

Private Beneficiary: HELIOLUX SRL

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

Location of implementation: Parau Locality, Brasov County, LB 100281, 100282, 100283, 100284, 100286, 100287, 100288, 100291, 100292, 100293, 100294, 100295, 100297

REPORT OF THE COMPETITIVE PROCEDURE

**Regarding the award of the supply agreement for the implementation of the project
„CONSTRUCTION OF PHOTOVOLTAIC POWER PLANT, LAND ENCLOSURE, TRANSFORMING
STATION, ACCESS ROADS, ELECTRICITY GRID CONNECTION LINE”**

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 POWER PLANT, LAND ENCLOSURE, TRANSFORMING STATION, ACCESS ROADS, ELECTRICITY GRID CONNECTION LINE"* (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 HELIOLUX 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 POWER PLANT, LAND ENCLOSURE, TRANSFORMING STATION, ACCESS ROADS, ELECTRICITY GRID CONNECTION LINE*", organized by HELIOLUX SRL, as private beneficiary (the "**Private Beneficiary**").

II. EVALUATION COMMISSION STATUTORY CONVENED

The members of the Evaluation Commission have received the password for the opening of the bid received within the Procedure, for evaluation, on 14.09.2023, 14:32 Romanian time, therefore within the deadline set by the Technical Book and the Announcement for the communication of the password, *i.e.* no later than 30 minutes before the time set for the opening of bids, *i.e.* 14.09.2023, 15:00 Romanian time

Also, on 19.09.2023, 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. CLARIFICATIONS REQUESTED BY BIDDERS

Within the Procedure which was launched on 25.08.2023 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/parau-project-tender-3/>, and in the newspaper of national interest "*Adevarul*", which had the deadline for submission of bids on 14.09.2023, 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 a potential bidder, *i.e.* nextE Renewable S.R.L.

The above-mentioned request was submitted on 11.09.2023, thus on the last day of the deadline set in the Technical Book and in the Announcement for the submission of clarification requests, **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 Technical 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 **Technical Book**, so 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_Parau 3_11092023*" on the Private Beneficiary's own website, with the link <https://www.econergytech.com/parau-project-tende-3/>, and by sending the aforementioned document by e-mail to the potential bidder nextE Renewable S.R.L.

IV. SUBMITTED BIDS

Only one bid was submitted in the Procedure, by **Shanghai Electric HongKong International Engineering Company Limited** (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 heliolux@econergytech.com,
- (ii) the Bid had been transmitted on 14.09.2023, 13:36 Romanian time, 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 POWER PLANT, LAND ENCLOSURE, TRANSFORMING STATION, ACCESS ROADS, CONNECTION LINE TO THE ELECTRICITY GRID"* (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.

We hereby mention, in accordance with the provisions of Art. 6.3 of the Guide, that the Bidder has transmitted a first archive protected with an undisclosed password and containing the initial Bid together with the rest of the tender documentation on 13.09.2023, 11:07 Romanian time, to the e-mail address heliolux@econergytech.com. Therefore, by sending the final Bid on 14.09.2023, 13:36 Romanian time, the aforementioned initial Bid was modified in compliance with the provisions of Art. 6.3 of the Guide, according to which "*bidders may withdraw and modify their bid whenever they wish **until the deadline for submission of bids***", this deadline being, in this case, 14.09.2023, 14:00 Romanian time.

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. THE FULFILMENT OF QUALIFICATION CRITERIA

Analyzing the documentation submitted within the Bid, the Evaluation Commission ascertains the following:

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

VI. THE FULFILLMENT OF THE AWARD CRITERIA

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

1. Price of the Bid

The price of the Bid, *i.e.* **73,731,270.60 lei (seventy-three million seven hundred and thirty-one thousand two hundred and seventy lei and sixty bani)**, as it results from the document entitled "*Financial Proposal*", falls within the total estimated value of the acquisition, as it was established through the Tender Book and through the Announcement, *i.e.* 87,223,500.00 lei (eighty-seven million two hundred and twenty-three 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, a supply of products similar to those subject to the Procedure, for a photovoltaic renewable energy project having a total installed power of the supplied equipment of 49.995 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 Bidder's turnover for the year 2022 exceeds the level set out in Section 3 of the Technical 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.**

VII. DESIGNATION OF THE WINNING TENDER

Met on 19.09.2023, the Evaluation Commission decided to designate the Tender submitted by Shanghai Electric HongKong International Engineering Company Limited 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/parau-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


