

Invitation to Tender Update No. 1

Reconstruction of the TEG regeneration circuit for the absorption column AK1AB

announced in accordance with Section 281 et seq. of Act No. 513/1991 Coll. Commercial Code, as amended, and Section 29 paragraphs 3, 5 and 6 of Act No. 250/2012 Coll. on regulation in the network industries
(terms and conditions)

1. Customer

POZAGAS a.s.
Malé námestie 1
901 01 Malacky
Reg ID (IČO): 31435688
VAT ID (IČ DPH): SK2020357372
The company is registered in the Commercial Register of the Municipal Court of Bratislava III, Section: Sa, File no: 1271/B

2. Object and scope of the tender procedure ('the tender')

Implementation of the Reconstruction of the TEG regeneration circuit for the absorption column AK1AB:

- 2.1. Elaboration of design documents in Slovak language in accordance with the attached Project/Investment Specification Sheet (Annex 1) for all concerned disciplines, in the scope according to the UNIKA 2023 Tariff, broken down as follows:
 - 2.1.1. Project for zoning and planning decision and building permit in the scope of Annex 3 of the UNIKA 2023 Tariff with the level of details for zoning and planning decision and building permit
 - 2.1.2. Collaboration in conducting a HAZOP study and incorporation of HAZOP findings into the implementation project.
 - 2.1.3. An implementation project in the scope of Annex 3 of the UNIKA 2023 Tariff excluding Parts A, B, C and F, and including the project budget
 - 2.1.4. Comprehensive and pressure test project
 - 2.1.5. System analysis including CED
 - 2.1.6. Project documentation review by an authorised person in line with Section 5 of Decree 508/2009 Coll.
 - 2.1.7. Author's supervision during the implementation
 - 2.1.8. As-built design documents
- 2.2. Design, manufacture, and delivery of individual vessels including I&C in accordance with the Project/Investment Specification Sheet (Annex 1)
- 2.3. Implementation of the work in accordance with the project documentation approved by the Client, in particular:
 - 2.3.1. Dismantling of existing technology – vessels and pipes that will be subject to replacement
 - 2.3.2. Implementation – installation of the supplied technology and connection to the existing technology
- 2.4. Commissioning of the technology (including all defined tests)
 - 2.4.1. Initial review and 1st official test
 - 2.4.2. Functional tests, comprehensive tests (72 hour test), acceptance tests
 - 2.4.3. Training of operating personnel

- 2.5. Delivery of accompanying documentation – 3x paper sets + 3x electronic sets (on a USB stick).
The documentation shall be delivered in accordance with the legislation in force in the Slovak Republic, in particular the Mining Act No. 51/1988 Coll. and in accordance with the European standards for explosive atmosphere areas.
Accompanying documentation shall be produced and submitted in accordance with the requirements of Annex 3

The scope of supply does not include modifications to the existing control system in the centre. This will be implemented inhouse – the Contractor is required to assist with bringing the system live and testing.

3. Place and date of delivery:

INCOTERMS:	DDP Malacky
Place of delivery:	POZAGAS a.s., Zberné stredisko ZS6 901 01 Malacky

Date of execution and acceptance of the work:

- | | |
|---|----------------------------|
| 3.1. The project for zoning and planning decision and building permit | |
| 3.1.1. First draft for commenting | by 15.7.2024 |
| 3.1.2. Final version after incorporating the comments | by 31.8.2024 |
| 3.2. Implementation design documents | |
| 3.2.1. First draft for commenting | by 13.12.2024 |
| 3.2.2. Final version after incorporating the comments | by 14.2.2025 |
| 3.3. Delivery of the reboiler | from 15.5.2025 to 1.6.2025 |
| 3.4. Execution of the work | 05 – 09/2025 |
| 3.5. Commissioning, including the performance of all defined tests and delivery of accompanying documentation | by 15.10.2025 |
| 3.6. As-built design documents | by 10.11.2025 |

The Customer reserves the right to change the dates depending on the current operational capacity.

4. Type of Agreement:

Contract for Work in accordance with Act No. 513/1991 Coll. Commercial Code, as amended, and with the relevant provisions of special laws applicable to the subject of the competition of tenders (hereinafter referred to as the "Contract").

Annexed to the Contract are the General Terms and Conditions (GTC) of POZAGAS a.s.

The warranty period for the work is set to be at least 3 years from the date of acceptance of the Work by the Customer.

5. Proposals must be valid no less than until 30.9.2024.

6. Variant solutions

Submitting of variant solutions is not allowed.

7. Site visit

A site visit can be arranged individually.

Contact person: Mr. Andrej Kondlla, mobile: +421 908 795 578

8. Submission method:

The competition of tenders will be implemented by the Customer in cooperation with the Purchasing Department of NAFTA a.s. In order to demonstrate compliance with the conditions of participation, tenderers shall submit to the Customer a price quotation and the required documents by uploading them to the portal: <https://nafta.1803sw.com>

Warning:

Make sure to respect the requirement that the technical part and the price quotation part must be submitted separately!!!

We require documents to be inserted into appropriate sections according to their names.

A price quotation sent to any address of the Customer shall be deemed undelivered.

9. The course of the competition of tenders:

The competition of tenders is planned to be carried out by electronic auction in multiple rounds.

The Customer reserves the right to negotiate tenderers' tenders in multiple successive rounds, with the option of inviting tenderers to submit their updated price quotations after each stage of the negotiation.

Detailed information on the conduct and conditions of the electronic auction will also be communicated to the tenderes via the procurement portal <https://nafta.1803sw.com>.

10. Competition participation conditions:

Tenderers shall be required to submit documents for the purpose of demonstrating their ability to deliver the subject matter of the Contract as set forth herein.

The Customer reserves the right to exclude from the competition any tenderer who has breached its obligations in any contractual relationship with the Customer or in connection with any such contractual relationship with the Customer:

- (i) arising from a contract concluded with the Customer and/or
- (ii) arising from a generally binding legal regulation.

Tenderers shall submit their tenders by uploading the tender documents and the price quotation for each item to the portal: <https://nafta.1803sw.com>;

In the event that the tenderer fails to submit all the documents, or if the documents submitted do not contain all the required particularities or deviate from the conditions set out in this declaration, or if

the documents submitted are illegible or incomplete, the Customer shall have the right to require the tenderer to supplement, amend or correct any such document. For the avoidance of doubt, the procedure as described in the preceding sentence is the right, not the obligation, of the Customer.

The Customer reserves the right to request the tenderer to submit additional documents and information.

11. Deadline for the submission of tenders:

The deadline is: ~~26.3.2024 at 12:00~~ **22.4.2024**

The Customer reserves the right to change the deadline for the submission of tenders. In such case, the change of deadline will be notified to all known tenderers by email and will also be published on the Customer's website www.pozagas.sk.

12. Deadline for announcing the selected tender:

The deadline is: 30.6.2024

The Customer reserves the right to change the deadline for announcing the winning tender. In such case, the change of deadline will be published on the Customer's website www.pozagas.sk and at the same time it will be communicated to all known tenderers, who have fulfilled the conditions of participation and the requirements of the Customer.

13. Contact person of the Customer:

Name: Ms. Renáta Filípková, Management of Development and Engineering Assets,
e-mail: filipkova@pozagas.sk

The contact person responsible for communication via the procurement portal:

Name: Ms. Jana Kobzová, procurement specialist – Senior
e-mail: <https://nafta.1803sw.com>

14. Tender evaluation criteria:

The Customer will evaluate the tenders within the selection board on the basis of predefined criteria.

15. Tender content:

Any competing tender must include the following documents:

- Identification data of the tenderer – the trade name or name and surname, address, Reg ID (IČO), VAT ID (IČ DPH), a name, e-mail and telephone number of the contact person responsible for submitting the tender in the framework of the competition of tenders;
- The price quotation in the form of a price breakdown (Annex 2), which must be quoted in € (excluding VAT) as a fixed price. The quoted price must include all costs incurred by the tender in connection with the delivery of the tendered item, including training of the service personell and participation in functional tests. The cover letter must be signed by an authorised representative of the tenderer;
- The warranty for the Work shall be no less than 36 months from the date of acceptance of the Work by the Customer;

- **Affidavit** of a statutory representative or person authorised to act on behalf of the tenderer, issued as a single document, signed by the person authorised to act on behalf of the tenderer:
 - that the statutory body, a member of the statutory body or a proxy has not been convicted of a deliberate criminal offence against property or a deliberate economic offence;
 - that there are no bankruptcy or insolvency proceedings pending, that the Claimant is not in bankruptcy or liquidation, and that no petition for bankruptcy has been dismissed against the Claimant for lack of assets,
 - that it has not suspended business activities or is not in a similar situation under the laws and regulations in force in the country of its registered office/place of business,
 - that it has no tax arrears registered in the Slovak Republic or in the country of its registered office/place of business, which are being recovered by enforcement of a decision,
 - that it has no arrears of health insurance, sickness insurance and pension insurance premiums registered in the Slovak Republic or in the country of its registered office/place of business, which are being recovered by enforcement of a decision, and if the tenderer has its registered office in the Slovak Republic, no arrears of unemployment insurance contributions registered in the Slovak Republic, which are being recovered by enforcement of a decision,
 - that it has not committed a serious breach of professional obligations in the period of previous five years,
 - that it had not committed any material breach of contractual obligations in the previous contractual relationship with POZAGAS, a.s.;
 - that the tenderer, by participating in the competition of tenders, performing the work and concluding the related documents, does not violate any of the following:
 - any contract or other documents and agreements to which the tenderer is a party or by which it is bound, and/or
 - any applicable law, decree, regulation or other instrument, whether of a general or individual nature.
 - that the documents submitted by the tenderer are true and complete,
 - that the tenderer agrees to the terms and conditions of the competition of tenders as defined by the Customer,

- A list of references (for the tenderer and, if applicable, also its subcontractor) for the last 3 years related to the subject of the tender; A list of contracts of the same or similar nature in contract prices, in the total minimum amount of suggested price of the this work in EUR excluding VAT / year, for the period of 2021, 2022, 2023, is required.
The list of contracts must include:

the trade name or name of the customer, the contact person of the customer where the information can be verified, the registered office of the customer, the name of the object of the contract, a brief description, the contract price, and the contract delivery period;

- List of subcontractors – comprehensiveness of delivery; if the tenderer is subcontracting any part of the contract, it is obliged to indicate the full name, registered office, ID number (ICO) of the subcontractor

- Declaration of acceptance of the document "POZAGAS – General Terms and Conditions" (GTC), available at www.pozagas.sk, Procurement Section. In the event of non-acceptance, this should be stated in the declaration together with an alternative proposal;
- A copy of a valid Certificate of Insurance issued by an insurance company proving that the tenderer has a third party liability insurance covering any damage that could arise in the course of its activities;
- GDPR – written consent of holders of certificates issued under specific legislation (or holders of other documents proving professional competence of the respective document holder) to the processing of personal data of any such holders of certificates submitted by the tenderer as part of their tender. If the tenderer does not pose such consents, it shall submit an affidavit stating that it will secure such consents at a later date;
- Certificate within the meaning of Act No. 138/1992 Coll. on Authorised Architects and Authorised Civil Engineers, as amended:
 - o Structural engineer (Section 5 par. 1b (3) I3 3-1
 - o Civil Engineer for building structures (Section 5 par. 1b (1) I1 4-1 (building structures)
 - o Civil Engineer for building structures (Section 5 par. 1b (1) I1 4-4 (fire protection)
 - o Engineer for technical, technological and energy equipment (Section 5 par. 1b (4) I4 5-3 electrical equipment
 - o Engineer for technical, technological and energy equipment (Section 5 par. 1b (4) I4 5-6 production technological equipment;
- The tenderer and/or subcontractor must have personnel with a valid certificates issued in accordance with Section 8a paragraph 10 of Act No. 51/1988 Coll. for repair, assembly, maintenance, and reconstruction of reserved technical electrical equipment listed in Annex 1, Part III. Decree No 508/2009;
- The tenderer and/or subcontractor must have personnel with a valid certificates issued in accordance with Section 8a paragraph 10 of Act No. 51/1988 Coll. for repair, assembly, maintenance, and reconstruction of reserved technical gas equipment listed in Annex 1, Part IV. Decree No 508/2009;
- The tenderer and/or subcontractor must have a valid certificate issued in accordance with Section 8a paragraph 7 of Act No. 51/1988 Coll. for repair, assembly, maintenance, and reconstruction of reserved technical electrical equipment listed in Annex 1, Part III. Decree No 508/2009;
- The tenderer and/or subcontractor must have at least one employee with the professional qualification of a construction site manager; a photocopy of a certificate according to a special regulation within the meaning of Acts No. 50/1976 Coll. and No. 138/1992 Coll., as amended, with the following qualification is required to be submitted: 33 Technical, technological and energy equipment of buildings – electrical equipment;
- An affidavit that the tenderer has the means, machinery and technical equipment necessary to deliver the tender deliverables;
- ISO 9000 series quality management system certificate or a copy thereof is required;
- Delivery comprehensiveness – indicate the proportion of the Work to be subcontracted to a third party;
- The tenderer shall provide information on any serious occupational accidents (permanent, fatal) occurring in the course of its activities in the last 3 years;

- The tenderer shall submit information on any fines issued in the last 3 years in relation to serious breaches of HSE legislation (in particular occupational health and safety, fire protection, environmental protection);
- Project team structure;
- Proposed framework schedule;
- The supplied equipment must be certified. Recognition of certificates from other countries shall be made in accordance with the documents:
 - o Machinery Directive 2006/42/EC
 - o Low Voltage 2006/95/EC
 - o Directive 2014/34/EC ATEX,
 - o Electromagnetic compatibility 2004/108/EC
 - o Directive PED 2014/68/EU; or AD 2000-Regelwerk.
 - o The Contractor shall deliver the product in accordance with the requirements of the relevant Slovak Government Regulation or European Directive. This means that the designated product is marked with a mark of conformity and, where appropriate, a declaration of conformity and accompanying documentation. If the participation of a notified body is required for the conformity assessment, the CE marking shall also be accompanied with the NO number.

Other conditions:

- Each tenderer may submit only one tender, which may not be subsequently modified, except in the framework of a possible next round of the competition announced by the Customer;
- The conclusion of the competition and the announcement of the result of the competition does not create a contractual relationship.

16. Additional information:

- a) The Customer will conclude a contract with the winning tenderer only after the results of the competition of tenders have been approved in accordance with the internal regulations of the Customer. The Customer will notify the other tenderers in writing that their proposal for the conclusion of the contract has been rejected. No further information will be provided by the Customer.
- b) The language(s) in which documents proving compliance with the conditions of participation may be submitted are: Slovak, Czech, English.
- c) In accordance with Section 283 of the Commercial Code, the Customer reserves the right to change the published terms and conditions of this competition of tenders or to cancel it altogether without giving any reason. Any change to the published terms and conditions or cancellation of the competition of tenders will be published on the Customer's website www.pozagas.sk.
- d) The Customers reserves the right not to award a contract to any tenderer.
- e) The Customers reserves the right to reject the submitted tenders.
- f) Scanned copies of documents submitted by the tenderer must be clearly legible and comprehensible.
- g) All costs associated with the preparation (including any site visits), submission of the tender, and related communication between the Customer and the tenderer shall be borne entirely by the tenderer. Failure to succeed in this competition of tenders shall not entitle the tenderer to claim compensation from the Customer for any costs associated with the participation in the competition of tenders. The tenderer shall not be entitled to reimbursement of the costs

associated with its participation in this competition, even in the case their tender is successful.

- h) Clarification of the conditions of participation stipulated in this document is only possible on the basis of a written request received by e-mail to the contact person of the Customer (referred to in Article 13) no later than ~~22.2.2024 by 10:00~~ **17.3.2024 by 10:00**
- i) The Customer's working hours are Monday to Friday from 9:00 to 14:00 hrs, excluding the bank holidays.
- j) The tenderer acknowledges that the rejection of the tenderer's tender, decision not to include the tenderer's tender in the evaluation, the non-acceptance of the tenderer's tender, or the cancellation of the competition of tenders shall not confer the right to file any appeal or other review procedures.
- k) By submitting a tender to the competition of tenders, the tenderer acknowledges that, pursuant to Section 29(5) of Act No. 250/2012 Coll. on regulation in the network industries the Customer is obliged to communicate certain data concerning this competition to the Office for Regulation in the Network Industries, and the tenderer expresses its consent with such communication.

Malacky, 28.2.2024

Mr. Tomáš Ferencz
director of Development and Operations

Attachments:

- Annex 1 – Project/investment specification sheet
- Annex 2 – Cover letter
- Annex 3 – Structure of the accompanying documentation