

HELIOLUX S.R.L.

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

RO42041383; J40/21451/2021

**Clarifications request dated 14.08.2023 addressed to Shanghai Electric HongKong International Engineering Company Limited**

**Solicitarea de clarificari din data de 14.08.2023 adresate catre Shanghai Electric HongKong International Engineering Company Limited**

Analizand documentatia de atribuire pe care ati depus-o in cadrul procedurii competitive privind atribuirea contractului de furnizare pentru realizarea proiectului „ *CONSTRUIRE CENTRALA FOTOVOLTAICA, IMPREJMUIRE TEREN, STATIE DE TRANSFORMARE, DRUMURI DE ACCES, LINIE DE RACORDARE LA RETEAUA ELECTRICA*” (“**Procedura**”), organizata de catre HELIOLUX 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 POWER PLANT, LAND ENCLOSURE, TRANSFORMING STATION, ACCESS ROADS, ELECTRICITY GRID CONNECTION LINE*" (the "**Procedure**"), organized by HELIOLUX 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 faptul ca "Ofertantul va fi o societate comerciala constituita de cel putin 5 ani, astfel cum se va atesta cu certificatul constatator mentionat la criteriul aferent capacitatii de exercitare a activitatii profesionale de mai jos".**

Conform documentului "Certificat de constituire" nr. 2780562 emis in data de 24.12.2018 de catre Registrul Societatilor Comerciale din Regiunea Administrativa Speciala Hong Kong, societatea Shanghai Electric HongKong International Engineering Company Limited a fost infiinatata in data de 24.12.2018.

Va rugam sa clarificati modul in care se considera ca societatea Shanghai Electric HongKong International Engineering Company Limited respecta aceasta cerinta de calificare.

**Section 3 of the Tender Book requires that "The Bidder shall be a commercial company established for at least 5 years, as attested by the certificate mentioned in the criterion relating to the capacity to carry out the professional activity below".**

According to the document "Certificate of Incorporation" no. 2780562 issued on 24.12.2018 by the Companies Registry of Hong Kong Special Administrative Region, Shanghai Electric HongKong International Engineering Company Limited was established on 24.12.2018.

Please clarify how is this qualification requirement considered fulfilled by Shanghai Electric HongKong International Engineering Company Limited.

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".**

In documentatia de atribuire pe care ati depus-o, nu am reusit sa identificam o astfel de declaratie sau astfel de documente.

Va rugam sa clarificati prin transmiterea unei declaratii semnate de catre imputernicitul societatii dumneavoastra in numele acesteia, in care 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 unor 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".***

In the tender documentation submitted, we were unable to identify such a 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, that is attesting to the ultimate beneficial owner(s) of the company.