

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 *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.* 13.09.2023, 15:00 Romanian time, the members of the Evaluation Commission received the password for the opening of the bid received within the Procedure, for evaluation.

Under the conditions set out in the Rules, the members of the Evaluation Commission met on 14.09.2023 in order to evaluate the submitted bid and on 20.09.2023 in order to finalize the evaluation of the bid.

III. CLARIFICATIONS REQUESTED BY BIDDERS

Within the Procedure which was launched on 24.08.2023 by publishing the announcement on the launch of the procurement procedure (the "**Announcement**") both on the Private Beneficiary's own website, with the link <https://www.econergytech.com/oradea-project-tender-2/>, and in the newspaper of national interest "*Adevarul*", which had the deadline for submission of bids on 13.09.2023, 14:00 Romanian time, no request for clarification was submitted, but a request for the extension of the deadline for bids' submission was submitted by nextE Renewable S.R.L.

The above-mentioned request was submitted on 11.09.2023, thus after the deadline set in the Technical Book and in the Announcement for the submission of clarification requests, *i.e.* 08.09.2023, 23:59 Romanian time, without any clarifications being requested regarding the documentation of the competitive procedure, while **Art. 6.2 para. (7) of the Guide** provides for the possibility of extending the deadline for submission of bids if "between the time of publication of the announcement on the launch of the procedure and the time of submission of bids, through the answers to the clarifications, situations arise which lead to changes/adjustments of the Tender book". In this case, however, we were not in the presence of a request for clarifications, and even less so of one

leading to modifications/adjustments of the Tender Book. Considering the above reasons, the Evaluation Commission rejected the request, in accordance with the provisions of the Guide.

The Evaluation Commission responded to the request both by publishing the document "*Request for Deadline Extension_Cerere de Prelungire a Termenului Oradea 2_11092023*" on the Private Beneficiary's own website, with the link <https://www.econergytech.com/oradea-project-tender-2/>, and by sending the aforementioned document by e-mail to nextE Renewable S.R.L.

IV. SUBMITTED BIDS

Only one bid was submitted in the Procedure, by **Chintec Sp. z o.o.** (the "**Bidder**").

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 13.09.2023, 11:23 ora Romaniei, 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 drawn up this Procedure Report, which shall also be sent to the Bidder.

V. 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 15.09.2023, both by publishing the document "*Clarifications Oradea 2 Tender_Clarificari Licitatione Oradea 2_15092023*" on the Private Beneficiary's own website, with the link <https://www.econergytech.com/oradea-project-tender-2/>, and by sending the above-mentioned document by e-mail to the Bidder.

On 19.09.2023, the Bidder responded to the request for clarifications, sending to the Private Beneficiary the requested clarifications by e-mail. The Bidder also transmitted to the Private Beneficiary, by

a subsequent e-mail dated 20.09.2023, the document "*Audited FS English version for 2022_Chint New Energy*" which, by error, had not been included in the documents archive transmitted on 19.09.2023.

The Evaluation Commission accepted and reviewed all the documents sent as clarifications. Among the documents submitted by way of clarifications, the Bidder also included the translation of the extract from the Commercial Register, *i.e.* from Polish into Romanian, which was not translated by an authorized translator. The Evaluation Commission, convened for the evaluation of the Bid by reference to the clarifications submitted, decided to accept the aforementioned extract from the Commercial Register and to ask the Bidder to submit the translation by an authorized translator as soon as possible after completion of the Procedure, but in any case, before signing the Supply Contract.

In addition, through the clarifications request, the Evaluation Commission informed the Bidder that "*some documents accompanying the bid are drafted in English, being necessary their transmission in Romanian translation by an authorized translator. Considering that all members of the Evaluation Commission are fluent in English, the Private Beneficiary agrees that the Bidder may provide the translations of these documents at a later stage*".

VI. THE FULFILMENT OF QUALIFICATION CRITERIA

Analyzing the documentation submitted within the Bid and the clarifications submitted by the Bidder, the Evaluation Commission ascertains the following:

1. the Bidder has completed all forms requested by the Private Beneficiary;
2. the Bidder has submitted all documents requested by the Private Beneficiary in the Tender Book;
3. the Bid fulfils all qualification criteria established under Section 3 of the Tender Book.

VII. THE FULFILLMENT OF THE AWARD CRITERIA

Given the fulfilment of the qualification criteria by the Bid, as established under Section 3 of the Tender Book, the Evaluation Commission proceeded to establish the score of the Bid, under the conditions set out in Section 5 of the Tender Book, as follows:

1. Price of the Bid

The price of the Bid, *i.e.* **71,661,746.09 lei (seventy-one million six hundred and sixty-one thousand seven hundred and forty-six lei and nine bani)**, as it results from the document entitled "*Cover Letter Proposal 07.08.2023*", by multiplying the price of 0.176 EUR/Wp by the total installed capacity of 81,930,300 Wp and converting in RON the obtained price at the BNR exchange rate of 13.09.2023, falls within the total estimated value of the acquisition, as it was established through the Tender Book and through the Announcement, *i.e.* 86,026,500.00 lei (eighty-six million twenty-six thousand five hundred lei).

In addition, given the fact that the Bid was the only one submitted in the Procedure, it results that the price of the Bid is the lowest price received, so that **the Bid shall receive the maximum score for this element of differentiation, i.e. 50 (fifty) points.**

2. Previous experience - projects implemented in the last 3 years for photovoltaic projects according to their number of MW

From the Form no. 8 "*Declaration regarding the list of main supplies in the last 3 years*" completed, signed and submitted by the Bidder, as well as from the supporting documents attached to Form no. 8, it results that the Bidder has completed, in the last 3 years, supplies of products similar to those subject to the Procedure, for photovoltaic renewable energy projects having total installed powers of the supplied equipment of over 250 MWp.

Consequently, **the Bid shall receive the maximum score for this element of differentiation, i.e. 25 (twenty-five) points.**

3. The solvency of the Bidder and additional guarantees

a. The turnover of the Bidder for the year 2022

The turnover for the year 2022 of the group of which the Bidder is a part exceeds the level set out in Section 3 of the Tender Book as a qualification criterion, *i.e.* at least 200 (two hundred) million euro.

In addition, given that the Bid was the only one submitted within the Procedure, it results that the Bidder had the highest turnover for the previous year, thus **the Bid shall receive the maximum score for this element of differentiation, i.e. 10 (ten) points.**

b. The provision of a performance guarantee from the parent company of the Bidder

The Bidder has not provided a performance guarantee from the parent company, therefore, **the Bid shall not receive the 15 (fifteen) points for this differentiating element.**

In conclusion, adding up the scores obtained by the Tender for each element of the differentiation, it results that **the Tender obtained a total score of 85 (eighty-five) points.**

VIII. DESIGNATION OF THE WINNING TENDER

Meeting on 20.09.2023, the Evaluation Commission decided to designate the Tender submitted by Chintec Sp. z o.o. as the winner of the 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-3/> 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 result of the Procedure within 5 (five) working days from the communication of this draft Procedure Report. The Private Beneficiary is also about to send the Bidder the invitation to sign the Supply Contract. The deadline for signing is no later than 5 (five) working days after the invitation has been sent.

Bogdan Asanache – President and member of the Evaluation Commission

