

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

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 16.08.2023, 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. CLARIFICATIONS REQUESTED BY BIDDERS

Within the Procedure which was launched on 07.07.2023 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/>, and in the newspaper of national interest "*Adevarul*", which had the deadline for submission of bids on 07.08.2023, Romanian time 23:59, **only one request for clarification was submitted** by a single potential bidder who finally submitted the only bid in the Procedure, namely Shanghai Electric HongKong International Engineering Company Limited (the "**Bidder**").

The request for clarifications was submitted on 20.07.2023, thus within the deadline set in the Tender Book and in the Announcement for the submission of such requests, which expired on 21.07.2023, Romanian time 23:59.

The Evaluation Commission responded to the request for clarifications both by publishing the document "*Tender clarifications_Clarificari ale licitatiei_02082023*" on the Private Beneficiary's own web-

site, with the link <https://www.econergytech.com/parau-project-tender/>, and by sending the aforementioned document by e-mail to the Bidder.

IV. 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 heliolux@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 id 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.

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.

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 14.08.2023, both by publishing the document "*Clarifications Parau Project_Clarificari Proiect Parau Project_14082023*" on the Private Beneficiary's own website, with the link <https://www.econergytech.com/parau-project-tender/>, and by sending the above-mentioned document by e-mail to the Bidder.

On 16.08.2023, the Bidder responded to the request for clarifications, sending to the Private Beneficiary the requested clarifications by e-mail.

VI. 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;
3. the Bid fulfils all qualification criteria set out in Section 3 of the Tender Book, with the exception of the criterion 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 24.12.2018, as evidenced by the Certificate of Incorporation No. 2780562 issued by the Companies Registry of the Hong Kong Special Administrative Region on 24.12.2018. 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.

VII. 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.

VIII. 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/parau-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.

Bogdan Asanache – Presedinte si membru al Comisiei de Evaluare

Bogdan Asanache – President and member of the Evaluation Commission