

## Commercial Public Tender:

### *“Modifying TK8 Auxiliary Systems”*

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

#### 1. Contracting authority:

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

#### 2. Contact person of the Contracting authority:

Name: Mrs. Antonia Cavalli  
Purchasing portal: <https://nafta.1803sw.com>  
Website: [www.nafta.sk](http://www.nafta.sk)

#### 3. Subject of the Tender:

Modernizing TK8 turbo-compressor unit ventilation in the scope below:

- Implementation project including ventilation calculation and static calculation, professional opinion on classified technical equipment as defined in Sec. 5 of Decree 508/2009 Coll.
- Functional testing, including CED
- Implementation including dismantling of existing equipment
- Revision including first official testing
- Functional testing including verification of guaranteed parameters
- As build project, certificates, protocols etc.

**Notes: Adjusting the compressor’s logic control in CS marked in the tender letter as “SOLAR adjustment” is not a deliverable to be provided by the tenderer.**

#### 4. Type of contract:

The Frame Contract for work

#### 5. Course of the Tender:

The commercial public tender shall be executed in two rounds:

**1<sup>st</sup> round** - Based on publishing this notice of the commercial public tender call on the web sites of NAFTA a.s. ([www.nafta.sk](http://www.nafta.sk)) via delivery of e-mail to the Contracting authority by **11<sup>th</sup> June, 2018** using e-mail address of the contact person the bidders shall demonstrate the interest in the participation in the Tender.

**2<sup>nd</sup> round** – Bidders which demonstrate the interest in the participation in the Tender shall be invited by the Contracting authority to submit their quotations. The Contracting authority shall send the call for quotation submission electronically by email.

The quotation may be submitted only by the bidder which was sent a request for the quotation submission by the Contracting authority applying the method provided in Point 6 of this declaration. For the purposes of fulfillment of the obligations against the Regulatory Office for Network Industries pursuant to Art. 29 par. 5 subpar. b) of Act No. 250/2012 Coll. on Regulation in Network Industries, the bidders which submitted the quotation shall be deemed to be the bidders applying for the Tender.

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

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

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

Detailed information on the course and conditions of electronic auction shall be provided in the Tender Documents or they shall be notified to the bidders in a different manner.

#### 6. Conditions of participation in the Tender:

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

The Contracting authority reserves the right to disqualify a bidder which in any contractual relation with the Contracting authority or in regard to any contractual relation with the 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 works executed under the contract with the Contracting authority duly and on time.

If the bidder fails to submit any of the documents proving fulfillment of the participation conditions or provides untrue or otherwise misrepresenting data, the Contracting authority reserves the right not to invite such bidder to submit a quotation.

In case of failure to submit all documents by the bidder or if the submitted documents fail to contain all appurtenances or deviate from the conditions set in this declaration or in the Tender Documents or if the submitted documents are non-eligible or incomplete, the 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 quotation submission – under the call sent by the Contracting authority:**

Bidders submit quotation in electronic form in .pdf format on purchasing portal: <https://nafta.1803sw.com>

#### **8. Period for price quotation submission: - Update**

The period shall expire: **26<sup>th</sup> June, 2018 at 14:00 p.m.**  
**!!! The new period shall expire: 02<sup>nd</sup> July at 14:00 p.m.**

The Contracting authority reserves the right to change the period for quotation submission. The change of the period shall be notified to all known bidders electronically by email and it shall be published on the web sites of the Contracting authority [www.nafta.sk](http://www.nafta.sk).

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

The period shall expire: **31<sup>th</sup> October, 2018 at 12:00 p.m.**

The Contracting authority reserves the right to change the period for announcement of the selected quotation. Change of the period shall be notified to all known bidders which fulfilled the participation conditions and requirements of the Contracting authority and under the call sent by the Contracting authority submitted the quotation and it shall also be concurrently published on the web sites of the Contracting authority [www.nafta.sk](http://www.nafta.sk).

#### 10. Additional information:

1. The Contracting authority shall conclude the contract with the bidder only after approval of the results of the commercial public tender pursuant to the internal laws 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 reserve the right to change the published conditions of the Tender or to cancel the Tender even without stating the reason. The change of the published conditions of the Tender or the Tender cancellation shall be published on the web sites of the Contracting authority [www.nafta.sk](http://www.nafta.sk).
4. The Contracting authority reserves the right not to select any bidder or to conclude the contract with 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 notice is possible only based on a written request delivered electronically by email to the contact person of the Contracting authority no later than **20<sup>th</sup> June 2018 at 12:00 p.m.**

9. Working hours of the Contracting authority during working days from Monday to Friday are from 9:00 a.m. to 2:00 p.m.
10. The tender documents shall be subject to the trade secret without any time restriction.
11. The bidder takes notice of the fact that refusal of the proposal, not inclusion of the bidder proposal in the evaluation, not acceptance of the bidder proposal or cancellation of the commercial public tender fails to establish the right for submission of any remedies or other revision procedures.
12. Via submission of the proposal for the Tender the bidder takes notice of the fact that pursuant to the provision of Art. 29 par. 5 of Act No. 250/2012 Coll. on Regulation in Network Industries the 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.