

Commercial Public Tender:

“Compressor unit for ZPS Závod - Prieskum”

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

1. Contracting Authority:

Business name: **NAFTA a.s.**
Registered office: Votrubova 1, 821 09 Bratislava, Slovak republic
Registered in: the Commercial Register of the District Court Bratislava I,
Section Sa, File No.: 4837/B
COMPANY ID No.: 36 286 192
VAT ID No.: SK2022146599

2. Contact person of the Contracting Authority:

Name: Mr. Jaroslav Kuník
Telephone: +421 34 697 4681
E-mail: compressor.zps.zavod.prieskum@nafta.sk

3. Subject of the Tender:

The subject of the Tender is a delivery of the compressor unit for the Centre ZPS Závod - Prieskum in accordance with the technical specification and the conditions set out in the Tender Documents.

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

The Purchase Contract.
Further business conditions related to the subject of the Tender are provided in the Tender Documents as well.

5. Course of the Tender:

The Commercial Public Tender shall be executed in two rounds:

1st round - Based on the publishing of this notice of the Commercial Public Tender on the web sites of NAFTA a.s. (www.nafta.sk) the Bidders shall demonstrate the interest in the participation in the Tender through a delivery of the confirming e-mail

to the Contracting Authority until **31st May 2016** using e-mail address of the contact person.

2nd round - Bidders who expressed the interest in the Tender shall be invited by the Contracting Authority to submit their quotations. The Contracting Authority shall send the call for quotation's submission electronically by email.

The quotation may be submitted only by the Bidder whom was sent a request for the quotation's submission by the Contracting Authority applying the method provided in Point 9 of this declaration. For the purposes of fulfillment of the obligations against the Regulatory Office for Network Industries pursuant to Art. 29 par. 5 subpar. b) of Act No. 250/2012 Coll. on Regulation in Network Industries, the Bidders who submitted the quotation shall be deemed to be the Bidders applying for the Tender.

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

The Contracting Authority reserves the right to negotiate the quotation with the Bidder in several consecutive rounds with the possibility to invite the Bidders to submitting the updated quotation after each round of negotiations.

The Contracting Authority reserves the right to invite the Bidders to update the final quotation in the form of the electronic auction.

Detailed information on the course and conditions of the electronic auction shall be notified to the Bidders in a different manner.

6. Conditions of participation in the Tender:

The Bidder shall be obliged to submit the documents and deeds in order to prove competence to fulfil the subject-matter of the Tender provided in the Tender Documents.

The Contracting Authority reserves the right to disqualify a Bidder who is in any contractual relation with the Contracting Authority or in regard to any contractual relation with Contracting Authority breached the obligations:

- (i) Resulting from the contract concluded with the Contracting Authority and/or
- (ii) Resulting from the generally binding legal regulation especially, including but not limited to, if it failed to eliminate the claimed defects of the goods delivered under the contract with the Contracting Authority duly and on time.

In the case of failure to submit all documents by the Bidder or if the submitted documents fail to contain all appurtenances or deviate from the conditions set in this declaration or in the Tender Documents or if the submitted documents are non-eligible or incomplete, the Contracting Authority shall be entitled to ask the Bidder to

supplement these documents or to ask for their change or correction. In order to exclude doubts, the procedure according to the previous sentence is a right not the obligation of the Contracting Authority.

The Contracting Authority reserves the right to ask the Bidder for submission of supplementary information or documents.

7. Method of the quotation's submission under the call sent by the Contracting Authority – 2nd round:

Bidders will submit the quotation in the sealed envelope as well as in the electronic form (in .pdf format) on the memory device (CD, USB stick) on the post address of the Contracting Authority. The envelope shall be clearly designated with an inscription **TENDER - PRICE QUOTATION - DO NOT OPEN** including a Tender slogan: "**Compressor unit for ZPS Závod - Prieskum**" while stating the registered office of the Contracting Authority (pursuant to Point 1 of this declaration) and registered office of the Bidder. The quotation has to be submitted to the address provided in Point 7 of this declaration as follows:

NAFTA a. s.
Filling room
900 68 Plavecký Štvrtok 900, Slovak Republic

The quotation delivered to another address of the Contracting Authority should be deemed as undelivered.

8. Deadline for the quotation's submission:

The deadline shall expire: **10th June 2016 at 12:00 p.m.**

The quotation delivered after expiration of the deadline should be deemed as undelivered.

The Contracting Authority reserves the right to change the deadline for quotation's submission. The change of it shall be notified to all known Bidders electronically by e-mail and it shall be published on the web sites of the Contracting Authority as well.

9. Period for the announcement of the selected price quotation:

The period shall expire: **31st August 2016 at 12:00 p.m.**

The Contracting Authority reserves the right to update the period for the announcement of the selected quotation. The change of the period shall be notified to all known Bidders who fulfilled the participation's conditions and requirements of the Contracting Authority and who also submitted the quotation under the call of the Contracting Authority. This update shall also be concurrently published on the web sites of the Contracting Authority.

10. Additional information:

1. The Contracting Authority shall conclude the contract with the Bidder after the approval of the results of the Commercial Public Tender pursuant to the internal rules of the Contracting Authority. The remaining Bidders shall be notified by the Contracting Authority in writing that their proposals for the contract conclusion were refused. The Contracting Authority shall not provide any further information.
2. The language (languages), in which the documents proving fulfillment of the participation conditions may be submitted are: Slovak, Czech and English.
3. Pursuant to Art. 283 of the Commercial Code the Contracting Authority reserves the right to change the published conditions of the Tender or to cancel the Tender even without stating the reason. The change of the published conditions of the Tender or the Tender cancellation shall be published on the web sites of the Contracting Authority.
4. The Contracting Authority reserves the right not to select any Bidder or to conclude the contract with a several Bidders.
5. The Contracting Authority reserves the right to refuse all submitted proposals.
6. The papers and documents sent by the Bidder in electronic form (in the .pdf format) attached to e-mail shall be sent in the form of a scanned copy which has to be unambiguously legible and comprehensible in minimum quality of 200 dpi.
7. All expenses related to the preparation (as well as eventual inspection), submission of the proposal and the related communication between the Contracting Authority and the Bidder shall be fully borne by the Bidder. Eventual failure in the Tender shall not entitle the Bidder to claim compensation of costs related to the participation in the Tender from the Contracting Authority. The Bidder shall not be entitled to the compensation of costs related to its participation in the Tender not even if its proposal was the winning one.
8. The explanation of the participation conditions mentioned in this declaration is possible only based on a written request delivered electronically by e-mail to the contact person of the Contracting Authority no later than **6th June 2016 at 12:00 p.m.**
9. Working hours of the Contracting Authority within working days from Monday to Friday are from 9:00 a.m. to 2:00 p.m.
10. The Tender Documents shall be subject to the trade secret without any time restriction.

11. The Bidder takes notice of the fact that refusal of the proposal, not inclusion of the Bidder's proposal in the evaluation, not acceptance of the Bidder's proposal or cancellation of the Commercial Public Tender fails to establish the right for submission of any remedies or other revision procedures.
12. Via submission of the proposal to the Tender the Bidder takes notice of the fact that pursuant to the provision of Art. 29 par. 5 of Act No. 250/2012 Coll. on Regulation in Network Industries the Contracting Authority shall be obliged to notify certain data related to this Tender to the Regulatory Office for Network Industries with which the Bidder expresses its consent by submission of the proposal for the Tender.

Annex: Tender Documents including annexes.