and period for submission). The participation conditions shall be evaluated in accordance with Section 40 *et seq.* of the Public Procurement Act.

5.1.2. Invitation to submit basic bids sent to the Candidates who have satisfied the participation conditions set out by the Contracting Entity

Given the particular features of the negotiated procedure with publication ensuing from the Act, these Tender Documents govern the public procurement process.

The conditions concerning the form, content and manner of submitting the basic bids are given in particular in clauses 19-21, 23-27 hereof.

5.1.3. Opening and evaluating basic bids prior to the negotiations

The conditions concerning the opening and evaluating basic bids are referred to in clauses 28 and 30 hereof.

5.1.4. Negotiations with the Tenderers who submitted basic bids and satisfied the conditions set out by the Contracting Entity

The conditions concerning the negotiations with Tenderers are referred to in clause 31 hereof.

5.1.5. Reducing the number of bids to be negotiated on the basis of bid evaluation criteria during negotiations

The conditions concerning the reduction of number of bids during negotiations with Tenderers are referred to in clause 31.5 hereof.

5.1.6. Invitation to submit final bids sent to Tenderers who submitted basic bids and



satisfied the conditions set out by the Contracting Entity

The conditions concerning the invitation to submit final bids are referred to in clause 31.6 hereof.

5.1.7. Opening and evaluation of final bids

The conditions concerning the opening and evaluating final bids are referred to in clauses 28 and 30 hereof. Bids made by Tenderers shall be evaluated in line with Section 44 of the Public Procurement Act in a manner referred to in part A.3 hereof – *“Bid Evaluation Criteria”*.

5.1.8. Notice of the evaluation outcome of final bids

The conditions concerning the notice of the evaluation outcome of final bids are referred to in clause 33 hereof.

5.1.9. Provision of cooperation

The successful tenderer will be called upon to provide cooperation in accordance with Section 56 of the Public

5.1.10. Contract awarding

The conditions concerning the contract award are referred to in clause 34 hereof.

6. ORIGIN OF TENDER SUBJECT MATTER

Not applicable.

7. PLACE AND DATE OF TENDER SUBJECT MATTER SUPPLY/REALIZATION

7.1. Place or places for the tender subject matter supply/realization:

Slovenské elektrárne, a. s.

Plant - Hydro power plants

Pumped-Storage Hydroelectric Power Plant (PSPP) Čierny Váh

033 01 Liptovský Hrádok

Slovak Republic

7.2. Deadline/period of tender subject matter supply/realization: from the signing of Contract until 28.2.2030

8. SOURCE OF FUNDING

Will be financed from the Contracting authority's own resources.

9. CONTRACT AND TERMS OF PERFORMANCE

9.1 Type of contract for the tender subject matter supply:

FIDIC Yellow book, 1999 – Conditions of Contract for Plant and Design-Build

The Contracting Entity provides an advance payment in accordance with the draft of the Contract Agreement, which forms an annex to these tender documents (hereinafter referred to as "Contract").

9.2 Part of the Contract shall be the following documents:

- **General Technical Terms of Performance in SE, a.s.** for power plants, version 15/01/2024, as amended by Addendum No. 1, version dated 18 October 2024 ("GTT") – applying to the following plants: Jaslovské Bohunice, Mochovce, Nováky, Vojany and the hydro power plants, which are



available in electronic form in the ERANET system and at the following link:
<https://www.seas.sk/en/suppliers/procurement/> in the Documents section

- **Declaration on tax position and interrelation** (foreign supplier), **Declaration on interrelation** (domestic supplier), printed on the letterhead of the Tenderer, whose form can be found in electronic form in the ERANET system.

9.3 The Contracting Entity, in accordance with the points below and the Contract forming an annex to these Tender Documents, requires the successful Tenderer to provide the following guarantees:

- a) advance payment guarantee
- b) performance security
- c) retention money guarantee

10. SUBCONTRACTORS, PERSONS IMPLEMENTING THE TENDER SUBJECT MATTER

10.1. If a Tenderer intends to use subcontractors to carry out certain activities:

10.1.1. the Tenderer's bid must specify the proportion of the contract that he intends to subcontract, the contents of subcontracting and the names of all proposed subcontractors. If the Tenderer will perform the whole contract himself, this information must be specified in the bid. A template can be obtained in electronic form in the ERANET system under the heading "Forms to public procurement".

10.1.2. the Contracting Entity also requires that a successful Tenderer includes in the contract, at latest on its conclusion, information on all known subcontractors within the scope pursuant to clause 10.1.1 above and the following information on the person authorised to act on behalf of the subcontractor in the scope: name and surname, place of residence, date of birth.

11. COMMUNICATION BETWEEN THE CONTRACTING ENTITY AND CANDIDATES OR TENDERERS

11.1. Communication, handover of documentation, provision of explanations and other clarification (hereinafter "communication") between the contracting entity and candidates or tenderers, shall be done in English or in the state language (Slovak) as well as Czech language (following the requirement by the law) and in a manner that shall ensure completeness and permanent capture of the submitted bids, proposals and other documents related to the tender, and shall guarantee the protection of confidential information and personal data stated therein. The communication language in the tender shall be English, Slovak or Czech.

11.2. Communications between the Contracting Entity and Candidates or Tenderers shall be carried out electronically in this public procurement that shall ensure permanent capture of the content thereof via the ERANET system, available at: <https://seas.eranet.sk>.

11.3. For the needs of electronic communication, each Candidate/Tenderer shall be required to register in the ERANET system at: <https://seas.eranet.sk>. The registration in the ERANET system is free of charge. For working in the ERANET system the Contracting Entity recommends to use the last versions of browsers Chrome, Firefox, Edge.

11.4. The moment of delivery as well as receipt of electronic information shall be deemed to be:

11.4.1. the moment of its publication where the information is not sent electronically but is merely published in the ERANET system (particularly the Tender Documents, clarification of Tender documents etc.);

11.4.2. the moment of its sending via the ERANET system, i.e. the moment of saving the electronic item in the electronic mailbox of its address in the ERANET system.

11.5. If the sender of the electronic message is the Contracting Entity, the interested party or tenderer



will receive a notification via the ERANET system functionality to the contact email address they have provided, informing them that a new message related to the procurement has been received. The Candidate or Tenderer shall log in to the system and be able to open and read the message in question in the communication interface of the system.

- 11.6. Whenever the tender documents contain requirements for the submission of tenders, clarification of the tender documents, clarification of the requirements stated in the invitation to submit a tender, possible additions to the tender documents, clarification of submitted tenders, or any other communication between the contracting authority and the interested parties/tenderers, it is always understood that such communication shall take place via the communication interface of the ERANET system, unless otherwise stated in the tender documents.

12. CLARIFICATION AND AMENDMENTS TO THE TENDER DOCUMENTS

- 12.1. The Tender Documents, including any clarifications or additional information necessary for the preparation of a bid, proposal, or for evidencing compliance with the conditions for participation, shall be published by the Contracting Entity as electronic documents in its profile on the website of the Office for Public Procurement: <https://www.uvo.gov.sk>, in the electronic archive as a separate part of the Public Procurement Journal, in the form of a link to the public profile in the ERANET system. The Contracting Entity shall provide unlimited, complete, direct, and free-of-charge access to the Tender Documents as well as to all supplementary documents via the ERANET system. The Contracting Entity has no knowledge of interested parties who download the Tender Documents without logging into the system. Therefore, the Contracting Entity recommends that interested parties download the Tender Documents only after registering and logging into the system.
- 12.2. Where necessary, the clarifications regarding Tender Documents or any documents provided by the contracting entity, any of the Candidates may request explanation of them, by means of the Eranet system communication interface, according to the rules as set out in article 11 of these tender documents.
- 12.3. If an interested party requests a clarification sufficiently in advance, the Contracting Entity shall promptly provide an explanation of the information necessary for the preparation of the bid to all selected interested parties via the ERANET system, no later than 6 days before the deadline for submission of bids, in accordance with § 48 of the PPA.
- 12.4. Where essentially necessary, the Contracting Entity may supplement information given in the tender documents, or in other documentation. It shall publish this information no later than 6 days prior to the expiration of the period for submission of applications for participation or submission of tenders, and, if necessary, shall accordingly extend the period for submitting an application for participation, or for submitting bids.

13. SITE VISIT TO THE TENDER SUBJECT MATTER'S PLACE OF SUPPLY/REALIZATION

- 13.1. It is recommended that each Candidate make a site visit to the place of supply in order to check it and obtain information necessary for the preparation and elaboration of his bid. Costs related to a site visit to the tender subject matter's place of supply are to be borne by the Candidate.
- 13.2. Visit venue (address): **Slovenské elektrárne, a. s., Plant: PUMPED STORAGE HYDROELECTRIC POWER PLANT (PSPP) Čierny Váh, 033 01 Liptovský Hrádok**
- 13.3. The date of visit will be specified in the Call for initial bid submission.

Part II.

PREPARATION AND SUBMISSION OF THE APPLICATION FOR PARTICIPATION

14. ELIGIBLE CANDIDATES

- 14.1. An application for participation may be submitted by natural persons, legal persons, or a group
Slovenské elektrárne, a.s., Pribinova 40, 811 09 Bratislava, Slovenská republika, IČO: 35 829 052, Obchodný register
Mestského súdu Bratislava III, Oddiel: Sa, číslo: 2904/B



of natural or legal persons acting jointly vis-a-vis the Contracting Entity (hereinafter also the "Group of Suppliers").

- 14.2. If the Candidate is a Group of Suppliers, the application for participation must be signed by all members of the Group of Suppliers, or on behalf of all members of the Group of Suppliers. At the same time, the Candidate shall submit with its application for participation a document signed by all members of the Group of Suppliers designating the lead member authorised to act on behalf of the other members of the Group of Suppliers for the purposes of this negotiated procedure.

15. PREPARATION AND LANGUAGE OF THE APPLICATION FOR PARTICIPATION

- 15.1. The same requirements as for the Bid pursuant to clauses 19 and 20 below shall apply to the preparation and language of the application for participation.

16. SUBMISSION OF THE APPLICATION FOR PARTICIPATION AND DEADLINE FOR SUBMISSION OF APPLICATIONS FOR PARTICIPATION

- 16.1. A Candidate may submit only one application for participation. If, within the deadline for submission of applications for participation, the Candidate submits more than one application for participation, the Contracting Entity shall take into account only the application for participation that was submitted last; the others shall be treated as applications submitted after the deadline for submission of applications for participation.
- 16.2. The Candidate shall submit the application for participation electronically pursuant to Section 49(1)(a) of the Public Procurement Act, via the ERANET system in accordance with the rules set out in Article 11 of these Tender Documents.
- 16.3. Deadline for submission of the application for participation: as set out in the notice used as an invitation to tender..
- 16.4. The Candidate may withdraw and/or replace a submitted application for participation until the expiry of the deadline for submission of applications for participation.

17. CONTENT OF THE APPLICATION FOR PARTICIPATION

- 17.1. The application for participation must contain the following certificates and documents::
- 17.1.1. **documents** by which the Candidate demonstrates fulfilment of the conditions of participation under part A.2 of these Tender Documents – "Conditions of Participation";
- 17.1.2. **ONLY** if the Candidate is a Group of Suppliers, an **Affidavit of Group Formation** in accordance with clause 25.4 of these Tender Documents;
- 17.1.3. **ONLY in the case of a group of suppliers:** A Power of Attorney issued to one of the members of the group, authorising them to receive instructions on behalf of all members and to act in the name of all other members of the group, signed by all members of the group or by the person(s) authorised to act on behalf of each member in the matter concerned.

18. EVALUATION OF APPLICATIONS FOR PARTICIPATION AND FULFILMENT OF THE CONDITIONS OF PARTICIPATION

- 18.1. The Contracting Entity shall evaluate the fulfilment of the conditions of participation in accordance with Section 40 of the Public Procurement Act .
- 18.2. The Contracting Entity shall request in writing that the Candidate clarify or supplement the submitted documents if their validity or the fulfilment of the condition of participation cannot be assessed from the submitted documents.
- 18.3. The Contracting Entity shall exclude from the negotiated procedure, at any time during the public procurement, a Candidate if any of the conditions set out in Section 40(6) and (7) of the Public Procurement Act are met, and may exclude a Candidate if any of the conditions set out in Section 40(8) of the Public Procurement Act are met..
- 18.4. To ensure the purpose of the negotiated procedure, if the conditions for doing so are met, the



Contracting Entity will proceed in accordance with Section 39(6) of the Public Procurement Act and, to ensure the proper conduct of the public procurement, will request in writing that Candidates submit a document or documents evidencing the fulfilment of the conditions of participation that were replaced by the European Single Procurement Document.

- 18.5. Candidates who have demonstrated fulfilment of the conditions of participation will be invited by the Contracting Entity to submit initial bids.

PART III.

BID PREPARATION

19. BID ELABORATION

- 19.1. The Bid must be prepared in electronic form in accordance with Section 49(1)(a) of the Public Procurement Act, ensuring a durable record of its content. The manner of submitting the Bid is further specified in Article 26 of these Tender Documents. Unless the Tender Documents stipulate otherwise, provisions regulating rights and obligations related to elaboration and submission of the **“bid”** or **“initial bid”** apply as applicable also to rights and obligations related to the elaboration and submission of **“updated bid”** or **“final bid”** submitted after the end of negotiations.
- 19.2. Certificates and other documents which are part of the bid shall be submitted as follows:
- 19.2.1. Documents forming the Tenderer's bid not originally issued in electronic form but in a hard copy shall be submitted in their scanned version via the ERANET system. The tenderer may also submit copies of documents, including copies in electronic form.
- 19.2.2. Documents forming the Tenderer's bid originally issued in electronic form shall be submitted in their original electronic version via the ERANET system.
- 19.2.3. The Contracting Entity reserves the right to request from a Tenderer the original issue of documents submitted by the Tenderer in their bid in the scanned version in the following cases: the Tenderer has succeeded in this public procurement; the Contracting Entity acquires doubts as to the authenticity of such documents; if it is deemed necessary to ensure proper course of the public procurement process.
- 19.2.4. The documents submitted in the ERANET system shall correspond to their original form so that the Contracting Entity could faithfully assess the satisfaction of the participation conditions, requirements to the tender subject matter and the bid requirements. Documents submitted in this manner shall not be published by the Contracting Entity.
- 19.2.5. The documents signed or containing an imprint of a stamp s shall be submitted in electronic form with a statement of the first name and surname of persons who signed such documents and the date of signature without including the signature of such persons and imprint of such stamp. Documents submitted in this manner shall be published by the Contracting Entity under its profile in accordance with Section 64 (2) of the Public Procurement Act.

20. BID LANGUAGE

The bid, all certificates and documents that are part of the bid in this public procurement may be submitted in the **Slovak language** and may also be submitted in the Czech or English language. If the certificates, documents by means of which the candidate/group of candidates demonstrates compliance with the conditions of participation (art. 32 and art. 34 of the PPA) have been issued in original form in Slovak language or Czech language or English language, the Participant may submit such documents in their original form. If the certificates, documents by means of which the candidate/group of candidates demonstrates compliance with the conditions of participation (art. 32 and art. 34 of the PPA) have been issued in any other language than Slovak, Czech or



English the Participant must submit such document in official translation into English.

21. CURRENCY AND PRICES STATED IN THE BID

- 21.1. The price for supply of the requested tender subject matter proposed by a Tenderer and specified in the Tenderer's bid shall be given in euro.
- 21.2. Price under the contract must be set pursuant to Section 3 of the National Council of the Slovak Republic Act No. 18/1996 Coll. on Prices as amended, the Ministry of Finance of Slovak Republic Decree No. 87/1996 Coll. implementing Act No. 18/1996 Coll. on Prices.
- 21.3. The Tenderer must give a price for all the items specified in part A.3 of these Tender Documents – *"Bid Evaluation Criteria"*. The price calculation shall be an annex to the contract.
- 21.4. If the Tenderer is a payer of value added tax (hereinafter "VAT") in the Slovak republic (SR), he shall state the proposed price contractual price excluding VAT.
- 21.5. If the Tenderer is not a VAT payer in SR, he shall state this fact in his bid.
- 21.6. The Selected Candidate is, prior to submitting its bid, obliged to take into consideration everything that is essential for complete and due performance of the contract, whereby it shall include in its contractual prices all costs connected with performing the tender subject matter which could in any way affect the price and nature of the bid or provision of the service. In the event that the Tenderer succeeds, no claim made by the Tenderer to change the proposed price due to errors or omissions of its obligations shall be accepted.

22. BID SECURITY

The Contracting Entity shall not request furnishing of a Tender Security to secure the bid.

23. BID CONTENT

- 23.1 The initial bid submitted by a Tenderer must be elaborated in accordance with clause 23.4 of these Tender Documents.
- 23.2 The final bid (submitted after negotiations) must be elaborated in accordance with clause 23.5 of these Tender Documents.
- 23.3 The final bid will contain an updated version of the initial bid reflecting the results of negotiations and the signed negotiation protocols. The final bid must not change the bid parts that were not negotiated on and have no relation to the negotiation results. The Tenderer must not change the content of the bid that was negotiated on in ways that contravene the Contracting Entity's requests.
- 23.4 The **"Initial Bid"** must include the following documents:
 - 23.4.1 **potential proposal of comments regarding the template of the contract**, as referred to in the annex hereto – "Contract";

In the event of any modification of the contract, the Contracting Entity shall, before sending the Invitation to submit final bids or in the Invitation to submit final bids, notify all Tenderers not excluded from the tender of the final wording of the contract.
 - 23.4.2 information concerning the sub-suppliers in the scope subject to clause 10 hereof;
 - 23.4.3 **proposal of proving the fulfillment of the tender subject matter requirements**, prepared in a way that substantively corresponds to the content, scope and all terms and conditions of the tender subject matter as specified in the annex hereto – "Employer's Requirements".

In the proposal of performing the tender subject matter, the Tenderers shall be required to describe the proposed staffing, technical and organisational provision of the performance forming the tender subject matter. The description shall be sufficiently specific and clear in order that the Contracting Entity may assess its feasibility in relation to the scope and required qualitative and quantitative level of the procured performance. The proposal shall also include the following:

 - i. general technical description of the tender subject matter;



- ii. technical solution proposal;
- iii. confirmation of the required performance parameters;

23.4.4 **information on the person** whose services or documents have been used by the Tenderer in preparing the bid, where the Tenderer has not prepared the bid on its own, in the scope of the person's first name and surname, business name or title, address, seat or place of business, and ID number, if any. Otherwise the Tenderer shall indicate information that the bid was prepared solely by the Tenderer.

23.4.5 **Evaluation criteria form** in accordance with the requirements set out in article 21. The Tenderer manually enter the offered price into the ERANET system. At the same time the Tenderer shall submit a completed form of "Evaluation criteria form" according to the annex hereto as

- a) signed document by the authorised person on behalf of the Tenderer
- b) in editable in xls format.

Offered price entered in the ERANET system shall be identical to the price (the same number of decimal places) as indicated in the submitted form "Evaluation criteria form".

The Evaluation criteria form must take into consideration the requirements to the tender subject matter as specified in the *annex* hereto – "Employer's requirements" as well as the contractual terms and conditions. The criteria for evaluating bids as set out in part A.3 hereof – "Bid Evaluation Criteria".

23.4.6 **Declaration of Honour of the Tenderer regarding acceptance of the conditions of the procurement procedure and absence of conflict of interest**, prepared in accordance with the Annex to these Tender Documents.

23.4.7 **Confirmation of acquaintance with the Notice on Obtaining and Processing Personal Data** in compliance with clauses 35.1 and 35.2 hereof.

23.5 The "**Final Bid**" must include the following documents:

23.5.1 **a draft contract elaborated** in compliance with clause **without specification of the price**, reflecting the results of the negotiations with Tenderers, **including the annex – "CONTRACTOR PROPOSAL"** and the annex to the Employer's Requirements No. ... - "**Questions and Answers**" reflecting the results of the negotiations with Tenderers.

The successful Tenderer shall submit the other annexes before the signing of the contract.

The Tenderer must submit a draft contract conforming to the requirements laid down in the Tender Documents. The draft contract shall contain neither limitations nor reservations conflicting with the requirements and terms given in the contract notice, in these Tender Documents, and in other materials provided by the Contracting Entity, the requirements of the Contracting Entity presented during the negotiations, and it shall not contain provisions conflicting with applicable legislation or (in case of the draft contract annexes) technical regulations.

23.5.2 **A proposal of proving the fulfillment of the tender subject matter requirements**, signed by the authorised person on behalf of the Tenderer reflecting the results of the negotiations with Tenderers – within the scope and in the form according to the annex "**Technical Solution Form**".

23.5.3 **Evaluation criteria form** in accordance with the requirements set out in article 21, by directly entering figures in the ERANET system, in part "Enter Your Bid" – "Bid" – "Evaluation criteria form". The Tenderer shall at the same time enter into the system, in a manner specified in the previous sentence, the completed price calculation/price offer on the form that is part of these Tender Documents, in accordance with Clause 19, while taking into account the requirements for the tender subject matter set out in the annex "Employer's Requirements" and the contractual terms and conditions. The criteria for evaluating bids are set out in part A.3 hereof – "Bid Evaluation Criteria".

23.5.4 **Final bid** in a version that enables not to publicise confidential information and personal



data in compliance with clause 23.7 of this part of the Tender Documents bellow.

23.5.5 in the event of change of subcontractors compared to submitted initial bid – **information on subcontractors** within the range of clause 10.1.1 of these Tender Documents.

23.6 All parts of the bid as well as the submitted documentation, statutory declarations, the draft contract and its annexes must be signed by the Tenderer, its Statutory Body, member of the Statutory Body or other representative of the Tenderer who is authorised to act on behalf of the Tenderer in contractual relations, unless these Tender Documents stipulate otherwise. If the Tenderer grants the power of attorney to / authorises a third party to act on his behalf in signing the contract, the power of attorney (authorisation) authorising the person to sign the contract resulting from this tender shall be included in the final bid part "Other". If a bid is submitted by a group of suppliers, all parts of the bid, as well as the documentation above, must be signed by all group members or the person(s) authorised to act in this matter on behalf of the other group members.

23.7 For securing protection of personal data and confidential information forming a bid content the Tenderer shall submit electronically also a copy of a bid pursuant to clause 23.5.4 of this part of Tender Documents in format *Portable Document Format* (.pdf) in a version that enables not to publicise confidential information or personal data in terms of personal data protection standards (e.g. by omitting text forming confidential information). In case of documents signed or having a seal, these shall be submitted in an electronic form with name and surname of persons who signed the documents and signature date, without signature of these persons and seal.

24. BID AND NEGOTIATION COSTS

All costs and expenses related to the preparation and submission of the bid, the negotiations or possible provision of a technical solution, if required, shall be borne by the Tenderer without any financial claim against the Contracting Entity regardless of the outcome of public procurement.

PART IV.

BID SUBMISSION

25. TENDERER ENTITLED TO SUBMIT A BID

- 25.1. The bid can be submitted by a Tenderer who fulfilled the tender participation terms laid down by the Contracting Entity within this tender and whom the Contracting Entity has invited to submit a bid.
- 25.2. A natural person or legal entity acting individually vis-a-vis the Contracting Entity or a group of natural persons / legal entities acting jointly vis-a-vis the Contracting Entity can be a Tenderer.
- 25.3. A group of suppliers shall include the names of all its members in the bid. A chief member of the group of suppliers shall submit an electronic bid in the ERANET system under his own account.
- 25.4. A group of suppliers created for the purpose of the order subject matter supply/realization, whose bid is accepted by the Contracting Entity, shall establish a joint legal form by the date set for concluding the contract, e.g. an Agreement of Association pursuant to Section 829 and following of the Civil Code. The group members will confirm this obligation in the bid by a "Statutory Declaration on Establishment of Group". The statutory declaration must be signed by all the group members. Any change to the constitution of the group or change of Agreement of Association participants compared to its constitution presented for the purposes of submission of documents complying with the terms for participation in the tender shall be forbidden. Failure to comply with these provisions shall lead to disqualification of the Tenderer from the tender. In such case, the Tenderer shall be notified in writing of the disqualification of his bid, including the reasons for disqualification and the deadline for filing an objection.
- 25.5. A business company founded by a political party or movement or having a political party or movement as its partner, cannot be the Tenderer or a person interested in participation in the public procurement.
- 25.6. If the bid is presented by a natural person or a legal entity which does not meet the conditions



under this clause, the bid will not be included in evaluation and the Tenderer will be disqualified. The Tenderer shall be notified in writing of the disqualification of his bid, including the reasons for disqualification and the deadline for filing an objection.

- 25.7. The contracting entity may restrict the participation of a candidate, bidder or group of suppliers in public procurement, in particular exclude them or exclude their bid, if the candidate, bidder or group of suppliers is established in a third country with which neither the Slovak Republic nor the European Union has concluded an international treaty guaranteeing equal and effective access to public procurement in the third country for economic operators established in the Slovak Republic. The contracting entity may require a candidate or bidder to replace a subcontractor or third party through which they prove satisfaction of the participation conditions, if the subcontractor or third party is established in a third country with which neither the Slovak Republic nor the European Union has concluded an international treaty guaranteeing equal and effective access to public procurement in the third country for economic operators established in the Slovak Republic. The list of such third countries is kept and updated by the Office in cooperation with the Ministry of Foreign and European Affairs of the Slovak Republic and can be accessed on the website of the Office.

26. BID SUBMISSION AND THE BID SUBMISSION PERIOD

- 26.1. A tenderer can submit only one bid. If a tenderer submits multiple bids in the period for submitting bids, the contracting entity will consider only the bid submitted last and treat the other bids as bids submitted after the deadline for submission of bids. A final bid under clause 23.2 hereof is not considered a new bid
- 26.2. The Tenderer must submit the bid in electronic form pursuant to Section 49 (1a) of the Public Procurement Act via the ERANET system observing rules pursuant to article 11 of these Tender Documents.
- 26.3. The Tenderers shall submit the initial bid complying with clause 23.1 within the period specified in the call for submission of initial bids.
- 26.4. The Tenderers shall submit the final bid complying with clause 23.2 within the period specified in the call for submission of final bids.
- 26.5. The ERANET system doesn't allow to submit a bid after the bid submission period has passed.
- 26.6. The Tenderer is allowed to withdraw and/or replace a submitted bid unless the bid submission period has passed.

27. BID VALIDITY PERIOD

- 27.1. The Tenderer's bid shall remain valid until: 12 months.
- 27.2. In the event of an extension of the public procurement process, the expected extension of the bid validity period shall be communicated to the tenderers via electronic communication through the ERANET system.
- 27.3. The bid validity period (including its extension) shall not exceed 12 months from the deadline for submission of bids.

PART V.

GENERAL INFORMATION RELATED TO INITIAL, UPDATED AND FINAL BIDS

If there is a term bid used in this part of the Tender Documents and it isn't stipulated otherwise, the initial bid, updated bid and final bid is meant.

28. BID OPENING

- 28.1. The opening of final bids, i.e. the disclosure of electronic tenders in the Eranet system shall happen at the place and time notified by the Contracting Entity to the tenderers whose bids not



been excluded, no later than 5 working days before the opening of these bids.

- 28.2. The contracting entity shall allow all tenderers who submitted a bid within the deadline for the submission of final bids to attend the opening of bids. The committee will publish the number of submitted bids and proposals for meeting criteria that can be expressed in numbers; other information included in the bid, including the business name, registered office, place of business or address of residence of the tenderers will not be published. We draw your attention to the functionality of the opening bids directly in the Eranet system, which allows you to monitor the opening of bids in real time for each tenderer who submitted a bid within the deadline for submission of final bids.
- 28.3. The opening of bids is conducted as follows: **Online**.
- 28.4. The Contracting Entity shall perform the opening bids by means of the online disclosure of bids to tenderers.
- 28.5. The manual for the Eranet information system for online opening of bids forms an attachment to the tender documents. For candidates in the tender, the section "opening bids online", will be added in the Eranet system.
- 28.6. The ERANET system automatically enables all tenderers who have submitted a bid to monitor the opening of bids. The system also registers the logged in user accounts of these tenderers and keeps a record of this fact. Tenderers therefore need not avail themselves of the option to attend the opening of bids in person at the place and time set by the contracting entity, because the ERANET system enables direct participation in the opening by remote means.

29. CLARIFICATION OF BIDS

- 29.1. In case of doubts, a Tenderer can be asked to clarify parts of his bid within a period specified by the committee in writing. The bid may not be modified by the clarification pursuant to the previous sentence. Corrections of obvious mistakes in spelling or arithmetic calculations shall not be considered a modification of bid.

30. EVALUATION OF BIDS

- 30.1. The committee evaluates the bids in compliance with provisions to Section 53 of the Public Procurement Act.
- 30.2. The committee accepts only bids of Tenderers, which don't contain neither limitations nor reservations in conflict with requirements and terms laid down by the Contracting Entity in the contract notice, in these Tender Documents, and which do not contain facts in conflict with applicable legislation.
- 30.3. The committee disqualifies the bid if some of the facts pursuant to Section 53 (4) of the Public Procurement Act appears.
- 30.4. If the committee finds out after the initial bids' examination that more than one bid meets all the Contracting Entity's requirements set out in the Tender Documents and other documents provided by the Contracting Entity for the initial bid elaboration, the committee will start negotiations with the Tenderers on the initial bids pursuant to article 31 of these Tender Documents.
- 30.5. If during the negotiations the committee finds that, given the sufficient number of suitable bids that have not been excluded, it is appropriate to apply a procedure under clause 31.5, it shall reduce the number of bids to be negotiated on the basis of bid evaluation criteria set out in a notice used as an invitation to tender so that the number attained in the final stage allows for competition.

31. NEGOTIATION WITH TENDERERS ON INITIAL BIDS AND CALL FOR SUBMISSION OF FINAL BIDS

- 31.1. **Relation of general provisions of the Tender Documents and the negotiation procedure set out below.**

Unless specified otherwise below, the provisions related in particular to price, content, costs,



submission, opening, examination, evaluation, notification of the outcome of bid evaluation and conclusion of the contract in compliance with the Tender Documents are applied accordingly.

31.2. Purpose of negotiation

The aim of negotiation is to obtain the most favourable terms of supply/realization of the tender subject matter both from the technical and from the economic viewpoint by communication with Tenderers. It is exclusively the Contracting Entity's responsibility to decide which terms of the tender subject matter supply proposed by the Tenderers during negotiations are accepted and marked binding for the further tender negotiation procedure, and which terms of the tender subject matter supply proposed by the Tenderers are refused as unacceptable with the possibility of potential termination of further negotiation of this solution and disqualification of a bid of the Tenderer who does not adapt his proposal to the Contracting Entity's needs, and therefore failed to meet requirements of the Contracting Entity on the tender subject matter. The intended outcome of negotiations is the submission of final bids of the Tenderers who met all requirements for the tender subject matter specified by the Contracting Entity.

31.3. Invitation to negotiate

In compliance with the terms published in the contract notice, in the Tender Documents, or in other materials provided by the Contracting Entity, the Contracting Entity will send an invitation to participate in negotiations to the Tenderers who submitted bids by the basic bid submission deadline. In the invitation for negotiation, the Contracting Entity can specify in particular other information about rules and form of the negotiation, the language of the negotiations, and the time and place of the negotiations.

31.4. Negotiations

Negotiations on terms and conditions of the bid will be conducted with each Tenderer individually. The negotiation rules are as follows:

- 31.4.1. Negotiation with every Tenderer is considered to be ongoing until a status acceptable to the Contracting Entity is reached unless the Tenderer is disqualified pursuant to clause 31.5 of these Tender Documents. The negotiation can be interrupted. The time, place and form of continuation of the negotiation, after being interrupted, shall be specified by the Contracting Entity and communicated to the Tenderer with adequate advance notice having reference to the chosen form of negotiations.
- 31.4.2. Negotiations can be conducted in forms of personal meetings or via electronic communication. The appropriate form and intensity of negotiations is determined by the Contracting Entity.
- 31.4.3. The Contracting Entity shall prepare at least one set of meeting minutes, which shall include in particular all essential facts discussed during the negotiation that may affect the content of the final tender. If the Tenderer's bid is disqualified during the negotiation pursuant to clause 31.5 of these Tender Documents, this fact should be mentioned in the record as well and the Tenderer shall be notified in writing of the disqualification of his bid including the reasons for disqualification and the period within which he can file an objection. Every minutes becomes part of the public procurement documentation.
- 31.4.4. The Contracting Entity shall send a notice of the termination of the negotiations to all Tenderers whose bids have not been disqualified.

31.5. Reducing the number of bids that shall be negotiated based on the bids evaluation criteria

- 31.5.1. The Contracting Entity reserved a right in notification used as call for tender to perform negotiations in several consecutive stages with aim to reduce number of offers that shall be negotiated based on criteria for offers evaluation stated in notification used as call for tender. The Contracting Entity can make decision to perform negotiation in stages anytime after finishing first negotiation and before a call for submitting final bids in accordance with the



point 31.6 of these Tender Documents.

- 31.5.2. If the Contracting Entity decides to perform negotiation in stages pursuant to the point 31.5.1 of these Tender Documents, it can call the Tenderers for submission of updated bids after finishing some of the negotiation stage. The Contracting Entity shall state all substantial requirements concerning content of updated bids, conditions of their submission and evaluation.
- 31.5.3. The Contracting Entity shall evaluate the updated bids submitted based on the Contracting Entity's Call pursuant to clause 31.5.2 of these Tender Documents according to criteria for bids evaluation in terms of Annex A.3 of these Tender Documents – "*Criteria for bids evaluation*". The bids of Tenderers that will not forward to further negotiation process, shall be excluded.
- 31.5.4. If the Contracting Entity uses the possibility of reduction of bids number, it shall always allow an economic competition to numbers reached in last phase if there's sufficient number of suitable not excluded bids.

31.6. Call for submission of final bids

- 31.6.1. The Contracting Entity will send at the same time the call for submission of final bids to the Tenderers whose bids hadn't been excluded from the tender. The Contracting Entity's call for the Tenderers to submit final bids will include detailed information on the time, place and method of submitting the final bids.
- 31.6.2. The call for submission of final bids may contain updated conclusions of the negotiations under clause 31.4.3 of these Tender Documents. The Tenderers, who were not disqualified, will submit their final bids based on the information obtained during negotiations and in compliance with the Contracting Entity's updated requirements for the tender subject matter described in the call for submission of final bids. If the Tenderer does not submit the updated bid in compliance with the previous sentence, the bid he was bound with shall be disqualified from the tender procedure on grounds of its failure to meet requirements for the tender subject matter. The Tenderer shall be notified in writing of the disqualification of his bid, including the reasons for disqualification and the deadline for filing an objection.

31.7. Validity of last bid

- 31.7.1. The Contracting Entity advises that in case if terms and conditions / requirements on tender subject matter given in call for submission of updated bid in terms of clause 31.5.2 of these Tender Documents or final bid in terms of 31.6 of these Tender Documents will not change and the Tenderer:
- 31.7.1.1 will not submit an updated bid, resp. final bid requested by the Contracting Entity or
- 31.7.1.2 in last updated, resp. final bid will state higher price for procuring the tender subject matter in comparison with the last bid submitted by the Tenderer,
- the Contracting Entity will consider as a binding bid always its last updated bid (t.i. basic bid, resp. its last updated bid). In such case holds that if basic bid was secured by a guarantee and within bid validity period a circumstance pursuant to Section 46 (6) of the Public Procurement Act occurs, the guarantee provided by the Tenderer forfeits to the benefit of the Contracting Entity.

32. ELECTRONIC AUCTION

This clause does not apply.

PART VI.

ACCEPTANCE OF A BID

33. INFORMATION ON THE OUTCOME OF FINAL BID EVALUATION

- 33.1. After the evaluation of the bids, the Contracting Entity will request proof of compliance with the conditions of participation from Tenders who were ranked in the first position, who have proved



compliance with the conditions of participation using a European single procurement document, if the tenderer has not already been requested to do so. Tenderers must submit documents within 5 working days from the date of delivery of the request if the Contracting Entity doesn't provide longer period. Failure to submit the documents within this deadline is considered non-compliance with the conditions of participation. The Contracting Entity shall exclude the Tenderer if some of the facts pursuant to the Section 40 (6) of the Public Procurement Act occurs. The excluded Tenderer shall be notified of his exclusion together with reasons for it and the deadline for filing an objection. In the event that the Tenderer is excluded, subsequently the satisfaction of participation conditions of the Tenderer next in order shall be evaluated so that the Tenderers ranking on the first positions in the newly compiled list satisfy the participation conditions. The Contracting Entity shall request that the Tenderer submits documents proving the satisfaction of participation conditions within the period of 5 business days as of the day of delivery of the request, unless the Contracting Entity stipulates in the request a longer period, and evaluate these subject to Section 40 of the Public Procurement Act.

- 33.2. After the evaluation of fulfilment of the conditions of participation, the Contracting Entity shall send notification of the outcome of bid evaluation, including the ranking of Tenderers, to every Tenderer whose bid was evaluated. An unsuccessful Tenderer will be informed that his bid was unsuccessful with specification of the reason. Notification will also include identification of the successful Tenderer, information on the characteristics and advantages of the chosen bid, the result of evaluation of compliance with the conditions of participation in the case of the successful tenderer, including information proving fulfilment of the conditions of participation relating to financial and economic status and technical or professional competence including the identification of any person providing financing within the meaning of Section 33(2) or technical and professional capacity within the meaning of Section 34(3), and the period in which an unsuccessful Tenderer may file an objection.
- 33.3. A notification will be sent to the successful Tenderer that his bid has been accepted.
- 33.4. The Contracting Entity shall invite the successful Tenderer to submit a signed draft contract in 4 counterparts including annexes elaborated in compliance with these Tender Documents.

34. CONTRACT AWARDING

- 34.1. The Contracting Entity shall conclude a contract with the successful Tenderer pursuant to the provisions of Section 56 of the Act.
- 34.2. The Contracting Entity shall not conclude the contract with a Tenderer obliged to be listed in the register of public sector partners and who has failed to do so and Tenderer obliged to be listed in the register of public sector partners whose Ultimate beneficial owner listed in the register of public sector partners is a person listed in provision 11 (1) letter c) of the Act or whose subcontractors or subcontractors under a specific regulation are obliged to be listed in the register of public sector partners and have failed to do so, in the register of public sector partners lists an Ultimate beneficial owner who is listed in provision 11 (1) letter c) of the Act.
- 34.3. For the purpose of ensuring the consistent application of international sanctions, the Contracting Authority reserves the right to request a completed and signed KYC questionnaire from the bidder at any time during the procurement procedure. The KYC questionnaire forms an annex to these tender documents. The bidder is obliged to submit a duly completed and signed KYC questionnaire within two working days from the date of receipt of the request. The completed and signed KYC questionnaire shall be submitted via the ERANET system.
- 34.4. The Contracting Entity has established as a specific condition for the performance of the contract that the successful tenderer, as well as any of its subcontractors under clause 34.5.1 below, are not sanctioned persons, where entering into and/or performing the contract with such tenderer would constitute a breach of any applicable Sanctions Program (as defined below). Furthermore, entering into and/or performing the contract with the successful tenderer must not otherwise result in a breach of any applicable Sanctions Program, including due to any goods under clause 34.5.2 below being considered sanctioned goods. For the purposes of these tender documents, the term



“**sanctioned person**” shall mean any natural or legal person who:

- 34.4.1. is listed or included in any list of sanctioned persons, other sanctions list, sanctions program, or decision issued or maintained by any of the relevant sanctions authorities, the list of which is published as of the date of preparation of these tender documents on the website <https://www.seas.sk/en/about-us/international-sanctions/> (the version of this list valid as of the relevant date forms Annex to these tender documents). (All sanctions lists and programs issued by such sanctions authorities, in their valid wording and scope, are hereinafter collectively referred to as “Applicable Sanctions Programs”); or is the target of, or subject to, any Applicable Sanction Program; or
 - 34.4.2. is directly or indirectly owned, controlled, or influenced by a person referred to in clause 34.5.1 above or a person referred to in clause 34.4.3 below, or any of its representatives or any person acting on its behalf or for its account is a person referred to in clause 34.4.1 above or in clause 34.4.3 below, or
 - 34.4.3. as its registered office, place of business or income, or conducts any commercial activities in the territory of any state or region listed in the list of relevant sanctioned states or territories published on the website <https://www.seas.sk/en/about-us/international-sanctions/> (the version of this list valid on the relevant date forms Annex to these tender documents), to the extent or in a manner that subjects the natural or legal person to the applicable sanctions program related to that state or territory; and for the purposes of these tender documents, the term '**sanctioned goods**' shall mean any goods subject to any measures under any applicable sanctions program.
- 34.5. To demonstrate the ability to meet the specific condition for contract performance, the following shall also be decisive:
- 34.5.1. any subcontractor of the successful bidder involved in the performance of the contract, known to the bidder as of the date of contract conclusion; and
 - 34.5.2. any goods that are to be part of the contract performance and known to the bidder as of the date of contract conclusion.
- 34.6. Failure to provide proper cooperation shall include not only the failure to submit or incomplete completion of the KYC questionnaire (if its submission is required pursuant to clause 34.3 above), but also the situation where the Contracting Entity determines (based on information provided in the KYC questionnaire or by any other means) that:
- 34.6.1. the successful tenderer is a sanctioned person, where entering into and/or performing the contract with such tenderer would constitute a breach of any Applicable Sanctions Program, and if the procedure under clause 34.7.1 below is permissible under the given circumstances, the reason or threat of such breach cannot be resolved even by following the procedure under clause 34.7.1 below;
 - 34.6.2. any subcontractor of the successful tenderer under clause 34.5.1 above is a sanctioned person, whose involvement would result in a breach of any Applicable Sanctions Program, and the reason or threat of such breach cannot be resolved even by following the procedure under clause 34.7.2 below;
 - 34.6.3. any goods under clause 34.5.2 are sanctioned goods, and the mere conclusion of the contract (or due to actions or circumstances related to the conclusion of the contract) would result in a breach of any Applicable Sanctions Program, and the reason or threat of such breach cannot be resolved even by following the procedure under clause 34.7.3 below; and/or
 - 34.6.4. entering into and/or performing the contract with such successful tenderer would, for any other reason, result in a breach of any Applicable Sanctions Program.
- 34.7. In the event that:
- 34.7.1. the successful tenderer is a sanctioned person and entering into and/or performing the contract with such tenderer would result in a breach of any Applicable Sanctions Program,



and such Applicable Sanctions Program explicitly allows for the possibility of entering into and performing the contract with such tenderer (sanctioned person) without breaching the Applicable Sanctions Program, provided that the relevant sanctions authority grants an exemption or consent, the Contracting Entity shall invite the tenderer to provide, within a reasonable period determined by the Contracting Entity, all cooperation, information, and documentation required by the Contracting Entity for the proper submission of a request for the relevant exemption or consent permitting the conclusion and performance of the contract with the tenderer without breaching the Applicable Sanctions Program;

34.7.2. any subcontractor under clause 34.5.1 above is a sanctioned person and entering into and/or performing the contract with such tenderer would result in a breach of any Applicable Sanctions Program, the Contracting Entity shall invite the tenderer, within a reasonable period determined by the Contracting Entity, to:

34.7.2.1. replace each such subcontractor with a subcontractor who (i) is not a sanctioned person, and (ii) also meets all conditions set out in the tender documents, and simultaneously submit to the Contracting Entity a new properly and fully completed KYC questionnaire (if its submission is required pursuant to clause 34.3 above), with declarations fully reflecting each such change; or

34.7.2.2. if

- (i) the above-mentioned replacement of any such subcontractor is not possible (e.g., due to the unavailability of a suitable alternative subcontractor), and
- (ii) (ii) the Applicable Sanctions Program explicitly allows for the possibility of entering into and performing the contract with the involvement of such subcontractor (sanctioned person) without breaching the Applicable Sanctions Program, provided that the relevant sanctions authority grants an exemption or consent,

then the tenderer shall provide the Contracting Entity with all cooperation, information, and documentation required by the Contracting Entity for the proper submission of a request for the relevant exemption or consent permitting the conclusion and performance of the contract with the tenderer (with the involvement of the given subcontractor) without breaching the Applicable Sanctions Program.

34.7.3. If any goods referred to in point 34.5.2 above constitute sanctioned goods and the mere conclusion of the contract (or due to actions or circumstances related to the conclusion of the contract) would result in a breach of any Applicable Sanctions Program, the Contracting Entity shall request the Tenderer to, within a reasonable period specified by the Contracting Entity:

34.7.3.1. replace each such good with goods that are not sanctioned goods and that, when used, will ensure that the performance of the contract continues to meet all conditions set out in the tender documents, and simultaneously submit to the Contracting Entity a newly completed and duly filled-in KYC questionnaire (if its submission is required pursuant to point 34.3 above), with declarations fully reflecting each such change; or

34.7.3.2. if

- (i) the replacement of any sanctioned goods as described above is not possible (e.g. due to the unavailability of suitable alternative goods), and
- (ii) the relevant Applicable Sanctions Program explicitly allows for the conclusion and performance of the contract with the sanctioned goods without breaching the Applicable Sanctions Program, provided that the relevant sanctions authority grants an exemption or approval,

the Tenderer shall provide the Contracting Entity with all cooperation, information, and documentation required by the Contracting Entity for the proper submission of a request for an



exemption permitting the conclusion and performance of the contract with the given Tenderer (including, but not limited to, actions related to the delivery, acceptance, acquisition of such goods, and payment for them) without breaching the relevant Applicable Sanctions Program.

- 34.8. If the tenderer fails to properly fulfill, within the deadline set by the Contracting Entity, any of the steps under clauses 34.7.1, 34.7.2 and/or 34.7.3 above (as applicable under the given circumstances), or if such steps are fulfilled by the tenderer but, despite submitting the relevant request for an exemption or consent under clause **Chyba! Nenašiel sa žiaden zdroj odkazov.,** 34.7.2.2 or 34.7.3.2 above (as applicable), the required exemption or consent is not obtained (e.g., because the relevant sanctions authority refuses to grant the exemption or consent), the Contracting Entity shall consider this as a failure to provide proper cooperation by the tenderer within the meaning of these tender documents.
- 34.9. The successful tenderer or tenderer is obliged to provide the Contracting Entity with proper cooperation necessary for the conclusion of the contract so that it may be concluded in accordance with § 56 paragraphs 5 and 7 of the Act within 10 working days from the expiry of the period under § 56 paragraphs 2 to 4 of the Act, if the tenderer has been invited in writing to conclude the contract. Prior to issuing a written invitation to conclude the contract, the Contracting Entity may conduct negotiations with the successful tenderer or tenderers exclusively regarding the reduction of the contract price. The Contracting Entity may determine, also based on a justified request from the successful tenderer or tenderer, that the period for providing cooperation is longer than ten working days. If the successful tenderer or tenderer refuses to conclude the contract or fails to fulfill the obligation under the first sentence, or if the obligation under § 11 paragraph 1 of the Act regarding registration in the Register of Public Sector Partners is not fulfilled, the Contracting Entity may conclude the contract with the tenderer who ranked next in order. The tenderer, as well as its subcontractors, must be registered in the Register of Public Sector Partners pursuant to § 11 paragraph 1 of the Act, if this obligation applies to them. The tenderer undertakes to submit the following documents to the Contracting Entity prior to signing the contract, as part of the cooperation under § 56 paragraph 5 of the Act:
- 34.9.1. **any documents that the Contracting Entity may require from the tenderer within any of the procedures under clause 34.7 above (if and to the extent applicable), as well as a properly, fully, and truthfully completed KYC questionnaire (if its submission is required pursuant to clause 34.3 above), in which the tenderer shall, through its declarations, demonstrate that the tenderer, as well as any of its subcontractors under clause 34.5.1 (if applicable), is not a sanctioned person, that none of the goods under clause 34.5.2 (if applicable) are sanctioned goods, and that entering into and/or performing the contract with such tenderer would not result in a breach of any Applicable Sanctions Program.**
- 34.10. In announcing this public procurement, the Contracting Authority proceeded on the assumption (circumstance) that the costs of providing the service constituting the subject of the contract would be equal to or lower than the estimated value of the contract. If the outcome of the bid evaluation does not confirm this assumption, the Contracting Authority reserves the right to cancel the procurement procedure used pursuant to § 57(2) of the Act, due to a change in the circumstances under which the public procurement was announced.

PART VII.

OTHER INFORMATION

35. PROTECTION OF PERSONAL DATA AND CONFIDENTIALITY OF THE PUBLIC PROCUREMENT PROCESS

- 35.1. The Contracting Entity may throughout the procurement process obtain and process personal data, every time in full compliance with the relevant legal regulations. This concerns primarily personal data of Candidates/Tenderers – individuals and personal data of members of statutory and supervisory bodies of Candidates/Tenderers – legal entities and their associates,



shareholders or other controlling persons as listed in the publicly available registers (hereinafter simply the **“Publicly listed persons”**), as well as personal data submitted to the Contracting Entity by Candidates/Tenderers during their participation in the procurement process (e.g. personal data of persons through which Candidates/Tenderers prove the satisfaction of participation conditions, personal data of persons involved in any way in the performance of the tender subject matter, etc.) (hereinafter simply the **“Specifically named persons”**). More information on the manner, scope and legal basis for processing personal data as well as on related rights of data subjects is given in the Notice on Obtaining and Processing Personal Data (hereinafter simply the **“Notice”**) wordings of which are published on the following website: <https://www.seas.sk/pre-dodavatelov/obstaravanie/>. Prior to submitting a bid, a Candidate/Tenderers shall be required to provide for the familiarisation of any of their Publicly registered person with the entire wording and terms of the Notice. If Candidate/Tenderer indicates or submits within its application for participation/bid any personal data of any Specifically named person, such Candidates/Tenderer shall be required to provide for the acquaintance of any of such Specifically named persons with the entire wording and terms of the Notice prior to the submission of an application for participation/bid, and to also attach to their application for participation/bid a confirmation signed by each and any of such Specifically named persons regarding their acquaintance, issued on a paper form which is a part of the Notice.

- 35.2. A Candidate/Tenderer shall be required to satisfy their obligations ensuing from clause 35.1 hereof no later than on the day of submitting their application for participation/bid to the Contracting Entity. A Candidate/Tenderer shall not be required to prove the satisfaction of this condition to the Contracting Entity, with the exception of submitting a Confirmation of acquaintance with the Notice (pursuant to clause 35.1 hereof). Satisfaction of the obligation under the first sentence above shall be confirmed by the Candidate/Tenderer every time primarily by submitting their application for participation/bid to the Contracting Entity.
- 35.3. Information related to the examination, clarification and evaluation of bids shall be confidential. Members of the bid evaluation committee and authorised persons of the Contracting Entity may not / shall not provide or publish the information on bids' contents during the on-going public procurement process either to other Tenderers or any other third parties. After conclusion of the contract, the Contracting Entity shall publish a scan of the minutes of the examination of fulfilment of terms of participation in the public procurement, bid of successful Tenderer, a scan of the minutes of the opening of the bids, a scan of the minutes of the evaluation of the bids, and a scan of the concluded contract or amendment in its “Profile” on the website of the Office for Public Procurement.
- 35.4. Information marked by the Tenderer as confidential in his bid shall not be published or otherwise used without prior consent of the Tenderer unless:
- 35.4.1. the information marked as confidential contravenes the Act or other acts of general application,
- 35.4.2. it is not unambiguously clear which information the Tenderer considers confidential.
- Otherwise the Contracting Entity will publish the complete bid on the “Profile”.
- 35.5. The Tenderer must maintain the confidentiality of confidential information that is provided to him in the course of public procurement.

36. FINAL PROVISION

- 36.1. Management of business activities and internal relations of company Slovenské elektrárne, a.s., is performed in compliance with the principles stipulated in the SE Ethical Code and Zero Tolerance of Corruption Plan (the Principles), the wording of which can be found at the link <https://www.seas.sk>.
- 36.2. Within the measures pursuant to the preceding point, the Contracting Entity requires the Candidate, the Tenderer, or any member of a Group of Suppliers to act at all stages of the public procurement process so as to prevent any conflict of interest.
- 36.3. The Tenderer is obliged, without delay after becoming aware of a conflict of interest or the



possibility of its arising, to inform the Contracting Entity of this fact.



A.2 CONDITIONS OF PARTICIPATION

1 COMMON PROVISIONS

- 1.1 Fulfilment of the participation requirements may be demonstrated by means of the European Single Procurement Document (ESPD) pursuant to § 39 of Act No. 343/2015 Coll. on Public Procurement and on Amendments and Supplements to Certain Acts, as amended (hereinafter referred to as the "Public Procurement Act" or "ZoVO"), whereby the documents proving the fulfilment of the participation requirements shall be submitted to the contracting authority by the Candidate ranked first, at the time and in the manner determined by the contracting authority in accordance with § 55(1) of the ZoVO. **The European Single Procurement Document (ESPD) form** with the completed data in Part I forms an annex hereto.
- 1.2 The ESPD contains an updated declaration by the economic operator stating that:
- a) there is no ground for exclusion,
 - b) it meets the objective and non-discriminatory rules and criteria for the selection of a limited number of candidates, if the contracting authority has limited the number of candidates,
 - c) it will provide the contracting authority, upon request, with the documents that have been replaced by the ESPD.
- 1.3 In the ESPD, the economic operator shall indicate other relevant information as required by the contracting authority, including the authorities and entities issuing documents proving the fulfilment of the participation requirements. If the required documents are directly and freely accessible to the contracting authority in electronic databases, the economic operator shall also provide information necessary to access such databases, in particular the internet address of the database, any identification data, and consents required for access.
- 1.4 If the Candidate demonstrates technical or professional capacity through another entity, the ESPD shall also include the information referred to in the previous paragraph regarding that entity.
- 1.5 The ESPD form with completed data in "Part I" forms an annex to these tender documentation.
- 1.6 The ESPD must be prepared in the language of the submitted tender. If a group of suppliers participates jointly in the procurement procedure, a separate ESPD must be submitted for each participating economic operator, containing the required information (in Parts II to IV of the standard ESPD form).
- 1.7 When using the ESPD, the Candidate is **allowed** to complete **only the global indication α (alpha)** in Part IV – participation requirements (fulfilment of § 34 of the ZoVO), i.e., it is not necessary to complete the other sections of Part IV.
- 1.8 Access to the electronic version of the ESPD form is available via the [ESPD](#) link, and the pre-filled content can be downloaded from the document in the tender documentation (espd-request).
- 1.9 When completing the ESPD, the Candidate shall follow the manual published on the website of the Public Procurement Office: <https://www.uvo.gov.sk/jednotny-europsky-dokument-pre-verejne-obstaravanie-602.html>
- 1.10 If the Candidate provisionally replaces the documents proving the fulfilment of the participation requirements with the ESPD, the contracting authority may request the submission of the replaced documents at any time during the procurement procedure. Failure to submit the documents within **5** working days from the date of delivery of the request, or within a longer period specified by the contracting authority, shall be grounds for exclusion of the Candidate pursuant to § 40 (6) (i) of the PPA.

2 CONDITIONS OF PARTICIPATION IN PUBLIC PROCUREMENT PURSUANT TO SECTION 32 PERSONAL STATUS

- 2.1 Only those entities meeting the conditions of participation concerning personal status as defined in the provision of Section 32 (1)(e) and (f) of the Public Procurement Act may participate in this



public procurement.

2.2 A Candidate shall satisfy the following conditions of participation concerning the personal status and prove their satisfaction through the submission of the document listed below (these may be replaced by the European Single Procurement Document):

- it is **authorised** to deliver goods, carry out civil works or provide service in relation to at least one tender subject matter for which the Candidate submits a bid/application for participation;
 - proof document: *authorising it to deliver goods, carry out civil works or provide the service*:
 - a trading licence or an excerpt from the trading licence register (e.g., an entrepreneur – natural person, an entrepreneur – government-subsidised organisation);
 - a simplified excerpt from the Commercial Register (e.g., an entrepreneur – legal entity, an entrepreneur – natural person entered in the Commercial Register);
 - other than a trading licence issued under specific regulations.
- **does not have a ban on participation in public procurement** confirmed by a final decision in the Slovak Republic and in the country of its registered office, place of business, or habitual residence,
 - proof document: Affidavit

2.3 A candidate registered in the list of economic operators pursuant to Section 152 of the PPA may demonstrate compliance with the conditions for participation relating to personal status under Section 32(1)(a) to (f) of the PPA by means of registration in the list of economic operators. If the registration of the candidate in the list of economic operators does not include all documents required to demonstrate compliance with the conditions for participation in accordance with Section 32(2) of the PPA valid at the time of publication of this public procurement, the candidate shall submit such documents as part of the request to participate.

2.4 A candidate who is not registered in the list of economic operators pursuant to Section 152 of the PPA shall demonstrate compliance with the conditions for participation relating to personal status by submitting documents in accordance with Section 32(2) of the PPA.

2.5 If a candidate has its registered office, place of business or habitual residence outside the territory of the Slovak Republic and the state of its registered office, place of business or habitual residence does not issue any of the documents referred to in Section 32(2) of the PPA, or does not issue equivalent documents, such documents may be replaced by a solemn declaration made in accordance with the legislation of the state of its registered office, place of business or habitual residence.

2.6 If the law of the state of a candidate with its registered office, place of business or habitual residence outside the territory of the Slovak Republic does not provide for the institution of a solemn declaration, it may be replaced by a declaration made before a court, administrative authority, notary, other professional institution or commercial institution in accordance with the legislation of the state of the candidate's registered office, place of business or habitual residence.

2.7 A Candidate who is made of a group of suppliers demonstrates the satisfaction of conditions of participation concerning the personal status for each member of the group separately.

2.8 The Contracting Entity is not entitled to use data from information systems of public administration pursuant to special act and the Candidate (if he is not entered in the list of economic operators or if he doesn't replace temporarily the documents by submitting the European Single Procurement Document) shall submit to the Contracting Entity in a bid all documents pursuant to clause 2 of this part of Tender Documents for the purpose of proving the satisfaction of participation conditions concerning personal status.

2.9 The contracting entity shall not require the submission of any document or documents that it has



based on another public procurement procedure provided such documents are up-to-date and valid. To facilitate the identification of documents covered by the first sentence, the candidate or tenderer shall specify, in the request to participate or the bid, the public procurement procedure in which the documents covered by the first sentence were submitted, including the precise identification of the part of the bid or request to participate in which the document was provided.

3 CONDITIONS OF PARTICIPATION IN PUBLIC PROCUREMENT PURSUANT TO SECTION 33 FINANCIAL AND ECONOMIC STATUS

Not applicable

4 CONDITIONS OF PARTICIPATION IN PUBLIC PROCUREMENT UNDER SECTION § 34 TECHNICAL CAPACITY OR PROFESSIONAL COMPETENCE

4.1 Only the person meeting the requirements set out below to prove the **technical and professional competence** and proving their satisfaction through the submission of the listed documents (may be replaced by the European Single Procurement Document) may participate in this public procurement:

4.1.1 References:

In accordance with the provision of Section 34 (a) of the Public Procurement Act: **A list of deliveries of goods/provided services of equal or similar nature and complexity as that of the tender subject matter carried out during the preceding three years** prior to the declaration of the public procurement, with indication of the price, delivery period and customers.

The document constitutes a reference where the customer was a public procurer or Contracting Entity under the Public Procurement Act.

Minimum required level of the standard:

List of duly delivered supplies (references) for the execution of at least one modernization of a Francis turbine, which included:

- design of the hydraulic profile of the runner, guide vanes, and fixed stay vanes, including verification of the design by model testing,
- manufacture of a new runner,
- modification of profiles or manufacture of new guide vanes (GV),
- modification of the profiles of fixed stay vanes on site,
- modification of the high-pressure hydraulic system for turbine control and regulation with an operating pressure of at least 8 MPa.

Minimum parameters of the modernized and refurbished turbines:

- Minimum output: 80 MW
- Minimum runner diameter of the Francis turbine: 2,000 mm
- Minimum head: 90 m

Minimum flow rate: 20 m³/s

The demonstration of the individual activities described above does not need to originate from a single contract, but must not be older than 20 years from the date of publication of this public procurement.

Twenty years interval for the provided works was chosen because the scale and the rare occurrence of such projects. Therefore, the 5-year interval would not even cover the length of such projects. The contracting entity in accordance with § 34(2), determined a longer period than the period specified in § 34(1)(b) of the Public Procurement Act in order to ensure sufficient economic competition, taking into account the specificity of the contract, as contracts of a similar nature are implemented only after the end of their service life, which in this case was after 30 years. After the construction of hydropower plants, such fundamental components are not replaced before the



expiration of their service life, which in most cases is 30+ years. On hydropower plants operated by the controlled entity, such replacements have not been carried out at all since their commissioning. To capture the interval during which similar contracts could have been realized on the market, the reference period was extended to 20 years to enable the widest possible access to economic competition.

A Candidate shall indicate for which hydro power plant the modernization was carried out and to what extent. The list of supplies/services must demonstrate that the Candidate has, during the relevant period, delivered goods/provided services of the same or similar nature as the subject of the contract, with a cumulative value of at least EUR 2,000,000 excluding VAT (in words: two million euros excluding VAT). If the submitted references include services or goods other than those constituting the subject of the contract, the document must clearly indicate the value of the services or goods that are relevant to the subject of the contract, in order to allow for an objective assessment of compliance with the participation requirements. **The list must include at least the following information:**

- name and registered office of the client,
- contact details of the client for verification purposes (name and surname, telephone number, e-mail),
- subject of the contract,
- description of the subject of the contract,
- period of delivery, from – to, month and year,
- total contract price excluding VAT for the required period.

In accordance with Section 34(2) of the PPA, the Contracting Entity has determined a longer reference period than that specified in Section 34(1)(a) of the PPA in order to ensure sufficient competition, taking into account the specific nature of the contract.

- 4.1.2 In accordance with Section 35 of the Public Procurement Act, the measures regarding the **quality management system** should be put in place.

Minimum required level of the standard:

The Candidate shall present a valid quality management system certificate issued by an independent institution, confirming the satisfaction of requirements of technical standards to the quality management system by the Candidate according to the standard STN EN ISO 9001 concerning the field of the tender subject matter.

The Contracting Entity shall recognise as equivalent a quality management certificate issued by a competent official body of a Member State. Where the Candidate had objectively no possibility of obtaining the relevant certificate within the relevant time limits, the Contracting Entity shall also accept the evidence of equivalent quality assurance measures submitted by the Candidate, proving that the proposed quality assurance measures comply with the required quality assurance standards.

- 4.1.3 In accordance with Section 35 of the Public Procurement Act there must be in place a documented and functional safety management system in accordance with ISO 45001 standards, in order to ensure the quality of performance..

Minimum required level of the standard:

The Candidate shall submit a valid OH&S management system certificate confirming that the Candidate has satisfied the requirements for the OH&S management system



according to ISO 45001 standards relating to the field of the tender subject matter.

The Contracting Entity shall recognise as equivalent a certificate issued by authorities from EU Member States. If the Candidate objectively didn't have a possibility to gain a respective certificate in determined periods, the Contracting Entity shall also accept the evidence of equivalent quality assurance measures submitted by the Candidate, proving that the proposed quality assurance measures comply with the required quality assurance standards.

- 4.2 The Candidate may, in accordance with Section 34(3) of the Public Procurement Act (PPA), rely on the technical and professional capacities of another person to demonstrate its technical or professional capability, regardless of the legal relationship between them. In such a case, the Candidate must prove to the Contracting Entity that it will actually use the capacities of the person whose capability it relies on for the performance of the contract. This shall be demonstrated by submitting a written agreement concluded between the Candidate and the person whose technical and professional capacities are intended to be used to prove the Candidate's technical or professional capability. The written agreement must clearly state the commitment of the person to provide the required performance throughout the entire duration of the contractual relationship. The person whose resources are to be used to demonstrate technical or professional capability must meet the conditions for participation relating to personal status pursuant to Section 32(1) of the PPA. If such person does not meet the specified conditions, the Contracting Entity shall request the Candidate to replace that person.
- 4.3 The Contracting Entity may assess whether there are grounds for exclusion of the person whose capacities are to be used to demonstrate technical or professional capability, in accordance with Section 40(8) of the PPA. Where the Candidate in the framework of proving the satisfaction of conditions of participation provides the Contracting Entity with any personal data of the Specifically named persons, the Candidate should comply with its obligations pursuant to clauses 35.1 and 35.2 hereof. Compliance with these condition shall be demonstrated to the Contracting Entity by the Candidate through a **Confirmation of acquaintance with the Notice of Obtaining and Processing Personal Data** in compliance with clauses 35.1 and 35.2 hereof.
- 4.4 A Candidate who is made of a group of suppliers participating in the public procurement demonstrates the satisfaction of the conditions of participation concerning the technical competence or professional competence **jointly for the group**.

CRITERIA FOR EVALUATING OFFERS

The criteria for evaluating offers (hereinafter referred to as the "Criteria") established for the purpose of selecting
the best price-quality ratio.

The Participants will fill out the Evaluation Criteria Form, which is an Annex to the Descriptive document.

The general principle for evaluation of Participants's offer works as follows:

The objective of the evaluation formula is to allow the participants to consider solutions with a range of technical parameters and a range of costs. The evaluation parameters are associated with values representing their contribution to future revenues. In this way, the projected revenues generated by the technical parameters provided by the Participant are estimated. The CAPEX provided by the Participant is used along with the estimated revenues to calculate the Internal Rate of Return (IRR) of the technical solution. Subsequently, the IRR value is transformed into a point value. In this way, differing technical solutions with different associated CAPEX can be compared efficiently using a standard investment metric. All other parameters necessary for the IRR calculation are consistent with the internal methodology used by Slovenske Elektrarne to make investment decisions.

The specific rules for applying the individual Criteria and the method of evaluating offers according to the individual criteria will be as follows:

- a. Participants will get points based on concept value for money. In the practical implementation of the evaluation formula, the points reflect the IRR of the technical solution. The time horizon of the IRR calculation is 31 years after commissioning and 3 years before commissioning, giving a total time horizon of 34 years.
- b. Points will be awarded as a function of technical increments and offered price. Technical increments will be calculated as a difference between actual technical parameters and technical parameters inputs from Participant.
- c. Each increment of the best efficiency point increase will add points. Each one percentage point of the best efficiency point increase corresponds to revenues in the IRR calculation equal to 203,69k EUR per year for turbine over a time period of 31 years.
- d. The best efficiency point increase will be automatically calculated based on inputs of the best efficiency point of turbine TG4 by Participant.
- e. Each increment of turbine regulation range will add points. Each 1 MW of increased regulation range in turbine mode corresponds to revenues in the IRR calculation equal to 10,80 k EUR per year, over a time period of 31 years.
- f. Each increase of offered price will lower points obtained.
- g. Participants will have to offer only solution within the range of required technical parameters and offered price
- h. The ranking will be set from the highest number of points – Evaluation score. Slovenske elektrarne may decide not to accept offer which result is negative number of points obtained. Maximum evaluation score is 1 000.**
- i. The ranking of Participants will be determined based on the points obtained from the criteria equation by filling in the data in the table (Annex Evaluation Criteria). The number of points will be rounded to two decimal places.
- j. Filled inputs by participants are used to calculate the internal rate of return (%IRR) of the project. Points assigned for fill in inputs reflects the difference between obtained %IRR and minimal required %IRR by Contracting Entity. If the points obtained by participant is zero, then %IRR based on fill in inputs is equal to the minimal required %IRR.

The Evaluation parameters are based on following parameters:

Turbine minimum	MW
Turbine maximum	MW
The best efficiency point of TG4 turbine	%
Offered price	th.EUR



Participants are obliged to provide the exact values of individual parameters derived/resulting from their technical solution.

Procedure in case of equality of points:

In case of equality of points, calculated according to section 2 and rounded to 2 decimal places, achieved by multiple participants ranked in first place, the successful participant will be the participant whose proposal for CAPEX, upon mutual comparison of the total number of points, achieves a lower value for the given parameter. In case of equality of points and the CAPEX value, calculated according to section 2 and rounded to 2 decimal places, achieved by multiple participants ranked in first place, the successful participant will be the participant whose proposal for the best efficiency point of TG4, upon mutual comparison of the total number of points, achieves a higher value for the given parameter.

Conditional criteria necessary for participation in tender:

Required parameters range		From	To
Turbine minimum	MW	40,00	50,00
Turbine maximum	MW	122,00	122,40
The best efficiency point of TG4 turbine	%	93,50%	95,00%
Offered price	th.EUR		

Other conditional criteria for participants:

Evaluation criteria – key

Turbine minimum	MW	minimum range of operation in turbine mode for TG4
Turbine maximum	MW	maximum range of operation in turbine mode for TG4
The best efficiency point of TG4 turbine	%	The best efficiency point of TG4 turbine
Offered price	th.EUR	Total costs of technology and its implementation for TG4