

Private Beneficiary: ECO SUN ORADEA SRL

Headquarters: Bucharest, 1st District, 89-97 Grigore Alexandrescu Street, Building B, Metropolis Center, 5th floor

Location of implementation: Sanmartin Locality, Bihor County, LB 67116, LB 67128

REPORT OF THE COMPETITIVE PROCEDURE

**Regarding the award of the supply agreement for the implementation of the project
„CONSTRUCTION OF PHOTOVOLTAIC PARK, DRIVEWAYS AND LAND ENCLOSURE”**

Partially financed by European non-reimbursable funds related to

The Recovery and Resilience Mechanism

**through the National Recovery and Resilience Plan - Pillar I. Green Transition - Component C6.
Energy**

Investment measure - Investment I.1 - New renewable electricity generation capacities

I. GENERAL DATA

This *Final Report of 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**" and, respectively, the "**Procedure Report**") is drafted in accordance with the *Methodological Guide for Private Beneficiaries applicable to the conduct of procurement procedures for the 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 "**Guide**"), and with the Tender Book of the above-mentioned competitive procedure (the "**Tender Book**").

The Procedure Report is drafted by the Evaluation Commission established on the basis of the Decision of the Directors of ECO SUN ORADEA S.R.L. dated 29.05.2023 (the "**Evaluation Commission**") and convened for the final evaluation of the offer submitted within the Procedure for the award of the supply agreement (the "**Supply Agreement**") for the implementation of the Project "*CONSTRUCTION OF PHOTOVOLTAIC PARK, DRIVEWAYS AND LAND ENCLOSURE*", organized by ECO SUN ORADEA SRL, as private beneficiary (the "**Private Beneficiary**").

II. EVALUATION COMMISSION STATUTORY CONVENED

On the date and time set for the opening of the bids submitted under the Procedure, *i.e.* 08.08.2023, 14:00, the members of the Evaluation Commission received the password for the opening of the bid received within the Procedure, for evaluation.

Also, on 21.08.2023, the Evaluation Commission met in order to finalize the evaluation of the bid submitted within the Procedure under the conditions set out in the Rules.

III. SUBMITTED BIDS

Only one tender was submitted in the procedure.

Verifying the fulfilment of the cumulative conditions set out in Article II.8 of the Rules, the Evaluation Commission finds that the bid submitted under the Procedure (the "**Bid**") constitutes a valid bid, as:

- (i) the Bid had been transmitted to the e-mail address ecosunoradea@econergytech.com,
- (ii) the Bid had been transmitted on 07.08.2023, thus within the deadline for submitting the bids, as it was set out by the Tender Book and by the Announcement, and
- (iii) the archive which comprises the bid together with the rest of the tender documentation, as it was set out through the Tender Book, has been protected with a password.

Therefore, the Evaluation Commission proceeded to the opening of the Bid and to the separate elaboration of a *Report on the tender documentation submitted within 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 "**Documentation Report**"), report which was transmitted to the Bidder and which includes the information consisting of the documents received from the Bidder and the number of pages related to it.

Following the opening and evaluation of the Bid, the Evaluation Commission has draw up this Procedure Report, which shall also be sent to the Bidder.

IV. CLARIFICATIONS REQUESTED BY THE PRIVATE BENEFICIARY

After the opening of the Bid, in the evaluation procedure, it was considered necessary to obtain clarifications from the Bidder. Therefore, the Private Beneficiary sent a request for clarifications to the Bidder on 14.08.2023, both by publishing the document "*Clarifications Oradea Project_Clarificari Proiect Oradea Project_14082023*" on the Private Beneficiary's own website, with the link <https://www.econergytech.com/oradea-project-tender/>, and by sending the above-mentioned document by e-mail to the Bidder.

The Bidder requested to the Private Beneficiary an additional deadline in order to offer a full set of clarifications, and the Evaluation Commission based on the decision dated 16.08.2023 for extending the evaluation deadline of the offers, extended the deadline for submitting the clarifications until 21.08.2023 and the evaluation date until 22.08.2023.

On 18.08.2023, the Bidder responded to the request for clarifications, sending to the Private Beneficiary the requested clarifications by e-mail.

V. FAILURE TO MEET THE QUALIFICATION CRITERIA

Analyzing the documentation submitted in the Bid and the clarifications submitted by the Bidder, the Evaluation Commission has assessed the following:

1. the Bidder has completed all forms requested by the Private Beneficiary;
2. the Bidder had submitted all documents requested by the Private Beneficiary through the Tender Book, except the ones provided under point 4 below;
3. the Bid does not fulfill the qualification criteria set out in Section 3 of the Tender Book, relating to the age of the Bidder. According to this criterion, "*the Tenderer shall be a company established for at least 5 years*". However, in this case, the Bidder is a company incorporated on 14.09.2021, as evidenced in the provided trade registry excerpt. Therefore, at the time of the Procedure, the Bidder is a company incorporated for less than 5 years, thus not meeting the above qualification criterion.
4. The Bidder did not provide the following mandatory documents:
 - the financial situation for 2022;

- the bank excerpt.

VI. DISQUALIFICATION OF THE BIDDER AND REJECTION OF THE BID

Given the Bidder's failure to meet all qualification criteria set out in Section 3 of the Tender Book, the Evaluation Commission decided to disqualify the Bidder from the Procedure, resulting in the rejection of the Bid submitted by the Bidder.

VII. CANCELLATION OF THE PROCEDURE AND INITIATION OF A NEW COMPETITIVE PROCEDURE

Since the Bid submitted by the Bidder was the only bid submitted in the Procedure, its rejection resulted in a lack of valid bids in the Procedure, so that, under the terms of Article II.23 of the Rules, respectively under the terms of Section 6 of the Tender Book and of Article 6.3 para. (5) of the Guide, the Evaluation Commission decided to cancel the Procedure and to initiate a new competitive procedure having the same object as the current Procedure.

Therefore, this draft Procedure Report shall be published on the Private Beneficiary's own website with the link <https://www.econergytech.com/oradea-project-tender/> and shall be communicated to the Bidder, who shall be entitled to file a complaint to the Private Beneficiary against this Procedure Report and the decision to cancel the Procedure within 5 (five) working days from the communication of this draft Procedure Report.

VIII. THE BIDDER DID NOT FILE A COMPLAINT

According to Article 6.5 para. (1) of the Guide, this final Report of the Procedure includes information on the result of the activities carried out during the stage in which the complaints can be submitted.

Considering that the challenge period has expired without any challenge regarding the draft Procedure Report being submitted, the present Report of the Procedure will be considered as the final one. It shall be published on the Private Beneficiary's website with the link <https://www.econergytech.com/oradea-project-tender/> and communicated to the Bidder.

Bogdan Asanache – President and member of the Evaluation Commission



Date: 05.09.2023