

**ECO SUN ORADEA S.R.L.**

**Bucuresti, Sectorul 1, Str. Grigore Alexandrescu, nr. 89-97, Cladire B, Metropolis Center, etaj 5**

**RO41498000; J40/10433/2019**

**Clarifications request dated 14.08.2023 addressed to Chintec Sp. z o.o.**

**Solicitarea de clarificari din data de 14.08.2023 adresat catre Chintec Sp. z o.o.**

Analizand documentatia de atribuire pe care ati depus-o in cadrul procedurii competitive privind atribuirea contractului de furnizare pentru realizarea proiectului „*CONSTRUIRE PARC FOTOVOLTAIC, ALEI CAROSABILE SI IMPREJMUIRE TEREN*” (“**Procedura**”), organizata de catre ECO SUN ORADEA SRL, in calitate de beneficiar privat (“**Beneficiarul Privat**”), **va adresam prezenta solicitare de clarificari** in temeiul dispozitiilor art. 6.3 alin. (10) din *Indrumarul metodologic pentru beneficiarii privati aplicabil in derularea procedurilor de achizitie pentru atribuirea contractelor de furnizare de produse, prestari de servicii, executie de lucrari finantate din fonduri externe nerambursabile si rambursabile aferente Mecanismului de Redresare si Rezilienta* (“**Ghidul Metodologic pentru Beneficiarii Privati**”) aplicabil la prezenta licitatie.

Having analyzed the tender documentation that you submitted in the competitive procedure for the award of the Supply Agreement for the implementation of the project "*CONSTRUCTION OF PHOTOVOLTAIC PARK, DRIVEWAYS AND LAND ENCLOSURE*" (the "**Procedure**"), organized by ECO SUN ORADEA SRL, as private beneficiary (the "**Private Beneficiary**"), **we hereby send you this clarifications request** pursuant to the provisions of art. 6.3 para. (10) of the *Methodological Guide for private beneficiaries applicable in the conduct of procurement procedures for award of contracts for the supply of products, provision of services, execution of works financed from non-reimbursable and reimbursable external funds related to the Recovery and Resilience Mechanism* (the "**Methodological Guidelines for Private Beneficiaries**") applicable to this tender.

Astfel, va rugam sa clarificati urmatoarele aspecte pana la ora 16:00 ora Romaniei, Miercuri, 16 August, 2023 :

Therefore, please clarify the following aspects, until 16:00 Romania's time, on Wednesday, August 16, 2023:

1. **Sectiunea 3 din Caietul de sarcini prevede cerinta completarii, semnarii si depunerii Formularului nr. 10 “Imputernicire”.**

In documentatia de atribuire pe care ati depus-o, nu am reusit sa identificam formularul sus-mentionat.

Va rugam sa clarificati prin transmiterea Formularului nr. 10 completat si semnat.

**Section 3 of the Tender Book provides the requirement to fill in, sign and submit the Form no. 10 "Power of Attorney".**

In the tender documentation submitted, we were unable to identify the above-mentioned form.

Please clarify by submitting Form no. 10 filled in and signed.

2. **Sectiunea 3 din Caietul de sarcini prevede cerinta de a depune o "Declaratie emisa de catre Ofertant cu privire la beneficiarul real al Ofertantului si documentele emise conform legii statului in care Ofertantul isi are sediul care sa ateste care este beneficiarul real al Ofertantului".**

Desi am identificat documentul cuprinzand structura actionariatului societatii dumneavoastra, in documentatia de atribuire pe care ati depus-o nu am reusit sa identificam o astfel de declaratie sau astfel de documente precum cele mentionate anterior.

Va rugam sa clarificati prin transmiterea unei declaratii semnate de catre imputernicitul societatii dumneavoastra in numele acesteia, in care se va mentiona expres beneficiarul ori beneficiarii reali ai societatii, determinat ori determinati in conditiile *Directivei (UE) 2015/849 a Parlamentului European si a Consiliului din 20 mai 2015 privind prevenirea utilizarii sistemului financiar in scopul spalarii banilor sau finantarii terorismului, de modificare a Regulamentului (UE) nr. 648/2012 al Parlamentului European si al Consiliului si de abrogare a Directivei 2005/60/CE a Parlamentului European si a Consiliului si a Directivei 2006/70/CE a Comisiei*, si prin transmiterea altor documente emise conform legii statului in care societatea dumneavoastra isi are sediul si care sa ateste care este beneficiarul real sau care sunt beneficiarii reali ai societatii dumneavoastra.

**Section 3 of the Tender Book provides the requirement to submit a "Statement issued by the Bidder regarding the Bidder's ultimate beneficial owner and documents issued under the law of the State in which the Bidder is established certifying the Bidder's beneficial owner".**

Although we have identified your company's shareholding structure document, in the tender documentation submitted we were unable to identify such statement or documents.

Please clarify by submitting a statement signed by your company's authorized representative on behalf of the company, expressly mentioning the company's ultimate beneficial owner(s), determined in accordance with the *Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of*

*money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC, and by submitting documents issued in accordance with the law of the State in which your company is established, which are attesting the ultimate beneficial owner(s) of the company.*

- 3. Sectiunea 3 din Caietul de sarcini prevede cerinta de a depune un certificat constatator din care sa rezulte faptul ca Ofertantul este o societate comerciala societate comerciala constituita de cel putin 5 ani, ce are autorizata activitatea ce urmeaza a fi realizata prin Contractul de furnizare, respectiv furnizare produselor oferitate.**

In documentatia de atribuire pe care ati depus-o, nu am reusit sa identificam un astfel de certificat.

Va rugam sa clarificati prin transmiterea certificatului constatator solicitat sau a unui document echivalent.

**Section 3 of the Tender Book provides the requirement to submit a certificate of ascertainment stating that the Bidder is a commercial company established for at least 5 years, which is authorized to carry out the activity to be executed out under the Supply Agreement, i.e. the supply of the products offered.**

In the tender documentation submitted, we have not been able to identify such certificate.

Please clarify this by submitting the requested certificate of ascertainment or an equivalent document.

- 4. Sectiunea 3 din Caietul de sarcini prevede cerinta de a face dovada furnizarilor de produse identice sau similare celor care fac obiectul Procedurii, pentru proiecte fotovoltaice de energie regenerabila avand puteri instalate cumulate de cel putin 45 MW. Sunt solicitate, in acest sens, documente precum parti relevante din contract din care sa rezulte beneficiarul, obiectul contractului, valoarea, perioada, sau alte documente relevante, certificari de buna executie / procese-verbale de predare-primire ori de receptie a marfurilor si, optional, recomandari datate, semnate si stampilate de catre beneficiari.**

In documentatia de atribuire pe care ati depus-o, desi am identificat Formularul nr. 8 "*Declaratie privind lista principalelor furnizari din ultimii 3 ani*", in care ati prezentat detalii despre 3 furnizari, nu am reusit sa identificam dovezile cerute in conditiile Sectiunii 3, conform paragrafului de mai sus.

Va rugam sa clarificati prin transmiterea dovezilor solicitate.

**Section 3 of the Tender Book provides the requirement to submit the proof of supply of identical or similar products to those that form the object of the Procedure, for photovoltaic renewable energy projects with a cumulative installed capacity of at least 45 MW. In this respect, documents such as relevant parts of the contract showing the beneficiary, the object of the contract, the value, the period, or other relevant documents, certificates of good execution / delivery-receipt or goods receipt minutes and, optionally, dated, signed and stamped recommendations by the beneficiaries are required.**

In the tender documentation submitted, although we have identified Form no. 8 "*Declaration on the list of main supplies in the last 3 years*", in which you submitted details of 3 supplies, we were unable to identify the proof required under Section 3, as per the paragraph above.

Please clarify by submitting the requested proof.

- 5. Sectiunea 3 din Caietul de sarcini prevede cerinta ca Ofertantul sa dovedeasca o cifra de afaceri pe anul 2022 si 2021 de cel putin 200 mil. EUR pe an la nivelul Ofertantului, sau la nivel de grup daca Ofertantul aduce si o scrisoare de garantie corporativa din partea societatii mama a grupului pentru o valoare de cel putin 50% din valoarea contractului. In acest sens vor fi depuse situatiile financiare ale Ofertantului si, daca este cazul, ale grupului din care acesta face parte, pentru anii 2022 si 2021, astfel cum acestea au fost inregistrate la organele fiscale competente.**

In documentatia de atribuire pe care ati depus-o, nu am reusit sa identificam situatiile financiare ale Ofertantului pentru anii 2022 si 2021, pentru dovedirea indeplinirii cerintei cifrei minime de afaceri pentru cei doi ani la nivelul mentionat in cerinta.

Va rugam sa clarificati prin transmiterea situatiilor financiare solicitate.

**Section 3 of the Tender Book provides the requirement that the Bidder must prove a turnover for the years 2022 and 2021 of at least EUR 200 million per year at the Bidder's level, or at group level if the Bidder also provides a corporate guarantee letter from the parent company of the group for at least 50% of the contract value. For this purpose, the financial statements of the Bidder and, if applicable, of the group of which it is part, for the years 2022 and 2021, as filed with the competent tax authorities, shall be submitted.**

In the tender documentation submitted, we were unable to identify the financial statements of the Bidder for the years 2022 and 2021, in order to prove the fulfilment of the minimum turnover requirement for the two years at the level mentioned in the requirement.

Please clarify by submitting the requested financial statements.

- 6. Sectiunea 3 din Caietul de sarcini prevede cerinta ca Ofertantul sa depuna un extras bancar solicitat bancii Ofertantului si semnat de catre aceasta, extras corespunzator contului**

**bancar al acestuia, nu mai vechi de 5 zile lucratoare inainte de data depunerii Ofertei sau o alta dovada ferma a existentei fondurilor necesare in vederea executarii obligatiilor principale asumate de catre Ofertant.**

In documentatia de atribuire pe care ati depus-o, nu am reusit sa identificam un astfel de extras bancar sau o alta dovada ferma a existentei fondurilor necesare.

Va rugam sa clarificati prin transmiterea extrasului bancar sau a dovezii solicitate.

**Section 3 of the Tender Book provides the requirement that the Bidder must submit a bank excerpt requested from and signed by the Bidder's bank, corresponding to the Bidder's bank account, not more than 5 working days prior to the date of submission of the Bid or other firm evidence of the existence of the necessary funds for the performance of the principal obligations assumed by the Bidder.**

In the tender documentation you submitted, we were unable to identify such a bank excerpt or other firm proof of the existence of the necessary funds.

Please clarify by submitting the requested bank excerpt or other proof.