

**NAFTA a. s.,** Votrubova 1, 820 09 Bratislava



# **Commercial public tender**

## **(Conditions of the tender)**

called pursuant to provision of Art 281 et seq. Act No. 513/1991 Coll. of the Business Code, as amended, and Art. 29 par. 3, 5 and 6 of Act No. 250/2012 Coll. on Regulation in Network Industries

Name:

# **Natural gas supply**

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## **A. INSTRUCTIONS FOR BIDDERS**

### **A.1 GENERAL INSTRUCTIONS**

#### **A.1.1 Identification of the Tender promulgator**

Promulgator:

Name of organization:	<b>NAFTA a.s.</b>
Company ID No.:	36 286 192
VAT ID No.:	SK2022146599
Registered office:	Votrubova 1, 821 09 Bratislava
Registered in:	Commercial Register of the District Court Bratislava I, Section Sa, File No. 4837/B

(also referred to as "promulgator")

#### **A.1.2 Subject of the Tender**

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

1. Amount of natural gas

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

2. Time of supply

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

3. Place of supply

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

4. Quality of the supplied gas

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

5. Reliability of supply

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

6. Other conditions

Other conditions of supply are listed in the Draft of Contract for Natural Gas Delivery, which forms an integral part of these Tender conditions.

#### **A.1.3 Type of contract**

Contract for Natural Gas Delivery

#### **A.1.4 Place of supply**

The place of supply is the Storage of NAFTA a.s. in the Storage of NAFTA a.s. in accordance with the Technical conditions of NAFTA a.s.



### **A.1.5 Schedule of competition**

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

All these who send the confirmation of the interest will be informed by the promulgator about the further conditions to participate in the e-auction of the tender.

The bidder along with the confirmation of the interest shall send the following information for e-auction.

1<sup>st</sup> contact person for e-auction:

Name:

Function:

Phone:

E-mail:

2<sup>nd</sup> contact person for e-auction (optional):

Name:

Function:

Phone:

e-mail:

Company name:

Address (registered office):

Company Ident.No.

TAX Ident.No.

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

### **A.1.6 Evaluation of proposals**

Only proposals from bidders submitted in the manner and by the date pursuant to the tender call shall be evaluated.

The promulgator reserves the right to restrict the number of bidders after proposals are submitted and to invite the bidders determined in this way to individual negotiations about the terms and conditions of the Contract.

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

The promulgator reserves the right to invite the bidders to update the final price proposal in the form of an electronic auction.

### **A.1.7 Explanation and communication**

Any communication and provision of information among the promulgator and bidders shall be carried out electronically. The contact e-mail address is [dodavka.zp@nafta.sk](mailto:dodavka.zp@nafta.sk)

## **A.2 INSTRUCTIONS FOR THE PREPARATION OF THE PROPOSAL**

### **A.2.1 Content of the proposal**

The submitted proposal shall contain the following documents in this order:



1. Name and precise address of the bidder, Company ID and contact data of the person authorized to act on behalf of the bidder in contractual relationships for further negotiation about the terms and conditions.
2. Documents proving technical competencies according to section B
3. Declaration of the bidder as one document
  - that it agrees with the Tender conditions determined by the promulgator, signed by a person authorized to act on behalf of the bidder.
  - on the veracity and completeness of all papers, documents, and data mentioned of the proposal
4. Cover letter with binding proposal of unit price for 1MWh of natural gas provided in EUR/MWh.

#### **A.2.2 Execution of the proposal**

The bidder may submit only one proposal.

The proposal shall be submitted via e-auction.

The bidder is requested to send by post the Cover sheet after the e-auction is finished. The Cover sheet shall be signed by the statutory body of the bidder in compliance with the extract from the Business Register or by the person authorized for such action. The original or a notarized photocopy of the document proving authorization of the person to sign the proposal shall be a part of the proposal in such a case. The documents defined in the part A.2.1 will be sent to the promulgator after e-auction at the same day, on July 29, 2014 till 7:00 p.m. to e-mail address : [dodavka.zp@nafta.sk](mailto:dodavka.zp@nafta.sk)

#### **A.2.3 Validity of the proposal**

The offer must be valid until the Time of supply.

The proposals delivered after this time limit will not be accepted by promulgator.

### **B. CONDITIONS OF PARTICIPATION**

#### **TECHNICAL COMPETENCIES**

Technical competencies shall be proven by these documents:

1. Certificate of authorization to do business in the subject of the tender. It must be a trade license, or an extract from the Trade register or an extract from the Business register. The document must reflect the actual state at the time at which the applicant participates in the Tender.

### **C. PRICE PROPOSAL, INVOICING**

#### **C.1 METHOD FOR PRICE CALCULATION**

1. The price for the subject of the Tender shall be set pursuant to Act No.18/1996 Coll. on Prices as amended.
2. The prices provided by the bidder shall be in EUR/MWh without VAT.

#### **C.2 INVOICING**

The invoicing will be based on the protocol on supply and acceptance of natural gas.

The invoice maturity is within 60 days from the date of the invoice delivery to the registered office of the promulgator.

## **D. SUPPLEMENTAL CONDITIONS AND PROVISIONS**

1. The promulgator shall reserve the right to change the Tender conditions or to cancel the Tender at any time. It shall inform the bidders about these facts.
2. The promulgator reserves the right to negotiate the proposals with the bidders in several consecutive rounds with the possibility to invite bidders to submit the updated quotation after each round of negotiations. The promulgator also reserves the right to negotiate the content of the Contract with the bidders.
3. The promulgator reserves the right to not select any bidder or to conclude the Contract with multiple bidders.
4. The bidder shall not be entitled to compensation of costs related to participation in the Tender.
5. Within the proposal evaluation, the promulgator shall reserve the right to ask the bidders for explanation of the proposal, amendment of the proposal or to verify some data and facts mentioned in the proposal, e.g. ask for an affidavit stating that the bidder is or is not a part of the same vertically integrated enterprise as the promulgator, or that the bidder, statutory body of the bidder, member of statutory body of the bidder or an associate of the bidder, is or is not a member of bodies of the promulgator.
6. By ending of evaluation and announcement of the result the bidder is entitled to deliver natural gas to the promulgator according to these Conditions of the tender.
7. The promulgator shall be entitled to select a proposal which is the most suitable while it shall not be obliged to inform about the reasons for its decision. It shall also be entitled to refuse all submitted proposals.
8. The promulgator shall conclude the Contract for Natural Gas Delivery with the successful bidder. The Contract for Natural Gas Delivery in Slovak version shall be concluded with a successful bidder which has its seat in the Slovak republic. The Contract for Natural Gas Delivery in English version shall be concluded with a successful bidder which has its seat outside of the Slovak republic.

## **E. LIST OF ANNEXES**

- Annex No. 1** – Cover letter for bidders
- Annex No. 2** – Draft of Contract for Natural Gas Delivery
- Annex No. 3** – [Technical conditions of NAFTA a.s.](#)