

PUBLIC PROCUREMENT DOCUMENTATION FOR:

**SELECTION OF A CONSULTANT FOR CONSTRUCTION SUPERVISION FOR
CONSTRUCTION OF GAS INTERCONNECTOR GREECE-BULGARIA**

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ABBREVIATIONS AND DEFINITIONS

PPA

Public procurement agency

Contracting entity

ICGB AD

Public procurement contract

A public procurement contract for **Selection of a Consultant for Construction Supervision for Construction Of Gas Interconnector Greece-Bulgaria**, concluded between the CONTRACTING ENTITY and the nominated Contractor

Contract with a Subcontractor

A written contract for implementation of one or more activities of the Public procurement awarded concluded between the Contractor nominated and Subcontractor

Documentation/Documentation regarding the Public procurement

This documentation regarding the Public procurement

The law of the country where the Participant /the selected Contractor is established

Applicable law as follows:

- (i) As regards the natural person – the national law within the meaning of art. 48 Private International Law Code;
- (ii) As regards the legal entity – the law of the country determined in accordance with art. 56¹ of the Private International Law Code;
- (iii) As regards the Consortium which are not legal entities – the law of the country where they are registered or established.

PPA

The Public Procurement Act (promulgated SG, issue 13 of 16 February 2016, last amended SG, issue 34 of 03 May 2016)

Contractor

Participant in the Procedure selected as Contractor with a decision of the Contracting entity and with which the Contracting entity concludes a Public procurement contract

Participant

Natural person or a legal entity or their Consortium (where the Consortium is not a legal entity) that has submitted a complete

¹ Art. 56. (1) The legal entities shall be governed by the law of the country where they are registered.

(2) When, there is no need for registration in order to incorporate a legal entity or it is registered in several countries, the law of the country where its seat is located according to its incorporation act shall apply.

(3) If, where under para. 2 the location of the seat according to the incorporation act does not coincide with the location of the actual management of the legal entity, the law of the country where its actual management is located shall apply.

(4) The branch of the legal entity shall be governed by the law of the country where it is registered.

Tender.

**Announcement on the
Public procurement**

A document with which the Contracting entity announces the opening of the Procedure in accordance with the requirements of the PPA and which is approved together with the Documentation regarding the Public procurement in the Decision for the opening

Public procurement

Public procurement with a subject matter **SELECTION OF A CONSULTANT FOR CONSTRUCTION SUPERVISION FOR CONSTRUCTION OF GAS INTERCONNECTOR GREECE-BULGARIA**

Tender

Tender submitted by a Participant in the Public procurement which contains a Technical offer and a Price offer

Subcontractor

Person that has given its consent to implement a specific part of the Public procurement, designated by the Participant in the Tender and with whom, in the event that it is selected for a Contractor, it will conclude a subcontract

RAPPA

Rules on the application of the Public Procurement Act (promulgated SG, issue 28 of 08 April 2016)

Project/Project IGB

Project Gas Interconnector Greece – Bulgaria, hereinafter referred to as the Project

Procedure

This open Procedure for the award of a public procurement, opened with a Decision No 13/04.10.2018 of the Contracting entity

Profile of the buyer

Internet address of the Contracting entity <http://www.icgb.eu> , where electronic documents regarding the Procedure are published.

Decision for opening

Act issued under the PPA by the Contracting entity for the opening of the procedure, approving the Announcement on the Public procurement and the Documentation regarding the Public procurement

PPR

Public Procurement Register constituting a single electronic database with information for the circumstances which are subject to registration as regards the procedures for the award of public procurements

Technical offer

Part of the Tender containing Offer for implementation of the Public procurement according to the template in Appendix No. 4.

Consortium	Consortium of companies
Price offer	A price offer submitted by the Participant in the Procedure as per the template in Appendix No. 5
European Procurement Document (ESPD)	Single This is a document which contains the respective information required by the Contracting entity and which indicates the national databases which contain the circumstances declared or competent authorities.
Business day	A day which is not holiday or a public holiday in Bulgaria.

Section I. GENERAL INFORMATION.

1. General information on the project.

The Project Gas Interconnector Greece-Bulgaria (IGB Project) is implemented by ICGB AD - an investment company registered in the Republic of Bulgaria on 5th January 2011 with shareholders BEH EAD (50%) and the Greek company IGI Poseidon S.A. (50%). IGI Poseidon S.A. is an investment company registered in the Republic of Greece with the shareholders being the Greek public gas corporation DEPA S.A (50%) and Edison International Holding N.V (50%) wholly controlled by the Italian energy group Edison SpA.

Co-financing by EU through the European Energy Program for Recovery of an amount up to EUR 45 million is approved by the European Commission, with rules for recovery of costs incurred and under the condition of a positive decision of the European Commission on the project development. The project has the status of a Project of common interest (in the meaning of Regulation EU No. 347/2013).

Pursuant to Decision No: 452/07.06.2012 by the Council of Ministers of the Republic of Bulgaria Gas Interconnector Greece-Bulgaria project, in the section that will be constructed on the territory of the Republic of Bulgaria, is declared a 'national site'.

This project for gas Interconnector Greece-Bulgaria envisages the construction of a gas pipeline that will directly connect the national gas transmission networks of the Republic of Greece (in the region of Komotini) and the Republic of Bulgaria (in the region of Zagore village, Stara Zagora municipality) owned respectively by DESFA S.A. and Bulgartransgaz EAD. A memorandum for cooperation has been signed with the company Trans – Adriatic Pipeline AG, developing the Trans – Adriatic Pipeline (TAP), in view of interest expressed by Trans – Adriatic Pipeline AG in connecting TAP gas pipeline to IGB. The negotiations for drafting and signing of the Interconnection Agreement for the two gas pipelines have started. The interconnection point on the route of the Trans-Adriatic pipeline, its location and technical parameters have been agreed on.

The technical natural gas transmission capacity is up to 3 bcm/year. The option for increasing the technical capacity to up 5 bcm/year by constructing a compressor station can be implemented upon market-based grounds and subject to the development of the neighboring gas transmission networks. Compressor station construction is not subject of the approved Technical design.

The section of the gas pipeline that is to be constructed on the territory of the Republic of Bulgaria has obtained:

1. A decision on Environmental Impact Assessment No. 1-1/2013 approving the implementation of an investment proposal for Gas Interconnector Greece-Bulgaria.
2. Order No. ПД-02-15-114/31.07.2014 of the Minister of Regional Development and Public Works for approval of DSP-PP for the route of the gas pipeline, technological sites and elements of service technological infrastructure for site Gas Interconnector Greece-Bulgaria for part of the total length of the gas pipeline on the territory of Stara Zagora district.

3. Order No. ПД-02-15-116/31.07.2014 of the Minister of Regional Development and Public Works for approval of DSP-PP for the route of the gas pipeline, technological sites and elements of service technological infrastructure for site Gas Interconnector Greece-Bulgaria for part of the total length of the gas pipeline on the territory of Haskovo district.
4. Order No. ПД-02-15-140/27.10.2014 and Order No. ПД-15-65/04.05.2015 of the Minister of Regional Development and Public Works for approval of DSP-PP for the route of the gas pipeline, technological sites and elements of service technological infrastructure for site Gas Interconnector Greece-Bulgaria for part of the total length of the gas pipeline on the territory of Kardzhali district.
5. Order No. ПД-02-15-78/29.05.2015 for approval of DSP-PP for the elements of service technical infrastructure- Sewerage collection of Dispatching centre of site Gas Interconnector Greece-Bulgaria.
6. In a letter No. AY-20-9/21.01.2016 the Ministry of Regional Development and Public Works informed that the technical design had been approved pursuant to art. 143 of the Spatial Development Act for site Gas Interconnector Greece –Bulgaria , pipe line construction passing on the territory of Stara Zagora municipality- the municipalities of Stara Zagora, Radnevo, Opan; Haskovo district- the municipalities of Dimitrovgrad, Haskovo and the district of Kardzhali- the municipalities of Dzhebel, Kardzhali, Momchilgrad and Kirkovo .
7. Construction permit, No. 48 dated 12.09.2017, promulgated SG 76/2017, effective.

The total length of the gas pipeline is about 182 km, 151 km out of which are on the territory of Bulgaria. The pipeline is routed through the districts of Haskovo, Kardzhali and Stara Zagora and on Bulgarian territory it affects the territory of 9 municipalities.

2. Technical implementation and progress on the Project.

The IGB project has obtained positive EIA decisions by the competent authorities on Bulgarian and Greek territory. The construction route has been designed on Bulgarian and Greek territory and it has been approved by the bodies in both countries - an Installation Act decision has been obtained on Greek territory and on Bulgarian territory a Detailed Spatial Plan - parcel plan of the site has been approved and has taken effect.

The activities of engineering of the gas pipeline have been completed for both sections, including engineering studies of the site and approval of authorities responsible for approval of the project as well as of third parties affected by construction of the gas pipeline has been obtained. The FEED documentation has been prepared in accordance with the Greek regulation for high-pressure gas pipelines. On Bulgarian territory the Technical design for the project has been prepared in accordance with the regulations for engineering of high-pressure gas pipelines and in particular the Energy Act and the Spatial Development Act on the territory of the Republic of Bulgaria and the Technical design is approved by the Ministry of regional development and public works.

The technical documentation for the project includes the Technical design for the Bulgarian section and FEED for the Greek section as well as any other ancillary documentation. Public procurement procedures for start of construction will be divided into two main parts which cover all the scope of the activities of supply and construction complementing each other: Line pipe supply part and EPC part.

At the beginning of 2016 investment engineering of both sections of the Site was practically completed (Bulgarian and Greek ones) for the purposes of a construction permit and a Construction permit No.48 dated 12.09.2017, promulgated SG 76/2017 was issued for the site which as at the time of announcing the public procurement is effective.

3. Information on the Contracting entity.

IGB project is implemented by the investment company ICGB AD (the Contracting entity) where shareholders with equal shares are the Bulgarian company Bulgarian Energy Holding EAD (50%) and the Greek company Interconnector Greece-Italy Poseidon SA (50%). ICGB has been established as a project company with the main purpose to construct, commission and operate the Gas pipeline.

Upon awarding of this public procurement pursuant to PPA and RAPPAs the executive officers representing the Contracting entity act as contracting entities and apply the rules valid for sector contracting entities.

SECTION II. DESCRIPTION OF THE PUBLIC PROCUREMENT SUBJECT.

1. General description of the scope of services subject of the procurement

The following activities are the subject of this public procurement:

- Appropriate assessment of the basic requirements for the construction of all parts of the detailed design for the construction site that is to be developed by the Contractor under an engineering contract, subject to the present contract, in volume and content according to the Spatial Development Act, including appropriate assessment and technical control of the Part Constructive according to Art. 10 of the SDA and appropriate assessment regarding the achievement of the compliance of the project with the requirements for energy efficiency under Art. 169 para. 1, item 6 of the SDA pursuant to Art. 142, para. 11 of the SDA in the applicable cases, and preparation of a comprehensive report for the appropriate assessment carried out;
- Conduct appropriate assessments of the compliance with the basic requirements for the construction of all parts of the investment project prepared if amendments to the approved investment project are required within the scope of the substantial amendments under Art. 154, para. 2 of the Territorial Planning Act during construction, for the construction - subject of the procurement, in volume and content according to the SDA, including appropriate assessment and technical control of part Constructive pursuant to Art. 142, paragraph 10 of the SDA and appropriate assessment regarding compliance of the project with the requirements for energy efficiency under Art. 169 para. 1, item 6 SDA pursuant to Art. 142, para. 11 of the SDA in the applicable cases, and preparation of a comprehensive report on the appropriate assessments carried out;
- Assistance to the Contracting Entity in the procedure for coordination and approving the detailed investment project drafted by the contractor under the engineering contract and supplementing the issued building permit for the construction subject of the procurement;
- Assistance to the Contracting Entity in the procedure for coordination and approval of all parts of the investment project, prepared if amendments to the approved investment project are required within the scope of the substantial amendments under Art. 154, para. 2 of the Territorial Planning Act during construction and further completion of the issued Building Permit for the construction - subject of the contract;
- Construction supervision during construction until acceptance and commissioning of the construction - subject of the procurement within the mandatory scope regulated by the SDA, the secondary legislation for its implementation and other relevant regulatory documents;
- Control over the activities of the Contractor under the Contract for Engineering on survey photos of the construction, preparation of documentation for issuance of a Certificate by the Office of Geodesy, Cartography and Cadastre that the obligation under Art. 54a, para. 2 of the Cadastre and Property Register Act has been complied with and provision of the Certificate under Art. 54a of the CPRA;
- Preparation of a final report on the construction, pursuant to Art. 168, para. 6 SDA and § 3 of the SP of Ordinance No. 2 of 31 July 2003 on the commissioning of construction sites in the Republic of Bulgaria and minimum guarantee periods for completed construction and installation works, facilities and construction sites and Technical Passport for the construction pursuant to art. 176a SDA and Ordinance No. 5 of 2006 on the technical passports of constructions;

- Control and management of the commissioning of the construction, including single and group tests of the installations and equipment, until the issuance of the Permit for use of the construction;
- Preparation and submission to the Contracting Entity of Monthly Reports for the works performed for each month of the Contract performance, Reports on the detection of an irregularity or doubt for an irregularity, Reports and opinions at the request of the Contracting Entity.
- Preparation and submission to the Contracting Entity of a Final Report on the execution of the procurement after obtaining the Permit for use of the construction.

On Bulgarian territory the project includes:

- Section of the gas pipeline
- Automatic gas regulating station (AGRS) Kardzhali,
- AGRS Dimitrovgrad,
- The section after AGRS Dimitrovgrad up to the interconnection point with Bulgartransgaz in the region of Malko Asenovo village, Dimitrovgrad municipality,
- Construction of a Dispatching centre and Operation and maintenance base as well as sewage collection for sanitary and rain water for them,
- Block valve stations along the route of the gas pipeline,
- Gas metering station (GMS-2) Stara Zagora and receiving unit of the internal pipe facilities for internal pipe pigging and checks (inspections) of the gas pipeline ,
- Interconnection with Bulgartransgaz network in the region of Zagore village, Stara Zagora municipality.

The construction site within the scope of the public procurement is first category pursuant to art. 137, par.1, item 1, letter „b“of the Spatial Development Act (SDA) and art.2, par.2, item 3 of Ordinance No. 1 of 2003 on the types of construction sites nomenclature.

The conditions under which the subject of the procurement will be implemented, the rights and obligations of the parties are described in detail in the draft award contract Appendix No.8.

Detailed technical instructions for implementation of the subject of the Public procurement, including functional requirements and operational characteristics as well as all requirements of the Contracting entity with respect to implementation of the Public procurement are provided in **Appendix No 1 –Technical specification.**

*The Participants need to take into account that on the territory of both Bulgaria and Greece an **Owner's engineer Consultant** will all so be engaged whose function will be to assist the Contracting entity in implementation of the IGB Project until commissioning and training and to manage the work and performance of all service providers, incl. the line pipe supplier and the Contractor of the engineering services, supply and construction package (referred to as EPC), etc. in accordance with the Technical specification which contains a detailed scope of work and contractual terms and conditions.*

The Owner's engineer Consultant shall provide services to the Contracting entity in the following main fields related to project management and implementation:

- *Technical assessment and risk management on behalf of the Contracting entity*
- *Engineering assistance and services on project review on behalf of the Contracting entity*
- *Inspections of supplies on behalf of the Contracting entity*
- *Supervision of activities on the construction site on behalf of the Contracting entity*
- *Land/ easement acquisition for Greece only*
- *Supervision of commissioning on behalf of the Contracting entity*
- *Completion and start-up*
- *For the section on Greek territory – third party inspections, services in the capacity of an independent operator;*

2. Place of implementation of the services.

The place of implementation of the public procurement is the territory of the Republic of Bulgaria.

3. Implementation term.

The implementation term for this procurement shall start on the date the contract for implementation is signed and a letter of engagement by the Contracting entity is received for start of implementation in accordance with the requirements of the contract in appendix No 8 to this documentation and which shall be completed with commissioning of the construction but not more than five years, as stipulated in art. 113, par. 1 of the Public Procurement Act as of the contract effectiveness date.

4. Estimated value.

The estimated value of the public procurement is **1 300 000 BGN (in words: one million and three thousand BGN) VAT excluded.**

The estimated value is the maximum amount of the financial resource of the Contracting entity. Each tender which exceeds the estimated value of the Public procurement shall be excluded from the procedure.

5. Payment.

Interim and final payments are provided for the activities performed and accepted under the contract. Payments shall be made periodically based on an invoice submitted and a request by the Contractor. The conditions are described in detail in the draft contract for procurement award in Appendix No.8.

When an activity, subject of the procurement, is performed by a subcontractor and may be delivered as an individual site of the Contractor to the Contracting entity, its payment will be directly made to the subcontractor and in this case along with the documents required by the Contracting entity a request for payment by a Subcontractor shall also be submitted along with an opinion by the contractor which makes it clear whether it contests the payments or part thereof as not due. The payment request and the contractor's opinion shall include the amount of the remuneration due as well as a bank account of the Subcontractor to which payment is to be made.

The Contracting entity shall be entitled to refuse a direct payment to a Subcontractor when the payment request has been contested until the reasons for the refusal have been remedied as well as when the activity may not be delivered and accepted as an individual site.

SECTION III. PROCUREMENT AWARD CRITERIA. ASSESSMENT METHODOLOGY.

The public procurement shall be awarded based on the economically most beneficial Tender.

The economically most beneficial Tender shall be set based on the optimum quality/price ratio criterion.

1. Parameters included in the criterion

The assessment parameters included in the criterion are given in **Appendix No.6 – Assessment criteria. Assessment methodology.**

2. Relative weight of parameters

The relative weight of each of the criteria is given **Appendix No.6 – Assessment criteria. Assessment methodology.**

SECTION IV. INFORMATION ON THE AWARD PROCEDURE

1. Legal ground for opening of the Procedure. Decision for opening. Announcement on the Public procurement.

The subject matter of the public procurement is provision of services within the meaning of art. 3, para. 1, pt. 3 of the PPA.

The Procedure shall be opened on the grounds of art. 133 with regard to art. 18, para. 1, pt. 1 of the PPA, with a Decision No 13/04.10.2018 of the Executive directors of the Company approving Announcement with outg. No 13/04.10.2018 and the Documentation regarding the Public procurement.

2. Type of the Procedure and motives for its selection.

Pursuant to art. 132 PPA upon award of public procurement contracting authorities may freely choose an open procedure.

The selection of the procedure in this case is conditioned by all interested parties that meet the initially set criteria to be able to submit tenders.

3. Lots – description of the lots/motives for the impossibility of dividing the procurement into lots.

The purpose of awarding the procurement within a single subject matter without dividing it into lots is to achieve an optimum management process of the entire project and responsibility of one Contractor for the activities to the fullest extent.

Dividing the Public procurement into lots is not feasible and is not applicable in this public procurement as the procurement subject is indivisible in its essence. The activities that are to be performed in this procurement are systematically related due to which, in view of the correct and consistent performance of the activities subject of the procurement, the procurement is not divided into lots. Division of this public procurement into lots will pose difficulties to the contracting entity in terms of the processes of award and control of the activities subject of the procurement. The latter justifies the fact that dividing the procurement into lots is not expedient.

Section V. Requirements to participants.

1. General requirements

1.1. Administrative requirements and exclusion grounds

- A participant in this procedure may be any Bulgarian or foreign legal entity, their Consortiums and any other consortium which meets the requirements stipulated in the Public Procurement Act (PPA), the Rulebook for application of the Public Procurement Act (RAPP) and the conditions initially set by the contracting entity.
- Any participant in the procedure is entitled to submit only one tender. A person which participates in a Consortium or has given its consent to be a subcontractor in the tender of another participant may not submit an individual tender.
- A natural or legal person may participate in one Consortium only.
- Related parties in the meaning of § 2, item 45 SP PPA may not be individual participants in one and the same procedure.
- A branch of a foreign person may be an individual participant in the procedure if it may individually submit tenders and conclude contracts pursuant to the legislation of the country where it is established. In these cases, if the branch relies on the resources of the trader to evidence compliance with the requirements for technical and professional capabilities, the branch shall submit evidence that it will have these resources available in the course of implementation of the procurement.

1.2. Exclusion grounds

The CONTRACTING ENTITY shall exclude from the procedure a participant when it:

1. Has been sentenced effectively, except if rehabilitated, for an offence pursuant to art. 108a, art.159a-159d, art.172, art.192a, art.194-217, art.219-252, art.253-260, art.301-307, art.321, 321a and art.352 -353 of the Penal Code;
2. Has been sentenced effectively, except if rehabilitated, for an offence analogical to these under item 1 in another member state of EU or a third state;
3. Has liabilities to the state or to the municipality where the seat of the CONTRACTING ENTITY and the participant is located for taxes and mandatory social security contributions in the sense of art. 162, par. 2, par. 1 of the Tax-Insurance Procedural Code and interest on them or analogical payables established via a competent entity document in accordance with the legislation of the state where the participant is based, except if rescheduling, deferment or providing security for the payables has been arranged or the payable is pursuant to a document that has not taken effect;

This item 3 shall not be applied when:

- especially important or public interests need to be protected;

- the amount of the unpaid taxes or social insurance contributions due shall have to be not more than 1 per cent of the amount of the annual total turnover for the past completed financial year;

4. There has been inequality in the cases under art. 44, par. 5 PPA when despite the measure taken pursuant to art. 44, par. 3 and/or 4 PPA application of the principle of inequality may not be ensured, the participant who has taken part in market consultations

and/or in the preparation of awarding the procurement shall be excluded for the procedure if they may not provide evidence that their participation does not lead to breaking this principle;

5. It has been established that:
 - a) a document has been submitted with false content related to certifying the non-existence of grounds for exclusion or compliance with the selection criteria;
 - b) required information has not been submitted related to certifying the non-existence of grounds for exclusion or compliance with the selection criteria;
6. It has been established via an effective penal order or a court ruling violation of Art. 61, para. 1, Art. 62, para. 1 or 3, Art. 63, para. 1 or 2, Art. 118, Art. 128, Art. 228, para. 3, Art. 245 and Art. 301-305 of the Labor Code or Art. 13 para. 1 of the Labor Migration and Labor Mobility Act or similar obligations established by an act of a competent authority under the legislation of the state in which the participant is based;
7. There is a conflict of interest which may not be terminated;
8. Does not comply with the selection criteria set or fails to comply with another condition set in the notice for public procurement or in the documentation for participation;
9. Has submitted a tender that does not comply with:
 - a) the initially announced conditions of the procurement;
 - b) Rules and requirements related to environmental protection, social and labour law, applicable collective agreements and/or international environmental, social and labour law provisions listed in Appendix No.10 of PPA - a list of conventions in the social sphere and in the environmental area;
10. a participant which has failed to timely submit the justification under art.72, par. 1 PPA or whose offer has not been accepted in accordance with art. 72, par. 3-5 PPA.
11. there is a connection within the meaning of par. 2, item 44 of the Supplementary Provisions of the Public Procurement Act between participants in a particular procedure (Article 107, paragraph 4 of the PPA);
12. Has been declared bankrupt or is under bankruptcy proceedings, or is being wound up, or has entered into an out-of-court arrangements with the creditors thereof within the meaning given by Article 740 of the Commerce Act, or has suspended business activities, and in case the participant is a non-resident person, it is in a similar situation arising from a similar procedure under the law of the State in which the said participant is established;

Note: The contracting entity shall have the right not to exclude a Participant on this particular ground if the Participant certifies that they have not discontinued their operations and may perform the procurement in accordance with the applicable national rules upon continuation of the operations in the state where they are established.
13. Has been proved to be guilty of non-performance of a public procurement contract or a contract for concession or a services contract leading to his early termination, payment of benefits or other similar sanctions, except where the non-implementation affects less than 50 per cent of the value or volume of the contract;
14. there are circumstances under Art. 69 of the Act on counteracting corruption and on seizure of illegally acquired property.

15. With respect to the Participant the prohibition for participation in public procurement is applicable pursuant to art. 3, Item 8 from the Law on Economic and Financial Relations with Companies registered in preferential tax regime jurisdictions, the persons related to them and their beneficial owners (EFRCRPTRJPRTTBOA).

1.3. Reliability measures.

- A participant for whom the grounds for exclusion related to personal standing apply, shall have the right to take measures which guarantee its reliability pursuant to art. 56 PPA. When the reliability measures have been taken before submitting the tender they shall be described in the European Single Procurement Document (ESPD):
- The documents under art. 45, par. 2 RAPPAs shall be submitted as evidence for the participant's reliability.

1.4. Third party capacity.

- Pursuant to art. 65 PPA any participant may rely on the capacity of third parties with respect to the criteria related to technical and professional capabilities. Third parties may be the subcontractors planned as well as other entities regardless of their legal relationship with the participant. When the participant relies on the capacity of third parties to cover the minimum eligibility requirements, the information required shall be filled in in Part II, Section C ESPD.
- The participant needs to be able to prove that it will have the resources of third parties available by submitting documents for the obligations assumed by them. Third parties need to meet the respective selection criteria, the participant relies on their technical capacity and the exclusion grounds to prove them and the exclusion grounds for the procedure shall not apply to them due to which for each third party a duly filled in and signed ESPD shall be submitted which includes the information required in Part II, Section A and Section B and Part III of the document.

1.5. Subcontractors.

- Pursuant to art. 66, par. 2 PPA when a participant intends to use subcontractors, they shall have to meet the selection criteria in accordance with the type and share of the procurement they will perform and the exclusion grounds shall not apply for them due to which every subcontractor shall submit a duly filled in and signed ESPD which contains the information required in Part II, Section A and Section B and Part III of the document.
- A list of subcontractors is also attached where the following data is provided for each subcontractor: name and UIC (or other identification), scope of activities and share of the procurement which will be awarded to it. Evidence is also submitted on the obligations assumed by the subcontractor.
- When a participant plans to use subcontractors whose capacity it will use in order to cover the minimum eligibility requirements (selection criteria), the required information is filled in Part II, Section C ESPD because in this case the subcontractor is at the same time a third party in the meaning of art. 65 PPA.
- When a participant plans to use subcontractors whose capacity it will not use in order to cover the minimum eligibility requirements (selection criteria), i.e. the participant covers the selection criteria individually but it nevertheless plans a subcontractor, the required information is filled in Part II, Section D ESPD.

1.6. Electronic ESPD.

Participants provide ESPD in electronic form on a digital media (USB flash drive).

For this purpose, ESPD will be filled in via the European Commission's ESPD (eESPD) information system at <https://ec.europa.eu/tools/espd>, following the below steps:

- 1) In the system is marked "economic operator";
- 2) Then ESPD file is loaded;
- 3) The xml file from Appendix 4 (espd-request.xml) is loaded into the system;
- 4) The required data is filled in;
- 5) After reviewing the ESPD, it is downloaded in both formats - xml and pdf;
- 6) ESPD in pdf format shall be signed with an electronic signature by the respective obligated persons;
- 7) ESPD files xml and pdf (signed) are recorded on a digital media which is applied.

ESPD shall be submitted by the Participant (economic operator) in accordance with the requirements of the law and the conditions of the Contracting entity and when applicable- ESPD for each of the members of the Consortium which is not a legal person, for each subcontractor and for each person whose resources will be involved in implementation of the procurement. The Participant shall have to also specify in the respective places in ESPD referring to subcontractors and third parties / other entities/, apart from other information required as per the ESPD template, the names of subcontractors and/or third parties if such are provided, with subcontractors and third parties respectively submitting ESPD in electronic form on a digital media (USB flash drive) all relevant to them and the procedure for awarding the present public procurement fields.

ESPD are signed with electronic signature by the persons who represent the Participant, the members of the management and supervisory bodies and other persons who have the power to exercise control over the decision making by these bodies.

The participant (economic operator), subcontractors respectively and third parties shall have to fill in in ESPD all fields relevant to them and to this public procurement award procedure.

1.7. Instructions for filling in ESPD:

The European Single Procurement Document contains the following parts:

- Part I. Information about the procurement procedure and the contracting entity or the contracting entity.
- Part II. Information about the economic operator.
- Part III. Grounding reasons for exclusion.
- Part IV. Selection criteria.
- Part V. Reducing the number of qualified participants.
- Part VI. Concluding positions.

The individual parts of the eESPD are filled in by the participant in the public procurement in accordance with the following instructions:

- the information requested by the Contracting Entity shall be provided in the eESPD, indicating data on the public registers containing the declared circumstances or the competent authorities which are required to provide information under the legislation of the State in which the participant is established.

- a participant (economic operator) who participates in the procurement on its own and does not use the capacity of third parties and sub-contractors to fulfil the selection criteria, fills in and presents one eESPD.
- a participant (economic operator) who participates on its own but who will use the capacity of one or more third parties in respect to the selection criteria, submits a filled in separate eESPD for each of the third parties.
- a participant (economic operator), which participates on its own but will use one or more subcontractors, submits a filled in separate eESPD for each of the subcontractors.
- when a public or private entity participates in the public procurement as a consortium an eESPD shall be submitted for each of the persons participating in the consortium.
- when the requirements under Art. 54, para. 1, items 1, 2 and 7 and art. 55, par. 1, item 5 of the Public Procurement Act refer to more than one person, all persons sign the same eESPD. In the event of a discrepancy in the declared circumstances relating to the personal status or in the need for protection of personal data, the information shall be filled in in a separate eESPD for each or for any of these persons. In this case, Part IV of ESPD "Selection Criteria" is filled in only in the eESPD signed by a person who can represent the participant (the economic operator) on its own.
- where a participant in the public procurement (economic operator) has any of the grounds under Art. 54, para. 1 of the Public Procurement Act or the grounds stated by the Contracting Entity under Art. 55, para. 1 of the Public Procurement Act and, before submitting the offer, he has taken measures to prove the reliability under Art. 56 of the PPA, these measures are described in the eESPD. They are proved when the following are applied to eESPD:
 - (a) a document for payment or agreement or other document showing that the obligations are secured or that the parties have agreed to their deferral or rescheduling, together with a repayment schedule and / or specified dates for the final payment of outstanding debts or is in the process of paying the due compensation.
 - (b) a document from the relevant competent authority to confirm the circumstances described.Documents proving the lack of grounds for exclusion are those referred to in Art. 58 of the Public Procurement Act and shall be submitted by the participant selected as contractor prior to the conclusion of a public procurement contract.
- the participant (the economic operator) should declare in the eESPD in **Part III "Grounds for exclusion", letter "D" "Other grounds for exclusion which may be provided under the national legislation of the contracting entity or the contracting entity of a Member State" with [yes] or [no] information relating to the following circumstances:**
 - a) convictions for crimes under Art. 194-208, Art. 213a - 217, Art. 219-252 and Art. 254a - 260 of the Penal Code.
** In the event that the representative has been convicted of crimes analogous to those cited above in another Member State or a third country, the same is necessary to indicate the requested information.*
 - b) circumstances under Art. 3, item 8 of the Economic and Financial Relations Act with the companies registered in preferential tax jurisdictions, the persons related to them and their actual owners, except in the exceptions referred to in Art. 4 of the same law.
 - c) existence of connectivity within the meaning of para. 2, item 44 of the Supplementary provisions of the PPA between the participants in the present procedure.

** If any specific national ground for exclusion from the abovementioned is applied, the economic operator should indicate in the eESPD that he has undertaken rehabilitation measures on his own initiative. If “yes”, the same should describe the measures taken.*

** When the requirements under (a) above apply to more than one person, all persons sign the same eESPD. Where there is a need for protection of the personal data or a difference in the circumstances related to the personal status concerning the information on the requirements under Art. 54, para. 1, item 1 and item 2 shall be filled in in a separate eESPD for each person or for some of the persons.*

1.8. Instructions for the preparation and submission of eESPD (in electronic form, using electronic means of communication).

eESPD is a personal statement in electronic form. The obligation to submit this document electronically is also indicated in the contract notice (Article 49 (1) of the RAPPAs).

2. Specific requirements. Selection criteria.

2.1. Capability (qualification) to exercise a particular activity.

The Participant shall have to be entered into the register of NCCD to exercise the activities pursuant to art. 166, par. 1, item 1 SDA and to possess a certificate for appropriate assessment of investment designs and exercising construction supervision issued pursuant to art. 166, par. 2 SDA. For foreign entities- in analogical registers in accordance with the legislation of the country of the member-state of EU in which they are established.

Note: When Consortiums participate which are not legal persons, compliance with the requirement shall be evidenced by those members of the Consortium which in accordance with the distribution of participation in implementation of the activities stipulated in the agreement establishing the Consortium are involved in performance of construction supervision.

When the Participant plans to use Subcontractors, the requirement is evidenced for these Subcontractors to which construction supervision is assigned in accordance with the type and share of the procurement.

Evidencing the requirement.

When submitting a tender, Participants shall declare only compliance with this selection criteria when they fill in the respective section in European Single Procurement Document (ESPD) - part IV, Section A Capability of the ESPD.

When the Participant is a foreign entity, they shall have to submit a copy of a document certifying the right to perform such an activity issued by a competent authority of a member state of the European Union or another country- party to the European Economic Area Treaty in accordance with art. 166 SDA or to submit a declaration or a certificate for the existence of such a registration from the competent authorities in accordance with the respective national law. This document shall be submitted by the Participant in Bulgarian.

Where the tenderer is a non-resident, prior to the conclusion of the contract, in the event that he has been selected as a Contractor, he shall submit a copy of a document certifying the right to perform such activity under Art. 9 and following from Ordinance No. RD-02-20-25 of 3.12.2012 on the terms and procedure for issuance of certificates for registration of the consultants for assessment of the compliance of the investment projects and / or the exercise of construction supervision. This document is presented by the participant in the Bulgarian language.

The document which evidences the requirement is a Certificate for exercising the activities pursuant to art. 166, par. 1, item 1 SDA issued pursuant to the procedure of art. 166, par. 2 SDA or for a foreign entity- issued pursuant to the procedure of art. 9 and the following of Ordinance No ПД-02-20-25 dated 3.12.2012 on the terms and procedure for issuing certificates for registering consultants for appropriate assessment of investment projects and/or construction supervision.

2.2. Minimum requirements for financial and economic standing and evidence for them

2.2.1 The Participant needs to have **minimum total turnover**, calculated based on the annual turnovers for the past three years, not less than BGN 800 000 depending on the date when the Participant was established or started its operations.

2.2.2 The Participant needs to have **minimum total turnover** from advisory services pursuant to art. 166, par. 1, item 1 SDA calculated based on the annual turnovers for the past three years not less than BGN 400 000 depending on the date when the Participant was established or started its operations.

Evidencing the requirement set

Evidence: in order to certify compliance with this criterion the Participant shall fill in Section B: Economic and financial standing in Part IV: Selection criteria in ESPD. The requirements shall be certified with documents under art. 62, par. 1, item 1 or item 3 SDA- bank certificates or a copy of financial statements which the Participant nominated for contractor submits before conclusion of the contract for public procurement. Upon submission of a tender Participants shall fill in only the respective section of ESPD.

2.2.3 The Participant shall have to possess **Professional liability insurance pursuant to art. 171 SDA with a minimum insurance amount of BGN 300 000** or equivalent for foreign entities in accordance with the legislation of the country of establishment.

When submitting a tender, the Participants shall fill in the respective information in Part IV, Section B of the ESPD.

In the event that Consortiums participate which are not legal entities, the compliance with the selection criteria shall be evidenced by the participating Consortium and not by each of the persons included in it, except for the cases when in accordance with the distribution of participation of the persons in performing the activities stipulated in the contract establishing the Consortium it has been provided that these persons will perform advisory service pursuant to art. 166, par. 1, item 1 SDA. Each of the persons performing this activity shall have to possess the respective insurance. When the Participant uses subcontractors, they shall have to meet the respective selection criteria in accordance with the type and share of the procurement they will perform and the exclusion grounds shall not apply to them.

Evidencing the requirement set

Documents to evidence the requirements- pursuant to art. 62, par. 1, item 2 PPA- evidence for availability of Professional liability insurance with the coverage required - a copy of the insurance policy or equivalent in the event that they are not available through direct and free-of-charge access to the respective national database.

2.3. Minimum requirements for technical and professional capabilities.

The Participant shall have to have performed for the past five years as of the date of submission of the tender at least one activity - a service with a subject identical or similar to those of the procurement.

Services identical or similar to those of the procurement shall mean advisory services pursuant to art. 166, par. 1, item 1 SDA for construction of linear sites of technical infrastructure pursuant to art. 64, par.1, item 2, 3, 4 SDA.

The respective experience as referred to above refers to the past 5 years as of the deadline for submission of a tender. The period for which the respective experience is required is extended to 5 years due to the specificity of services and complexity of the project pursuant to art. 63, par. 2 PPA.

Evidencing the requirement set

The documents to evidence the requirement- pursuant to art. 64, par. 1, item 2 PPA: a list of the services which are identical or similar to the ones in the procurement indicating the values, dates and beneficiaries along with evidence for the service performed. The list is filled in in Part IV, section C of the ESPD. Evidence for the service performed shall be submitted only by the Participant nominated for contractor.

In the event of participation of a Consortium which is not a legal person the respective information is filled in in ESPD of the members of the Consortium through which the Participant evidences the requirements set and the documents shall be submitted by these members.

When the Participant plans participation of subcontractors, ESPD and the documents shall be also submitted for each of the subcontractors indicated.

Documents for evidencing compliance with the requirement set shall be submitted by the Participant nominated for Contractor or upon request in the course of the procedure- in the cases of art. 67, par. 5 and 6 PPA.

Section VI. Submission of offers. Deadlines for submission of offers.

1. Mandatory content of each offer pursuant to article 39 RAPP

- A list of documents submitted – as per template in– Appendix No. 2;
- European Single Procurement Document as per - Appendix No. 3;
- Declaration pursuant to art. 67, par. 3, PPA that Participants would like to use ESPD which has already been submitted and published - Appendix No. 7;
- The Technical offer shall contain the following documents:
 - A document for authorization when the person submitting the Tender is not the legal representative of the Participant;
 - An offer for implementation of the procurement in accordance with the Technical specifications in Appendix № 1 and the requirements of the Contracting Entity as per Appendix No. 4;
- Price offer as per the Template in Appendix No. 5;
- Participants may indicate in their offers which of the information submitted they treat as confidential due to business secret. The information that Participants have indicated as confidential shall not be disclosed by the Contracting entity to third parties and shall not be published in the Buyer's profile.

Participants may not claim confidentiality with respect to the offers in their Tenders which are subject to assessment.

In the course of preparation of their tenders Participants shall strictly follow the minimum contents required by the Contracting entity in the template of Technical offer - Appendix No. 4. The lack of minimum contents in the technical offer is grounds for exclusion from the procedure pursuant to art. 107 PPA.

2. Document regarding establishment of a Consortium.

When the Participant is a Consortium, which is not a legal entity, it shall submit a document evidencing the status of the Consortium, for instance: a Consortium contract (which is not a company), civil association contract, joint action contract, etc. The document shall contain the legal ground for establishment of the Consortium, as well as the following information in relation to the public procurement:

- a) a specific partner representing the Consortium for the purposes of the public procurement;
- b) agreed joint and several liabilities of the participants in the Consortium when such are not envisaged in accordance with the applicable law;
- c) the rights and obligations of the participants in the Consortium;
- d) the distribution of liability between the members of the Consortium;
- e) the activities which each member of the Consortium shall implement.

3. Proof regarding the obligations undertaken by the Subcontractors.

Participants shall state in the tender the Subcontractors and the part of the public procurement which will be delegated to them if they intend to rely on such. In this case they shall submit proof of the obligations undertaken by the Subcontractors.

4. Price offer.

The Price offer shall be prepared on the basis of a form in Appendix No 5 – Price offer.

The Price offer shall be placed in a separate sealed non-transparent envelope inside the package and shall bear the note: “Offered price parameters”.

5. Term of validity of the offers.

- The validity term of the offers shall be the time during which Participants are bound by the terms of the offers submitted by them.
- Offers shall have to be valid for a period not shorter than 6 months as of the deadline for submission of offers.
- If required, the Contracting entity may require Participants to extend the validity term of their offers. A refusal to extend their offers, following expiry of their validity, shall lead to exclusion of the Participant.

6. Other requirements.

- The offer and all documents to it shall have to meet the requirements of the Contracting entity set in the Procurement Notice as well as in this Documentation and to be in a format as per the templates attached to it and in accordance with the instructions of the Contracting entity. The provisions for participation in the templates from the Documentation shall be mandatory for Participants and may not be amended by them.
- Documents and data in the offer shall be signed only by persons with representational functions as per the law, respectively the expressly authorized representative of the Consortium and/or persons specially authorized for this purpose. In the event of a special authorization a power of attorney for performing these functions certified by a notary shall have to be submitted.
- All documents related to the offer shall have to be in Bulgarian. If the offer contains documents and information in a foreign language, they shall have to be attached with a translation into Bulgarian.
- In the event when the Contracting entity does not expressly require an original document, the Participant may submit a copy certified by the person with representational powers and sealed with the stamp of the Participant (if they have a stamp).
- No entries between lines, deletions or corrections shall be admitted in the offer.
- The Contracting entity shall provide unlimited, full, free-of-charge and direct electronic access to the public procurement documentation as of the date of publication of the public procurement notice in EC Official Journal through the electronic file of the procurement in the Buyer’s profile.
- The offer shall be submitted in Bulgarian, in an original hard copy as well as a soft copy.

- Soft copies of documents shall have to be in Bulgarian and to be arranged in folders in the same order as they are provided in their hard copy. Folder and file names need to clearly specify their contents. Files need to be in a format allowing full text search and copying part of the contents with a view to facilitating the work of the Committee.
- In the event of mismatch between the hard copy texts and the soft copy ones, the hard copy document shall prevail.
- Documents related to participation in the procedure shall be submitted by the Participant or by a representative authorized by them in person or via registered post or courier with acknowledgement of receipt at the address given by the Contracting entity.
- Documents shall be submitted in a sealed non-transparent envelope (*the type of envelope is upon the discretion of the Participant). The Participant shall have to submit their offer along with all documents required by the Contracting entity at the following address: Sofia. The envelope shall bear the following text:

ICGB AD

Sofia ,13 Veslets Street, floor 2

To the attention of: Vladislava Tsekova

OFFER

**For participation in an open procedure pursuant to art. 18, par. 1, item 1 and art. 132
PPA for awarding public procurement for:**

**SELECTION OF A CONSULTANT FOR CONSTRUCTION SUPERVISION FOR
CONSTRUCTION OF GAS INTERCONNECTOR GREECE-BULGARIA**

Participant's name,

Including members of the Consortium (when applicable),

Contact address, telephone and

If possible- fax and e-mail,

The non-transparent sealed envelope shall contain the documents referred to in section VI, item 1-6, as well as a separate sealed non-transparent envelope inscribed Price Parameters Offered which contains the price offer of the Participant under section VI, item 4.

Section VII. Acceptance of offers. Return of offers.

Upon reception of the offer the number, date and time of receiving are indicated on it and a document for this is issued to the bearer. The Contracting entity shall not admit for participation in the procedure and shall immediately return to Participants offers that have been submitted after the deadline for receiving or are in an unsealed envelope or their envelope has been tampered with. These circumstances shall be reflected in the register under art. 48, par. 1 RAPPAs.

Offers received shall be stored with the Contracting entity up to the date and time set for opening the offers.

1. The offers shall have to be received by the Contracting entity at the address and within the period set in the notice for this public procurement.
2. In the event that within the period for receiving offers an offer for participation has not been received or only one offer has been received, the Contracting entity may extend the period for receiving offers.

Each Participant shall have to procure that the Contracting entity receives the offer in a timely manner.

Until expiry of the period for receiving offers each Participant may change, supplement or withdraw their offer. Withdrawal of an offer suspends further participation of the Participant in the procedure. Supplementing and changing the offer need to comply with the requirements and conditions for submitting the initial offer and the envelope shall have to bear the following text: **Supplement/Change of an offer incoming number.... For participation in an open procedure pursuant to PPA for (the whole subject is indicated).**

Section VIII. Communication between the Contracting entity and the Participants. Clarifications requests.

All communication and actions of the Contracting entity and the Participants related to this procedure shall be in writing.

The Participant may submit their letters and notifications at the Contracting entity's office in Sofia, 13 Veslets Street, floor 2 every working day by fax, by post or courier or electronically at the Contracting entity's site pursuant to the terms and procedure of the Electronic Document And Electronic Signature Act.

Persons may request clarifications in writing from the Contracting entity on the documentation for participation, the decision or the notice within 10 days before expiry of the period for receiving offers. The Contracting entity shall not provide clarifications if the request has been submitted after this period.

Clarifications shall be published on the buyer's profile within four days as of receiving the request, and they shall not contain the person addressing the request, but not later than 6 days before expiry of the period for receiving offers.

In the event that from the time clarifications on the documentation are provided by the Contracting entity to the deadline for receiving offers fewer than 6 days remain, the Contracting entity shall extend the period for receiving offers except when clarifications do not require material changes to offers.

The Contracting entity does not provide clarifications when the request has been submitted after the designated term.

Section IX. Admission, assessment and award procedure.

Following expiry of the period for receiving offers the Contracting entity shall appoint a committee for consideration and assessment of the offers. The committee comprises an odd number of members.

Admission, evaluation, ranking and award shall be done pursuant to Sections III and V above, set in accordance with art. 104, par. 1 PPA and art. 54, art. 55 and art. 56 of RAPP. A price offer exceeding the weighted estimated value shall not be admitted to assessment. A Participant with such a price offer shall be excluded from participation in the procedure.

When a Participant's offer contains an offer related to a price or costs which is subject to assessment and which is more than 20 per cent more favourable than the average value of the offers of the rest of the Participants under the same assessment parameter, the Contracting entity shall request from it a detailed written justification for the way it has been calculated which shall be submitted within 5 days upon receiving the request.

With respect to the contents of the justification and the procedure for accepting it, art. 72 PPA shall apply.

In addition to the grounds under art. 54 and art. 55, par. 1 PPA the Contracting entity shall exclude from the procedure:

1. A Participant that fails to meet the section criteria set or fails to comply with another condition set in the procurement notice or in the documentation;
2. A Participant that has submitted an offer which fails to comply with:
 - a). The initially announced terms and conditions of the procurement;
3. A Participant that has failed to timely submit the justification under art.72, par. 1 PPA or whose offer has not been accepted in accordance with art. 72, par. 3-5 PPA.
4. Participants which are related entities.
5. A Participant which is not entitled to participate in public procurement pursuant to art. 3, tem 8 in connection with art. 5, par. 1, item 3 of Economic and Financial Relations with Companies Registered in Preferential Tax Regime Jurisdictions, the Persons Related to Them and Their Beneficial Owners Act (EFRCRPTRJPRTTBOA) except when the conditions under art. 4 of the act are present.
6. A Participant to whom the circumstances under art. 69 of the Act on counteracting corruption and on seizure of illegally acquired property apply.

Information on the lack or existence of the circumstances under item 4 and item 5 shall be filled in in Part III, Section D of ESPD.

Section X. Public procurement contract. Performance guarantee.

1. Public procurement contract.

- The conditions for concluding a contract for awarding public procurement are set in art. 112 of PPA.
- The Contracting entity shall conclude a written contract for awarding public procurement with the Participant nominated for contractor in accordance with art. 109 of PPA.
- A performance guarantee is provided for, which is provided pursuant to the conditions of art. 111, par. 5 – 8 of PPA and is set at the amount of 5% of the value of the contract VAT excluded.
- Before concluding a contract, the nominated Contractor shall have to submit the guarantee required as well as up-to-date documents certifying compliance with the selection criteria set as well as the non-existence of the grounds for exclusion from the procedure pursuant to art. 58 PPA. The documents shall be also submitted for Subcontractors and third parties if there are such.
- Pursuant to art. 70 RAPPА when the nominated contractor is an unincorporated Consortium of natural and/or legal persons, before the contract is concluded the contractor shall submit to the Contracting entity a certified copy of a certificate for tax registration and BULSTAT registration or equivalent documents in accordance with the legislation of the state where the Consortium has been established.
- Pursuant to art. 67, par. 8 PPA the Contracting entity shall not require documents which have already been submitted or are officially known to it or may be procured through direct and free-of-charge access to the national databases of member-states.
- The contract will be with a term of effectiveness until its final performance but not more than 5 years in accordance with the provision of art. 113, par. 1 of PPA.

2. Performance guarantee

2.1. Amount of the guarantee

The selected Contractor of the Public procurement shall submit a guarantee securing the performance of the contract. The guarantee shall be at the amount of 5% of the value of the contract.

2.2. Form of the guarantee

The guarantees shall be submitted in one of the following forms:

- a) money;
- b) bank guarantee;
- c) insurance securing performance by covering the liability of the Contractor.

The guarantees may be submitted on behalf of the Contractor at the expense of a third person – guarantor.

The Participant selected as a Contractor shall choose the form of the performance guarantee.

2.3. Requirements to the guarantee

- When the selected Contractor constitutes a Consortium, which is not a legal entity, each of the partners in it can be an initiator under the bank guarantee, respectively deposit the

amount of money under the guarantee in the bank account or can be a party to the insurance contract.

- The guarantee in the form of money shall be deposited into a bank account of the Contracting entity in bank „.....“ , IBAN:, BIC:
- The performance bank guarantee, respectively the insurance, shall be issued in favor of the Contracting entity and shall contain the following conditions:
 - a) a statement of the issuing bank, respectively statement of insurer, that it will pay within 5 working days to the Contracting entity the sum of the due payment or part thereof as stated by the Contracting entity in a written request;
 - b) assuming a non-revocable and unconditional commitment for payment upon receipt of a written request by the Contracting entity, regardless of the objections of the Contractor or third persons.

2.4. Terms and conditions regarding retention or release of the guarantee

The terms and conditions regarding retention or release of the performance guarantee shall be agreed in the Public procurement contract.

Section XI. Documents templates.

Appendix 1 - Technical Specification

Appendix 2 - List of Documents

Appendix 3 – Standard form for the single European public procurement document (ESPD)

Appendix 4 - Technical Offer

Appendix 5 - Price offer

Appendix 6 - Assessment criteria. Assessment methodology.

Appendix 7 - Declaration under Art. 67, para. 3 PPA that Participants may use ESPD already used in a previous public procurement procedure, provided that Participants confirm that the information contained therein is still up to date.

Appendix 8 - Draft contract