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## Components for upgrading the LLRF System

***CPV code:***

- 31710000-6 Electronic equipment (Rev.2)
- 48218000-9 License management software package. (Rev.2)
- 31224400-6 Connection cables (Rev.2)
- 39151100-6 Racking (Rev.2)

***Estimated value of the contract: 602600 EURO, exclusive of VAT***

***Applied procedure:*** Online open tender

## General information

|   |  |
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| <b>Notice type:</b><br><input checked="" type="checkbox"/> <b>CONTRACT NOTICE</b><br><input type="checkbox"/> DESIGN CONTEST NOTICE<br><input type="checkbox"/> CONCESSION NOTICE<br><input type="checkbox"/> INVITATION TO TENDER<br><input type="checkbox"/> SIMPLIFIED CONTRACT NOTICE |  |
| <b>Legislation type:</b><br><input checked="" type="checkbox"/> Law 98/23.05.2016<br><input type="checkbox"/> Emergency Government Ordinance OUG 114/2011   | <b>PPP</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> <b>No</b> |
| <b>Award method:</b><br><input checked="" type="checkbox"/> <b>Public procurement contract</b><br><input type="checkbox"/> Dynamic purchasing system (DPS)<br><input type="checkbox"/> Framework agreement  |  |
| An electronic tender will be organized: yes <input type="checkbox"/> <b>no</b> <input checked="" type="checkbox"/>  |  |

## Additional information

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| Contract name:   |
| <b>Components for upgrading the LLRF System</b>  |
| Method of the award procedure:<br><input checked="" type="checkbox"/> Online procedure<br><input type="checkbox"/> Offline procedure |

## Market consultation

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| <b>MARKET CONSULTATION WAS ORGANIZED</b><br>yes <input type="checkbox"/> <b>no</b> <input checked="" type="checkbox"/> |
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## SECTION I: CONTRACTING AUTHORITY

### I.1) NAME AND ADDRESS

|  |  |                            |
|--|--|----------------------------|
| Official name: <b>“HORIA HULUBEI” NATIONAL INSTITUTE FOR RESEARCH AND DEVELOPMENT IN PHYSICS AND NUCLEAR ENGINEERING (IFIN-HH)</b> |  |                            |
| Tax identification code: <b>RO3321234</b>  |  |                            |
| Address: <b>30 Reactorului St., Măgurele, Ilfov county</b>   |  |                            |
| Locality: <b>Măgurele</b>  | NUTS Code: <b>RO322 Ilfov</b>  | Postal code: <b>077125</b> |
| Country: <b>Romania</b>  | E-mail: <a href="mailto:alina.muresan@eli-np.ro">alina.muresan@eli-np.ro</a> ; |                            |
| Telephone: <b>+40 374676320</b>  | Fax: <b>+40 311038873</b>  |                            |
| Contact Person(s): <b>Alina Mureşan</b>  |  |                            |
| Web address of the contracting authority's/entity's headquarters (URL): <a href="http://www.eli-np.ro">www.eli-np.ro</a>           |  |                            |
| Buyer's profile address (URL): <a href="http://www.e-licitatie.ro">www.e-licitatie.ro</a>  |  |                            |

### I.2) Joint procurement

|   |  |
|---|--|
| The contract involves joint procurement:              | yes <input type="checkbox"/> <b>no</b> <input checked="" type="checkbox"/> |
| The contract is awarded by a central purchasing body: | yes <input type="checkbox"/> <b>no</b> <input checked="" type="checkbox"/> |

### I.3) Communication

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| The public procurement documents are available for direct, unrestricted, full and free-of-charge access at (website): <a href="http://www.e-licitatie.ro">www.e-licitatie.ro</a> |
| Access to the procurement documents is restricted. Further information can be obtained from: <a href="http://www.e-licitatie.ro">www.e-licitatie.ro</a>                          |
| Electronic communication requires the use of tools and devices which are not generally available. Direct,  |

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| unrestricted and full access to such tools and devices is possible, free of charge, at (website): <a href="http://www.e-licitatie.ro">www.e-licitatie.ro</a> |
| Number of days until requests for clarifications can be requested before the deadline for submission of tenders/candidatures: 20                             |
| Additional information can be obtained from: the address mentioned above.  |
| Tenders, candidatures or requests for participation must be submitted to: the address mentioned above.   |

#### I.4) Type of the Contracting Authority

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| Other type: research institute |
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#### I.5) Main activity

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| Other type: research |
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### SECTION II: OBJECT OF THE CONTRACT

#### II.1) DESCRIPTION

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|--|---|--|--|
| <b>II.1.1) Title:</b>  |   |  |  |
| <b>Components for upgrading the LLRF System</b>  |   |  |  |
| <b>Reference number:</b> 13/ELI/AP/P/04.06.2026, PAP number 1018P  |   |  |  |
| <b>II.1.2)</b>   |   |  |  |
| <b>Main CPV Code:</b>  |   |  |  |
| 31710000-6 Electronic equipment (Rev.2)  |   |  |  |
| <b>Secondary CPV codes:</b>  |   |  |  |
| 48218000-9 License management software package. (Rev.2)  |   |  |  |
| 31224400-6 Connection cables (Rev.2)   |   |  |  |
| 39151100-6 Racking (Rev.2)   |   |  |  |
| <b>II.1.3) Type of contract</b>  |   |  |  |
| a) Works <input type="checkbox"/>  | b) Products <input checked="" type="checkbox"/> | c) Services <input type="checkbox"/>                   |  |
| Execution <input type="checkbox"/>   | Purchase <input checked="" type="checkbox"/>    |  |  |
| Execution, by any means, of a work, according to the requirements specified by the contracting authority <input type="checkbox"/>  | Leasing <input type="checkbox"/>                |  |  |
| Design and execution <input type="checkbox"/>  | Rent <input type="checkbox"/>                   |  |  |
|  | Rent to buy <input type="checkbox"/>            |  |  |
|  | A combination of them <input type="checkbox"/>  |  |  |
| <b>II.1.4) Short description of the contract or of the procurement</b>   |   |  |  |
| <p>The purpose of this procurement procedure is to acquire components that will upgrade the existing LLRF system of the GBS Linac to allow its operation with the upgraded GBS Linac, which involves the reconfiguration of the existing accelerator modules, the installation of the new RF electron source and the expansion of the existing Linac to integrate a new accelerator module.</p> <p>Based on the provisions of article 160 of Law no. 98/2016, as further amended and supplemented, the interested economic operators will request clarifications or additional information about the award documentation until maximum 20 days before the deadline for submission of tenders.</p> <p>The contracting authority will answer clearly and completely all requests for clarification/additional information sent by the economic operators, in the 12th day before the deadline for submission of tenders, according to art. 161 of Law no. 98/2016, as further amended and supplemented, corroborated with art. 27 (3) of Romanian Government Decision (HG) 395/2016 as further amended and supplemented.</p> |   |  |  |
| <b>II.1.5) Estimated total value:</b>  |   |  |  |
| <b>Estimated value exclusive of VAT 602.600</b> or range: ..... and .....  |   |  |  |
| <b>Currency: EURO</b>  |   |  |  |
| <b>Contract object details</b>   |   |  |  |
| <b>1. Implicit batch (LOT-0000):</b>   |   |  |  |
| <b>II.2.3 Place of performance:</b>  |   |  |  |
| <b>NUTS Code:</b> RO322 Ilfov  |   | <b>Main place of performance:</b> IFIN-HH, Reactorului |  |

|  |               |                   |
|--|---------------|-------------------|
| Street no. 30, Magurele City, Ilfov County   |               |                   |
| <b>II.2.4 Description of the procurement (nature and quantity of works, products or services or indication of needs and requirements)</b>  |               |                   |
| The purpose of this award procedure is to purchase components (LLRF modules, frequency module, analog to digital converter module (ADC Module), software package (license), RF coaxial cables with connectors, RF coaxial cables with connectors, RF coaxial cables with connectors, rack) and which will be integrated into the existing LLRF system to modernize it.   |               |                   |
| <b>II.2.5 Award criteria:</b>  |               |                   |
| <input type="checkbox"/> The lowest price  |               |                   |
| <input type="checkbox"/> The lowest cost   |               |                   |
| <input type="checkbox"/> The best cost - quality ratio   |               |                   |
| <b>■ The best quality - price ratio</b>  |               |                   |
| <b>Evaluation factor name:</b>   | <b>Score:</b> | <b>Weighting:</b> |
| <b>Financial component: Price of the tender</b>  | <b>80</b>     | <b>80%</b>        |
| Calculation algorithm<br>The score is awarded as follows:<br>a) For the lowest of the prices, the maximum score is awarded;<br>b) For the other prices offered, the score P(n) is calculated proportionally, as follows:<br>$P(n) = (\text{Minimum price offered} / \text{Price } n) \times \text{maximum score assigned.}$<br>The score is calculated with 2 decimal places.  |               |                   |
| <b>Evaluation factor name:</b>   | <b>Score:</b> | <b>Weighting:</b> |
| <b>Technical component: Offered warranty period for LLRF Module (Low Level Radio Frequency Unit 1)</b>   | <b>10</b>     | <b>10%</b>        |
| Calculation algorithm:<br>Details on the application of the calculation algorithm:<br>The score associated with the warranty period for LLRF Modules (Low Level Radio Frequency Unit 1) (PDGllrf) offered by the bidder “n” is calculated according to the formula:<br>$PDGllrfn = 10 \times (Gllrfn / 60)$<br>Where:<br>Gllrfn represents the warranty period offered by the bidder “n”;<br>For a warranty period longer than 60 months, no additional score will be awarded. For any warranty period exceeding 60 months $Gllrfn = 60$ .<br>If the bid contains different warranty periods for the products/components within the Technical Specifications, $Gllrfn = \min(60, Gllrfn)$ , where $Gllrfn =$ the warranty period offered for each product/component within the Technical Specifications.<br>For any warranty period offered less than the minimum warranty period specified in the Technical Specifications, namely 12 months, the tender will be declared non-compliant. For a warranty period equal to the minimum of 12 months, no points are awarded (0 points are awarded), but the tender may be declared compliant.<br>The score is calculated with 2 decimal places. |               |                   |
| <b>Evaluation factor name:</b>   | <b>Score:</b> | <b>Weighting:</b> |
| <b>Technical component: Offered warranty period for Analog to digital converter module</b>   | <b>10</b>     | <b>10%</b>        |
| Calculation algorithm:<br>The score associated with the warranty period for the Analog to Digital Converter Module PDGadc offered by the bidder “n” is calculated according to the formula:<br>$PDGadc = 10 \times (Gadc / 60)$<br>Where:<br>Gadc represents the warranty period offered by the bidder “n”;<br>For a warranty period longer than 60 months, no additional score will be awarded. For any warranty period   |               |                   |

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| <p>exceeding 60 months, Gadc = 60.</p> <p>For any warranty period offered shorter than the minimum warranty period listed in the Technical Specifications, namely 12 months, the bid will be declared non-compliant. For a warranty period equal to the minimum value of 12 months, no score is awarded (0 points are awarded), but the bid may be declared compliant.</p> <p>The score is calculated with 2 decimal places.</p>  |
| <p><b>Maximum total score: 100</b></p>  |
| <p><b>II.2.6 Estimated total value:</b><br/> <b>Estimated value exclusive of VAT 602.600 Currency: EURO</b><br/> <b>Other values:</b><br/> <b>Tender bond value: 6000 (0,9957%) EURO</b></p>  |
| <p><b>II.2.7 Duration of the contract, concession, framework agreement or dynamic purchasing system</b><br/> Duration in months: <b>3 months</b><br/> The contract is subject to renewal:            yes <input type="checkbox"/>    no <input checked="" type="checkbox"/></p>   |
| <p><b>II.2.9 Information about limits on the number of candidates to be invited (except in open procedures)</b><br/> Estimated number of candidates: .....</p> <p>or</p> <p>Estimated minimum-maximum number of candidates:.....</p> <p>Pre-selection criteria:.....</p>  |
| <p><b>II.2.10 Information about variants</b><br/> Variants will be accepted: yes <input type="checkbox"/>    no <input checked="" type="checkbox"/></p>   |
| <p><b>II.2.11 Information about options</b><br/> Options: yes <input type="checkbox"/>    no <input checked="" type="checkbox"/></p>  |
| <p><b>II.2.12 Information about electronic catalogues</b><br/> Tenders must be presented in the form of electronic catalogues or include an electronic catalogue:<br/> yes <input type="checkbox"/>    no <input checked="" type="checkbox"/></p>   |
| <p><b>II.2.13 Information about European Union Funds</b><br/> <b>The procurement is related to a project and/or programme financed by European Union funds:</b><br/> yes <input type="checkbox"/>    no <input checked="" type="checkbox"/><br/> <b>Type of funding:</b> Other funds</p>  |
| <p><b>II.2.14 Additional information</b><br/> Where two or more tenders are ranked first, with equal scores, the separation between/among them will be made taking into account the score obtained for the evaluation factors in the descending order of their weightings. Where equality is still maintained, the contracting authority is entitled to request new financial proposals, and the successful tender will be that with the lowest financial proposal, according to the provisions of art. 139 (3) of Government Decision HG no. 395/2016, as further amended and supplemented.<br/> Funding source:<br/> Government Decision no. 1.626 din 12 December 2024 for the re-approval of the technical-economic indicators of the investment objective "Extreme Light Infrastructure - Nuclear Physics (ELI-NP)</p> |
| <p><b>NATIONAL SECTIONS</b></p>   |
| <p><b>Form of equipment available for contract</b><br/> The purchase refers to a project in which economic operators are required to declare the equipment they will use in the performance of the contract (According to HG NO. 342/2022)?            yes <input type="checkbox"/> no <input checked="" type="checkbox"/></p>  |
| <p><b>Resumption of a past procedure</b><br/> Is the procedure a resumption of a past procedure or batch?            yes <input type="checkbox"/> no <input checked="" type="checkbox"/></p>  |
| <p><b>STRATEGIC PROCUREMENT</b></p>   |
| <p><b>Classification of the procurement in the categories of products and services for which green award criteria may be applied</b><br/> <b>The procurement cannot be classified:</b><br/> <input checked="" type="checkbox"/> I explicitly certify that I have checked the categories provided in Government Decision no. 427 and</p>   |

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| <b>that the procurement we are conducting cannot be classified under any of them.</b>   |
| <b>Strategic procurement</b><br>Is the procurement procedure intended to reduce the environmental impact of the procurement, to meet social objectives and/or to purchase an innovative work, good or service? (BT-06) yes <input type="checkbox"/> <b>no</b> <input checked="" type="checkbox"/> |
| <b>Green procurement</b><br>Does the contract involve the procurement of goods, services and works with a reduced environmental impact throughout their life cycle? (BT-774) yes <input type="checkbox"/> <b>no</b> <input checked="" type="checkbox"/>   |
| <b>Social procurement</b><br>Does the contract pursue a social objective promoted by the works, goods or services concerned (for example, fair working conditions)? (BT-775) yes <input type="checkbox"/> <b>no</b> <input checked="" type="checkbox"/>   |
| <b>Innovation procurement</b><br>Does the contract involve the purchase of innovative works, goods or services? (BT-776) yes <input type="checkbox"/> <b>no</b> <input checked="" type="checkbox"/>   |
| <b>Accessibility</b><br>Are accessibility criteria for persons with disabilities used in the technical specifications? (BT-754) yes <input type="checkbox"/> <b>no</b> <input checked="" type="checkbox"/>  |

### II.3) CONTRACT PRICE ADJUSTMENT

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| <b>II.3.1. Contract price adjustment</b> <span style="float: right;">yes <input type="checkbox"/> <b>no</b> <input checked="" type="checkbox"/></span> |
| If yes, specify the method for adjusting the contract price (under what conditions, when, how, applicable adjustment formula)                          |

### SECTION III: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION

| <b>III.1.1.a) Personal situation of the candidate or tenderer:</b>   |   |
|--|---|
| <b>Exclusion grounds</b>   | <b>Description</b>  |
| <b>Requirement no. 1:</b><br>Breach of obligations in the field of environmental legislation<br>Batch to which it applies: 1 | The Tenderers and Subcontractors must prove that they do not fall under the provisions of art. 164, 165 and 167 of Law 98/2016.<br>Method to fulfil the requirements:<br>The Tenderers and Subcontractor will fill in the ESPD in accordance with the provisions of art. 193 par. (1) of Law 98/2016.<br>Supporting documents proving the fulfilment of those assumed by filling in the ESPD, shall be submitted, at the request of the contracting authority, only by the tenderer ranked first in the intermediate ranking drawn up at the end of the evaluation of the tenders such as:<br><b>a)</b> the criminal record of the economic operator and of the members of the administration, management or supervisory body of that economic operator, or of the persons holding representation, decision or control power within it, as resulting from the certificate of status issued by the Romanian Office of the Trade Register (ONRC)/the articles of incorporation;<br><b>b1)</b> for Romanian legal persons:<br>- for the headquarter, updated supporting documents that prove that they do not fall under the provisions of art. 165 par. (1) of Law no. 98/2016 regarding the fulfilment of obligations for payment of taxes, duties or contributions to the general consolidated budget (local budget, state budget, etc), in accordance with the provisions of art. 165 par. (2)-(3) of Law 98/2016.<br>- for the secondary offices/headquarters/places of business, a |

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|   | <p>self-declaration regarding the fulfillment of obligations for payment of taxes, duties or contributions to the general consolidated budget.</p> <p>b2) Foreign legal persons will present any updated supporting documents issued by the authorized institutions from the country of origin (tax certificates, criminal record certificates, other equivalent documents, etc.) proving that they have fulfilled their obligations for payment of taxes, duties or contributions, in accordance with the national legislation of the sole tenderer's/associated tenderer's/subcontractor's country of residence or of the country where the sole tenderer/associated tenderer/subcontractor is established.</p> <p>c) self-declaration regarding the real holders/beneficiaries of the bearer shares, subject to the sanctions stipulated in art. 326 of Law no. 286/2009 on the Criminal Code, as further amended and supplemented, both for the Sole Tenderer/Associated Tenderer declared in the tender (if any), according to the provisions of art. 53 (3) of Law no. 98/2016, where the economic operator Sole Tenderer/Associated Tenderer participating in the procedure is incorporated as a joint-stock company, with share capital represented by bearer shares.</p> <p>d) as applicable, supporting documents proving the fact that the economic operators declared in the tender falls under the provisions of art. 166 paragraph (2), art. 167 paragraph (2), art. 171 of Law no. 98/2016 on public procurement;</p> <p>e) other supporting documents, as applicable.</p> <p>The economic operator is not excluded from the award procedure if, prior to the exclusion decision, fulfils its obligation regarding the payments of taxes, fees and contributions to the general consolidated budget due or by other ways of extinguishing them of benefits, under the law, from their breakdown or other facilities for paying them, including, as applicable, any accrued delay interests or penalties or fines.</p> |
| <p><b>Requirement no. 2:</b><br/>Breach of obligations in the fields of social law<br/>Batch to which it applies: 1</p> | <p>See the information in the "Description" section for Requirement no. 1.</p>   |
| <p><b>Requirement no. 3:</b><br/>Breach of obligations in the fields of labour law<br/>Batch to which it applies: 1</p> | <p>See the information in the "Description" section for Requirement no. 1.</p>   |
| <p><b>Requirement no. 4:</b><br/>Bankruptcy<br/>Batch to which it applies: 1</p>  | <p>See the information in the "Description" section for Requirement no. 1.</p>   |
| <p><b>Requirement no. 5:</b><br/>Insolvency<br/>Batch to which it applies: 1</p>  | <p>See the information in the "Description" section for Requirement no. 1.</p>   |
| <p><b>Requirement no. 6:</b><br/>Soncordat</p>  | <p>See the information in the "Description" section for Requirement no. 1.</p>   |

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| Batch to which it applies: 1  |   |
| <b>Requirement no. 7:</b><br>Similar situations under national law, such as bankruptcy<br>Batch to which it applies: 1                            | See the information in the “Description” section for Requirement no. 1.   |
| <b>Requirement no. 8:</b><br>Assets administered by a liquidator<br>Batch to which it applies: 1  | See the information in the “Description” section for Requirement no. 1.   |
| <b>Requirement no. 9:</b><br>Economic activities are suspended<br>Batch to which it applies: 1  | See the information in the “Description” section for Requirement no. 1.   |
| <b>Requirement no. 10:</b><br>Serious professional misconduct<br>Batch to which it applies: 1   | See the information in the “Description” section for Requirement no. 1.   |
| <b>Requirement no.11:</b><br>Agreements with other economic operators aimed at distorting competition<br>Batch to which it applies: 1             | See the information in the “Description” section for Requirement no. 1.   |
| <b>Requirement no. 12:</b><br>Conflict of interest arising from participation in the public procurement procedure<br>Batch to which it applies: 1 | See the information in the “Description” section for Requirement no. 1.<br><br>The Tenderers and Subcontractors must not be in the situations stipulated in art. 59-60 of Law no. 98/2016.<br>Method to fulfil the requirements:<br>The Tenderers and Subcontractor will fill in the ESPD in accordance with the provisions of art. 193 par. (1) of Law 98/2016.<br>The decision-making persons within the contracting authority regarding the organization, conduct and completion of the award procedure and known until the moment of publication in the SEAP of the Contract Notice and the Award Documentation are:<br>- Nicolae Marius Mărginean – IFIN-HH Director General;<br>- Călin Alexandru Ur – ELI-RO NP Director;<br>- Mitică Drăgusin – Nuclear Safety Director;<br>- Virgolici Marian – Technical-Administrative Director;<br>- Ioan Dăncuș – ELI-RO NP adj. Technical Director;<br>- Ion Alexandru Popescu – ELI RO-NP adj. Financial Director;<br>- Victor Armand Malka – ELI-RO NP adj. Scientific Director;<br>- Marcel Iulian Sava – ELI-RO NP adj. Legal and Human Resources Director;<br>- Daniela Moraru – Legal adviser;<br>- Catalin-Daniel Stoica – Legal adviser;<br>- Ioan Adrian Muresan – ELI-RO NP Economist;<br>- Alina Daniela Mureșan – ELI-RO NP Public Procurement Specialist;<br>- Corina Lungu – ELI-RO NP Public Procurement Specialist;<br>- Ecaterina Gîngu-Împărat – ELI RO-NP Public Procurement Specialist;<br>- Cătălin Matei – Head of GSD; |

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|  | <p>- Piotr Tracz – Engineer;<br/>- Emilia Cirstea – Technician.</p> <p>The contracting authority shall exclude from the award procedure any legal or natural person, as sole tenderer/associated tenderer/subcontractor, that does not fall within the definition of article 3 par. (1) letter jj) of Law 98/2016, without the need to verify compliance with the provisions of art. 164, 165 and 167 of Law 98/2016.</p>   |
| <p><b>Requirement no. 13:</b><br/>Direct or indirect involvement in the preparation of this public procurement procedure<br/>Batch to which it applies: 1</p>  | See the information in the “Description” section for Requirement no. 1.   |
| <p><b>Requirement no. 14:</b><br/>Early termination, damages or other comparable sanctions<br/>Batch to which it applies: 1</p>  | See the information in the “Description” section for Requirement no. 1.   |
| <p><b>Requirement no. 15:</b><br/>Have been found guilty of misrepresentation, have disclosed information, have been unable to provide the required documents and have obtained confidential information relating to this procedure<br/>Batch to which it applies: 1</p> | See the information in the “Description” section for Requirement no. 1.   |
| <b>III.1.1.b) Suitability to pursue the professional activity</b>  |   |
| <b>Requirement no. 1: Registration with the trade register</b>   |   |
| <b>Selection criteria</b>  | <b>Description</b>  |
| <b>Registration in a trade register</b>  | <p>Economic operators submitting a tender must prove a form of incorporation under the conditions of the law in the country of residence, showing that the economic operator is legally set up, that it is not under any of the situations of incorporation cancellation, as well as the fact that it is professionally suited to perform the activities under the public procurement contract. The requirement also applies to subcontractors for the part of the contract they are to perform, which will supplement the information related to their situation at the level of a separate ESPD.</p> <p>In order to prove compliance with the criterion for suitability to pursue the professional activity, the Sole Tenderer/Associated Tenderer shall fill in the ESPD - Part “<i>Selection criteria</i>” - Section A.</p> <p>The tenderer ranked first in the intermediary ranking drawn up at the end of tender evaluation, shall present, at the request of the Contracting Authority, the supporting documents proving the fulfilment of those undertaken by filling in the ESPD, the Certificate of Status issued by the Trade Register Office of the Territorial Court, respectively, certifying that the object of the contract has correspondence in the activity of the tenderer/associated tenderer, for the part of the contract it performs. For foreign legal persons, supporting documents</p> |

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|  | <p>shall be presented proving a form of registration in accordance with the legal provisions in the country where the tenderer is established, from which to result the information requested by the Contracting Authority. The documents submitted must be real/valid upon submission thereof. Other minimal information to be included in the ascertaining document is:</p> <ul style="list-style-type: none"> <li>- legal identification information (name, head office, unique registration code);</li> <li>- main and secondary activities;</li> <li>- legal representatives.</li> </ul> <p>Note 1: In the case of an association, documents shall be presented for each member of the association. To meet this requirement, it is sufficient that the line of business of each member be in accordance with the part of the contract they are to perform.</p> <p>Note 2: In the event that parts of the contract will be executed by subcontractors, the proof of registration and the correspondence of the main/secondary activities within it with the object of the acquisition will be mandatory and presented by the subcontractors, for the part of the contract that they will perform.</p>   |
| <b>III.1.2) Economic and financial standing</b>          |  |
| <b>III.1.3.a) Technical and/or professional capacity</b> |  |
| <b>Requirement no. 2: Proportion of subcontracting</b>   |  |
| <b>Selection criteria</b>                                |  |
| <b>Subcontracting proportion</b>                         | <p>If the tenderer subcontracts part of the contract, the tenderer is bound to declare the subcontractor/subcontractors in the ESPD and to fill in part “<i>Selection criteria</i>” - Section C - subsection “Subcontracting proportion”.</p> <p>If the tenderer uses the abilities of the subcontractor/subcontractors within the contract, each subcontractor will fill in a separate ESPD form containing Part “<i>Reasons for exclusion</i>” and Part “<i>Selection criteria</i>” - Section A.</p> <p>If the tenderer subcontracts a part of the contract, the tenderer will present, concurrently with ESPD submission, the subcontracting agreement - <b>Form no. 4. <u>The subcontracting agreements must be in compliance with the tender and will form annexes to the public procurement contract.</u></b></p> <p>Where the association/subcontracting agreement is concluded in other language than Romanian/English, an authorized translation into Romanian/English will also be presented.</p> <p>The contracting authority requests the tenderer to specify in the tender:</p> <ol style="list-style-type: none"> <li>a) the categories of services/works in the contract that they intend to subcontract;</li> <li>b) the percentage or value of the activities indicated in the tender as being carried out by subcontractors; and</li> <li>c) the identification data of the proposed subcontractors, if the latter are known at the time the tender is submitted.</li> </ol> <p><b>Note:</b> The contractor’s liability regarding the way the contract</p> |

|   |  |
|---|--|
|   | <p>is fulfilled is not diminished if a part/parts of it is/are fulfilled by subcontractors.</p> <p><b>Method to fulfil the requirement:</b></p> <p>1.The tenderer will declare the subcontractor/subcontractors in the ESPD and will fill in part “<i>Selection criteria</i>” - Section C - subsection “<i>Subcontracting proportion</i>”.</p> <p>2. Each subcontractor will fill in a separate ESPD form comprising Part “<i>Reasons for exclusion</i>” and Part “<i>Selection criteria</i>” - section A.</p> <p>3. If the tenderer subcontracts a part of the contract, the tenderer will present, concurrently with ESPD submission, the subcontracting agreement - <b>Form no. 4. <u>The subcontracting agreements must be in compliance with the tender and will form annexes to the public procurement contract.</u></b> Where the association/subcontracting agreement is concluded in other language than Romanian/English, its authorized translation into Romanian/English will also be presented.</p> <p>4. The tenderer ranked first in the intermediary ranking drawn up at the end of tender evaluation, at the request of the contracting authority, will present relevant documents regarding the technical ability of the subcontractors proposed for the part/parts of the contract they are actually to fulfil.</p> |
| <p><b>III.1.3.b) Quality assurance and environmental protection standards</b></p>   |  |
| <p><b>III.1.5) Information about reserved contracts:</b></p>  |  |
| <p>yes <input type="checkbox"/></p> <p><input type="checkbox"/> the contract is reserved to sheltered workshops</p> <p><input type="checkbox"/> the contract will be performed exclusively within the framework of sheltered employment programs</p>  | <p>no <input checked="" type="checkbox"/></p>  |
| <p><b>III.1.6) Value deposits and bonds requested:</b></p>  |  |
| <p><b>III.1.6.a) Tender Bond:</b> <span style="float: right;">yes <input checked="" type="checkbox"/> no <input type="checkbox"/></span></p> <p>The amount of the tender bond is <b>6000 EURO</b>.</p> <p>The tender bond must be irrevocable and unconditional.</p> <p>The tender bond can also be set up in RON or other currency, the reference exchange rate calculated for its payment being the one published by the National Bank of Romania (NBR), (www.bnr.ro) on the date of publication of the contract notice in the Electronic Public Procurement System (S.E.A.P.).</p> <p>Validity period of the bond: <b>4 MONTHS</b> from the deadline for submission of tenders.</p> <p>Method for setting up the performance bond:</p> <p>1. By bank transfer to, respectively, the RON account: RO96BTRLRONCRT00A492230F, the EUR account: RO81BTRLEURCRT00A4922304 and the USD account: RO51BTRLUSDCRT00A4922303, held with BANCA TRANSILVANIA bank - Măgurele Branch.</p> <p>2. By a security instrument issued in accordance with art. 154 par. (4) letter b) of Law no. 98/2016, according to the sample given in Form no. 2 under the Forms Section.</p> <p>The document setting up the tender bond will be scanned and attached to the Electronic Public Procurement System (S.E.A.P.) in Section “Tender Bond” (“<i>Garantia de participare</i>”) so as to be legible, only in PDF or JPG format, signed with extended electronic signature, based on a qualified certificate, issued by a lawfully accredited supplier of certification services, until the closing date and time for submission of tenders.</p> <p><b>Details on the setting up of the tender bond are found in the attached document “Instructions to Tenderers”.</b></p> |  |
| <p><b>III.1.6.b) Performance Bond:</b> <span style="float: right;">yes <input checked="" type="checkbox"/> no <input type="checkbox"/></span></p>   |  |

The amount of the performance bond is 10 % of the contract price (exclusive of VAT) and is to be set up in accordance with the provisions of article 154 para. (4) of Law no. 98/2016. The performance bond must be irrevocable and unconditional and is constituted for the purpose of assuring the contracting authority of the quantitative and qualitative performance of the public procurement contract within the agreed period.  
**Details on the setting up of the performance bond are found in the attached document “Instructions to Tenderers”.**

**III.1.7) The main financing conditions and payment methods and/or reference to the relevant provisions that regulate them:**  
Government Decision no. 1.626 on 12 December 2024 for the re-approval of the technical-economic indicators of the investment objective "Extreme Light Infrastructure - Nuclear Physics (ELI-NP)

**III.1.8) Legal status to be taken by the group of economic operators to which the contract is awarded:**  
Association according to art. 53 of Law on public procurement no. 98/2016 as further amended and supplemented.

**III.1.9) Applicable legislation:**  
a) Law on procurement no. 98/2016 as further amended and supplemented.  
b) Law on remedies and review procedures in the field of public procurement contracts, sectoral contracts and works concession and services concession contracts, as well as for the organization and functioning of the National Council for Solving Complaints no. 101/2016.  
c) www.anap.gov.ro.  
d) Decision no. 395/2016 approving the Methodological norms for enforcing the provisions regarding the award of the public procurement contract/framework agreement of Law no. 98/2016 on public procurement, as further amended and supplemented.  
e) Law no. 214/2024 on the use of electronic signatures, time stamps and the provision of trust services based on them.  
f) EU Regulation No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC; additional information available at: <https://eidas.ec.europa.eu/efda/tl-browser/#/screen/home>  
g) Additional information/the normative acts with relevance in the environmental, social, work relations and taxation fields is/are found at: [www.mmediu.ro/acte\\_normative.htm](http://www.mmediu.ro/acte_normative.htm); [www.anofm.ro](http://www.anofm.ro); [www.inspectmun.ro](http://www.inspectmun.ro), [www.itmilfov.ro](http://www.itmilfov.ro), [www.mmuncii.ro](http://www.mmuncii.ro), [www.mfinante.ro](http://www.mfinante.ro)  
For the cases not covered by this Award Documentation the Romanian legislation in force shall be applicable.

### III.2) CONDITIONS RELATED TO THE CONTRACT:

**III.2.2) Contract performance is subject to other special conditions:**  
yes  no   
If yes, description of these conditions:

**III.2.3) Information about staff responsible for the performance of the contract:**  
Obligation to indicate the names and the professional qualifications of the employees assigned to performing the contract  
yes  no

### SECTION IV: PROCEDURE

**IV.1.1) Type and method of the procedure**  
**IV.1.1) a) Method of the award procedure**  
Offline  Online   
**IV.1.1) b) Type of the procedure**  
 Open tender  
 Open accelerated tender  
 Restricted tender

|  |
|--|
| <input type="checkbox"/> Restricted accelerated tender<br><input type="checkbox"/> Competitive procedure with negotiation<br><input type="checkbox"/> Competitive procedure with accelerated negotiation<br><input type="checkbox"/> Competitive dialogue<br><input type="checkbox"/> Partnership for innovation |
|--|

|  |  |
|--|--|
| <b>IV.1.3 Information about a framework agreement or a dynamic purchasing system: NOT APPLICABLE</b>                     |  |
| <b>The tenders must be submitted for: Public Procurement Contract</b>  |  |
| Subsequent contracts are to be awarded by resuming competition: yes <input type="checkbox"/> no <input type="checkbox"/> |  |
| <input type="checkbox"/> Framework-agreement with a single economic operator   | <input type="checkbox"/> Framework-agreement with several economic operators |
| Duration of the framework agreement: Duration in years: ..... or in months: .....  |  |
| Justification of the framework agreement duration which exceeds the 4-year threshold: .....                              |  |
| Frequency and value of the contracts to be awarded (if known):.....  |  |

|   |
|---|
| <b>IV.1.6 Information about the electronic tender:</b>  |
| An electronic tender will be organized: No.   |
| <b>IV.1.8) Information about the Agreement on Public Procurement (APP)</b>  |
| The procurement is subject to the agreement on public procurement contracts: <b>yes ■</b> no <input type="checkbox"/> |

**IV.2 Administrative information**

|   |             |
|---|-------------|
| <b>IV.2.1 Prior publication regarding this procedure</b>  |             |
| Select prior information notice from the Electronic Public Procurement System (S.E.A.P.): ..... yes <input type="checkbox"/>  | <b>no ■</b> |
| If the prior information notice was published in the former system enter number: .....  |             |
| <b>IV.2.4 Languages in which the tenders or requests to participate can be submitted</b>  |             |
| ES BG CS DA DE ET EL EN FR IT LV LT HU MT NL PL PT RO SK SL FI SV<br><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |             |
| Other: .....  |             |
| <b>Currency in which the financial proposal will be transmitted: EURO</b>   |             |
| <b>IV.2.6 Minimum period during which the tenderer must maintain its tender</b>   |             |
| Duration in months: 4 (as from the deadline for receipt of tenders)   |             |

**IV.4. PRESENTATION OF THE TENDER**

|  |
|--|
| <b>IV.4.1. Method of presentation for the technical proposal</b>   |
| <i>The information necessary to write the technical proposal will be presented so as to allow for an easy identification of the correspondence with the technical specifications in the Technical Specification document.</i>  |
| The Technical Proposal is to be presented in the specially intended section of the Electronic Public Procurement System (S.E.A.P.), i.e. “ <i>Technical Offer Documents</i> ” and will include:  |
| 1) The Technical Proposal Form - <b>Form no. 5</b> , including all requested information in accordance with the Technical Specification document and its annexes, respectively a description of all the technical specifications/functionalities in accordance with the requirements of the specification demonstrating that the technical proposal corresponds to each requirement of the Technical Specification document. |
| 2) Technical documentation of the products and/or other technical documents, attesting to the technical parameters and specifications offered in accordance with the minimum requirements in the Technical Specifications and Annex 1.   |
| 3) Any other information proving the conformity of the technical proposal.   |
| The tenderers will write the technical proposal in an organized manner, so that it ensures the possibility to  |

easily check the correspondence with the requirements/specifications provided in this section and with the requirements/specifications stipulated in the Technical Specification document and the documents enclosed thereto, which are an integral part of the award documentation.

**The English version of the Technical Specification document will prevail when writing the Technical Proposal.**

To this end, starting from the tenderer's own expertise in the scope of the contract to be awarded and by relating to the needs, objectives, and constraints of the contracting authority, as described in the Technical Specification document and the documents attached thereto, the technical proposal will contain relevant information about the approach proposed by the tenderer for contract performance.

Thus, the tenderer must present a detailed technical proposal that needs to be formulated so as to guarantee that the tenderer understands completely and undertakes all requirements, obligations, terms, and deadlines stipulated in the Technical Specification document and the related documents, including their related costs.

The Technical Proposal will be structured and organized in accordance with **Form no. 5**, taking into account all the sections and information specified therein. Should the tenderer deem necessary to present other relevant information as well, which is not mentioned by the Contracting Authority in **Form no. 5**, it can add chapters/annexes to supplement those mentioned by the Contracting Authority in **Form no. 5**. The information contained in the Technical Proposal and the documents enclosed thereto shall not contain financial/price/cost data.

The technical proposal shall be submitted as follows:

- a) The Technical Proposal shall be submitted in electronic format in PPES (Public Procurement Electronic System), signed with an extended qualified electronic signature by the legal/authorized representative of the economic operator/issuing institution (of the tenderer or, as the case may be, of the associate).
- b) The Technical Proposal, with the exception of the supporting documents, shall be submitted, on a mandatory basis, in editable format (such as .doc/docx and .xls/xlsx, as the case may be), in order to allow the Contracting Authority to easily process the information contained therein during the tender evaluation process, in compliance with the provisions of letter a) above.

In order to be compliant, the Technical Proposal must contain:

- 1) Schematic presentation of all components, showing the bidder's ability to meet all the requirements described in the Specifications + Annex 1, highlighting all the minimum technical requirements in the specifications, chapter 3.4.1.
- 2) The manner of fulfilling the requirements relating to Delivery, packaging, labeling, transportation, and insurance during transportation, in accordance with Chapter 3.4.3 of the Technical Specifications.
- 3) The manner of fulfilling the requirements relating to Warranty, in accordance with Chapter 3.4.2 of the Technical Specifications.
- 4) The manner of fulfilling the requirements relating to Testing, in accordance with Section 3.4.4.1 of Chapter 3.4.4 of the Technical Specifications.
- 5) The manner of fulfilling the requirements relating to Personnel Training, in accordance with Section 3.4.4.2 of Chapter 3.4.4 of the Technical Specifications.
- 6) The manner of fulfilling the requirements relating to Technical Support, in accordance with Section 3.4.4.3 of Chapter 3.4.4 of the Technical Specifications.
- 7) The manner of fulfilling the requirements relating to the Documentation to be provided to the Contracting Authority in relation to the products included in Chapter 4 of the Technical Specifications
- 8) In the case of a joint venture or the existence of subcontractors, details shall be provided on their manner of involvement and on the allocation of resources of all partners or subcontractors.

Thereby, the Technical Proposal must meet all the requirements in the Technical Specification document and its related documents (annexes) and be written according to the requirements of the Forms Section and of the Technical Specification document.

**The Technical Proposal shall also contain the following documents:**

1) Tenderers are bound to indicate or mark the documents/information in the technical and financial proposal that they declare as confidential, since they/it contain/contains technical and/or trade secrets, established according to the law, but their/its disclosure would bring prejudice to the lawful interests of economic operators, especially with respect to trade secret and intellectual property. **Form no. 6** - Statement on the part/parts of the technical and financial proposal having a confidential nature will be submitted in this respect, in order to comply with the provisions of art. 57 of Law no. 98/2016 and of art. 123 (1) of Romanian Government Decision (H.G.) no. 395/2016. According to the NAPP Guideline on the analysis of the confidentiality of tenders, the reasons for the confidentiality of the information/elements in the technical and/or financial proposal and/or the stated price/cost fundamentals/justifications imply not only a simple statement given in this respect, but a thorough and plausible argumentation and/or evidence in support. Also, according to the NAPP Guideline on the analysis of the confidentiality of tenders, in relation to the fact that the tenderers participating in the public procurement procedure accept a priori that the price of the tender will become public, we consider that neither the technical offer nor the financial offer can be declared confidential in their entirety, and the contracting authority has the obligation to disclose information/elements of their content, such as the price of the offer.

2) **Form no. 7** - Self-declaration by the tenderer showing that, when writing the tender, it took into account the relevant obligations in the environmental, social and work relations field, established by the legislation adopted at European Union Level, the national legislation, through collective agreements or through the international treaties, conventions and agreements in these fields and that it will comply with these requirements when rendering the services subject to this award procedure. The proposed subcontractors must comply with the same obligations as the tenderers, in the environmental, social and work relations field. Detailed information on the regulations in force at national level and which refer to the work conditions and labor protection, safety and health at work, can be obtained from the Territorial Labor Inspectorate of Ilfov (website <http://www.itmilfov.ro>).

3) The tenderer will enclose also **the contract form and any clarifications published by the contracting authority related to the contract form**, assumed by the tenderer, signed with extended qualified electronic signature by the legal/empowered representative of the issuing economic operator/institution, until the closing date and time for submission of tenders. In case the tender contains proposals to amend the specific contractual clauses established by the contracting authority in the award documentation, which are obviously disadvantageous for the latter, and the tenderer, although it has been informed about such a situation, does not accept to waive the clauses, the tender is deemed non-conforming.

4) In accordance with Council Regulation (EU) 2022/576 of 8 April 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine adopted on 8th of April 2022, **the tenderer shall submit a self-declaration showing that there is no involvement of Russia in the execution of the public procurement contract by the contractor that exceeds the limits set by art. 5k of Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine amended by Council Regulation (EU) 2022/576 of 8 April 2022, especially:**

**a) the company (none of the companies that are members of the consortium) is Russian national, or a natural or legal person, entity or body established in Russia;**

**b) the company (none of the companies that are members of the consortium) is a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50 % by an entity referred to in point (a) of this paragraph; or**

**c) the company (none of the companies that are members of the consortium) is a natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in point (a) or**

**d) there is no participation subcontractors, suppliers or entities whose capacities are being relied on as above-mentioned (letter a) – c) ) within the meaning of the public procurement Directives for more than 10 % of the contract value.**

**Other information for writing the Technical Proposal:**

The technical proposal will be submitted electronically in the Electronic Public Procurement system (S.E.A.P.),

signed with extended qualified electronic signature by the legal/empowered representative of the economic operator/issuing institution, until the closing date and time for submission of tenders. Where the extended qualified electronic signature attached to the documents belongs to a person empowered by the legal representative, an Empowerment will be presented in this respect.

Excepting any possible objective technical and/or legal constraints, should there be limitations, conditioning or restrictions imposed by the tenderer with respect to the requirements of the technical specification document, the tender will be declared non-conforming. The technical specifications related to the technical specification document represent minimum requirements regarding the quality, technical and performance level, for which purpose the solutions tendered in the technical proposal may refer to reaching higher levels.

If finding throughout the fulfilment of the contract that the elements of the Technical Proposal are not complied with (are lower or do not correspond to the requirements provided in the technical specification document), the contracting authority reserves the right to unilaterally terminate the contract or to request the discontinuation of the supply of products until the situation acknowledged is remedied.

Tenderers are free to provide for their own consumptions and methodologies for supplying the products/equipment, provided that the quantitative requirements (where such compulsoriness exists) and the qualitative requirements set forth in the technical specification document, or as applicable, the normative acts in force regulating the supply of such products are observed.

Any noncorrelation, omission or nonconformity found with respect to the tender documents, in relation to the technical specification document or the provisions of the legislation in force, including in the case of a missing document related to the Technical Proposal and/or the erroneous completion of a document or its non-submission containing at least the requested information, may lead to the tender being declared non-conforming.

It shall not be admitted to copy, in whole or in part, the technical specification in the Technical Proposal, the tenderers being bound to prove the conformity of the tender with its requirements by presenting their own approach/methodology on the manner of fulfilling the contract and solving any possible difficulties connected with the fulfilment thereof, by relating to the above-mentioned content of the Technical Proposal. In this respect, presenting simple confirmation answers (*mere statements such as YES/OK/COMPLIANT etc.*) shall not be accepted from tenderers as regards the compliance with the minimum requirements of the Technical Specification document, without specifying the concrete manner in which those requirements are fulfilled, for which purpose the tenderer is required and liable for appropriately presenting (*in a brief but concise manner*) the verified evidence to support any statements that might fall within the category of the aforementioned example. In the case of including in the Technical Proposal some technical support documents (catalogues, leaflets, brochures, drawings, product photos or other technical documents), only references to internet pages are not accepted without being accompanied by their content, respectively "printout" type, saved page etc.

Tenders that cannot be substantiated technically, logistically and in terms of the resources provided for in the tender, unlikely to ensure the fulfilment of the requirements in the technical specification document, will be rejected as non-conforming.

Should there be any reserves regarding the accuracy of the information or documents presented by the tenderer, the contracting authority reserves the right to resort to a third party in order to verify the technical proposals presented, at any time throughout the evaluation process.

It is not admitted to modify the content of the Technical Proposal excepting the provisions of article 134 (7) of Romanian Government Decision (H.G.) no. 395/2016 as further amended and supplemented.

The absence of the Technical Proposal entails the rejection of the tender as unacceptable in accordance with the provisions of article 137 (2) k) of Romanian Government Decision (H.G.) no. 395/2016.

#### **IV.4.2. Method of presentation for the financial proposal**

*The forms to be filled in and/or other forms containing the details of the cost elements forming the financial proposal will be indicated. Depending on the elements of the financial proposal involved in the calculation algorithm provided for the evaluation of tenders, the information presented by each tenderer will ensure the appropriate calculation of the score.*

The Financial Proposal shall comprise the total tendered value, value exclusive of VAT, **Form no. 8 - Tender Form accompanied by Form no. 8.1 - Annex to Tender Form**, respectively, including all required

information, which is to be completed in the Electronic Public Procurement System (S.E.A.P.) in the specially intended section “*Financial Offer*”.

**The Financial Proposal will be expressed in EURO, exclusive of VAT.** For the purposes of the uniform comparison of tenders, all prices are required to be expressed in figures with no more than two decimal places. The Tenderer will encrypt in the Electronic Public Procurement System (SEAP) the total value of the financial proposal in accordance with the provisions of art. 60 (2) of Romanian Government (H.G.) no. 395/2016, as further amended and supplemented.

The tenderer will write the Financial Proposal in such a manner as to supply all required information about the various financial and commercial conditions relating to the formation of the tendered price (such as applicable unit prices), so as to be able to prove the assurance that all activities will be performed, with at least the level of quality required in the Technical Specification document, within the margin of the tendered price. The tenderer will also include in the Financial Proposal any costs related to the fulfilment of the contract, as requested in the award documentation.

At the same time, it is the tenderers’ obligation to prove, at the first written request made by the evaluation commission, that in the tender they provided for sufficient financial resources to fulfil all activities that must be carried out by them to properly fulfil their obligations under the contract.

The Financial Proposal is mandatory in terms of content throughout the validity period established by the contracting authority and assumed by the tenderer. Excepting arithmetic errors, as defined in article 134 (10) of the Schedule to Romanian Government Decision (H.G.) no. 395/2016, no other omissions, noncorrelations or adjustments of the Financial Proposal will be permitted. For the purpose of these provisions the following situations shall also mean arithmetic errors: a) if there is a discrepancy between the unit price and the total price, the unit price will be taken into account, and the total price will be corrected accordingly; b) if there is a discrepancy between letters and figures, the value given in letters will be taken into account, and the value given in figures will be corrected accordingly.

For a unitary comparison of the tenders, all prices are required to be given in figures with maximum two decimal places.

The Financial Proposal is to be submitted electronically in the Electronic Public Procurement System (S.E.A.P.), signed with extended qualified electronic signature by the legal/empowered representative of the economic operator/issuing institution, until the closing date and time for submission of tenders, and uploaded in a dedicated section of the Electronic Public Procurement System (S.E.A.P.) portal, and its content can be viewed by the evaluation committee after decrypting the Financial Proposal. Should the extended qualified electronic signature affixed to the documents belong to a person empowered by the legal representative, an Empowerment shall be presented in this respect.

**Other information for writing the Financial Proposal:**

No further requests and claims by the tenderer related to price adjustments, determined by any reasons (excepting the situations explicitly set out in the award documentation and/or by the applicable legal provisions), can be the subject of a contentious negotiation or procedure between the contracting parties.

The tenderer will also include in the Financial Proposal any costs related to the fulfilment of the contract, as requested in the award documentation. The supporting documents for the value of the Financial Proposal will be signed with extended electronic signature, based on a qualified certificate, issued by a lawfully accredited supplier of certification services and will be uploaded in the dedicated section of the Electronic Public Procurement System (S.E.A.P.) portal.

**IV.4.3. Method of presentation for the tender**

*The method of presentation for the tender will be detailed, i.e.: packing, sealing and marking of the envelopes containing the tender documents as well as the samples/drawings, as applicable.*

Tenderers are bound to send the Letter of Tender – **Form no. 1**, namely the legal document whereby the economic operator expresses its will to legally engage in a public procurement contract, in the Electronic Public Procurement System (S.E.A.P.) in section “*Qualification Documents*”.

Tenderers must send the Tender and the associated documents only in electronic format, according to the instructions herein, and only by uploading them to the Electronic Public Procurement System (S.E.A.P.) in the

specific sections available in the computer system, until the closing date and time for receiving Tenders specified in the *Contract Notice* at the latest.

Any reference made in this award documentation (including the Technical Specification document), whereby a certain attestation/authorization/certification, origin, source, production, special process, factory or trade mark, patent and/or manufacturing license shall be read and construed as accompanied by the mention “or equivalent”.

Any reference made in this award documentation (including the Technical Specification document) to technical specifications and, in order of preference, to national standards transposing European standards, European technical assessments, common technical specifications, international standards, other technical reference systems established by the European standardization bodies, or when none of the above exist, national standards, national technical approvals or national technical specifications relating to the design, calculation and execution of the works and use of the products, shall be read and construed as accompanied by the mention “or equivalent”.

**The English version of the Award Documentation will prevail when writing the Tender.**

For sending the Tender in the Electronic Public Procurement System (S.E.A.P.), the documents comprised by the Tender and the documents accompanying it will be signed with extended electronic signature, based on a qualified certificate, issued by a lawfully accredited supplier of certification services and uploaded to the Electronic Public Procurement System (S.E.A.P.) in the specific sections available in the computer system. Where the extended qualified electronic signature attached to the documents uploaded to Electronic Public Procurement System (S.E.A.P.) belongs to a person empowered by the legal representative, an Empowerment will be presented in this respect.

As per Art. 22 of the Regulation (EU) 910/2014 “Each Member State shall establish, maintain and publish trusted lists, including information related to the qualified trust service providers for which it is responsible, together with information related to the qualified trust services provided by them”. Hence, the accredited certification service provider from the European Union shall be on the list published by the European Commission at the address: <https://eidas.ec.europa.eu/efda/tl-browser/#/screen/home>.

The terms utilized herein are defined by the EC Regulation 910/2014 as follows:

„**Qualified Electronic Signature**” is an advanced electronic signature which is additionally created by a qualified signature creation device (QSCD) and is based on a qualified certificate for electronic signatures;

„**Qualified certificate for electronic signature**” is a certificate for electronic signatures that is issued by a qualified trust service provider and meets the requirements set out in the Annex I.

The documents comprised by the Tender will be uploaded in the specially dedicated section in the electronic system at [www.e-licitatie.ro](http://www.e-licitatie.ro) by following the steps described in the User Manual.

#### **Information about the association**

If several economic operators participate jointly in the award procedure, the fulfilment of the criteria on economic and financial standing and technical ability will be proved by taking into consideration the resources of all group members. If the tender is submitted in association, the fulfilment of the qualification criteria will be evaluated in accordance with the Association Agreement submitted, by taking into consideration how the technical resources available to the associates together will be used and the obligations/components undertaken by each associate according to the association contract.

In the case of an association, the associated tenderers will also present, concurrently with ESPD submission, the association agreement – **Form no. 3**.

#### **Method to fulfil the requirement:**

1. Each of the associated tenderers is to fill in the ESPD.
2. The Association Agreement will be presented - **Form no. 3**. Where the association agreement is concluded in other language than Romanian/English, a copy of it and authorized translation into Romanian/English will be presented.

3. The tenderer ranked first in the intermediary ranking drawn up at the end of tender evaluation, will present, at the request of the Contracting Authority, the supporting documents, for each member of the association, proving the information declared in the ESPD. Documents in other language than Romanian/English will be accompanied by authorized translation into Romanian/English.

**The answers provided in the ESPD by the economic operators participating in the procedure shall be completed in the Electronic Public Procurement System (SEAP) directly, after logging in, by each participant.** You will find details on how to write the ESPD in section “ESPD Information” - Guide to fill in the ESPD”, after you have logged in.

**Note 1:** In all ESPD sections requested by the Contracting Authority in the Instructions to Tenderers and the Data Sheet generated in the Electronic Public Procurement System (S.E.A.P.) to be filled in, where the information requested is electronically available, the tenderers shall indicate the address where it can be accessed, following the steps in the standard form.

**Note 2:** Tenderers are bound to fill in all fields requested in the Instructions to Tenderers and the Data Sheet generated in the Electronic Public Procurement System (S.E.A.P.) under sections A and C of part “*Selection criteria*” of the ESPD. Likewise, in all ESPD sections requested by the Contracting Authority in the Instructions to Tenderers and the Data Sheet generated in the Electronic Public Procurement System (S.E.A.P.) to be filled in, where the information requested is electronically available, the tenderers shall indicate the address where it can be accessed, following the steps in the standard form.

**Note 3:** Should the tenderer intend to subcontract a part/parts of the contract, the ESPD shall also include information on the part of the contract possibly to be subcontracted and shall have the subcontracting agreement enclosed. The subcontractors on whose capacities the tenderer relies must fill out, in their turn, a separate ESPD, including all information related to the situations of exclusion mentioned in art.164, 165 and art. 167 of Law no. 98/2016, as well as the information, criteria regarding the capacity and/or the selection criteria established by the contracting authority in accordance with Law No. 98/2016 which are relevant in terms of the subcontractors’ capacities on which the tenderer relies under the award procedure in question. In the case of subcontractors on whose capacities the tenderer/candidate does not rely, the ESPD shall contain only the information regarding the situations of exclusion mentioned in art. 164, 165 and 167 of Law No. 98/2016.

**Note 4:** In order to prove that it does not fall under one of the situations stipulated in art. 164, 165 and 167 of Law no. 98/2016, the tenderer ranked first in the intermediary ranking drawn up at the end of tender evaluation, will present, at the request of the Contracting Authority, any supporting document in the country of origin or in the country where the tenderer is established, such as certificates, criminal records or other equivalent documents issued by competent authorities in that country according to art. 168 paragraph (1) of Law no. 98/2016, both for the sole tenderer/associated tenderer and for the subcontractors declared in the tender.

**Note 5:** Where the documents mentioned above are not issued in the country of origin or in the country where the sole tenderer/associated tenderer/subcontractor is established, or these documents do not refer to the situations stipulated in art. 164, 165 and 167 of Law no. 98/2016, the sole tenderer/associated tenderer/subcontractor will present either a declaration of honor (self-declaration), or, if there are not legal provisions in that country regarding the declaration of honor, an authentic statement (affidavit) made before a notary, an administrative or judicial authority or a professional association competent in this respect. Potential Tenderers and Subcontractors, resident in the European Union and European Economic Area (EEA) countries, may use the European Commission's website available at the following address: <https://ec.europa.eu/tools/ecertis/search> to identify documents to be submitted as supporting documents (if available in that country).

Where the tender and its accompanying documents are not signed with electronic signature based on a qualified certificate, released by an accredited supplier of certification services, the tender will be rejected as unacceptable in accordance with the provisions of article 137 (2) j) of Romanian Government Decision (H.G.) no. 395/2016, as further amended and supplemented.

Where the Tenderer is an Individual Economic Operator and the person signing the tender is other than the

legal representative of the economic operator, a written Empowerment in this respect will be presented, which will include detailed information regarding the representation.

In the case of an Association, the written Empowerment from each member of the Association, including from the Leader, must be for the same person/persons whereby they are authorized as signatory/signatories of the Tender to involve the Tenderer (as Association) in the award procedure.

On sending the Tender in the Electronic Public Procurement System (S.E.A.P.), it is mandatory to separate the technical information from the financial information and upload it in the specially dedicated sections.

**Validity period of the Tender:** The Tender must be valid for a period of **4 months** from the deadline for receipt of Tenders, as specified in the *Contract Notice*, Section IV.2.6) Minimum period during which the Tenderer must maintain its offer.

In exceptional cases, before the expiry of the validity period of the Tender, the Contracting Authority may ask the Tenderer to extend the validity period of the Tender, and, as applicable, of the tender bond.

If a Tenderer fails to comply with this requirement, its Tender will be rejected as unacceptable in accordance with the provisions of article 124 (3) corroborated with article 137 (2) i) of Romanian Government Decision (H.G.) no. 395/2016, as further amended and supplemented.

#### **Deadline for submission of Tenders**

The Tenders will be submitted via electronic means in the Electronic Public Procurement System (S.E.A.P.) no later than the date and time mentioned in the Contract Notice corresponding to this procedure - Section IV.2.2. "Deadline for receipt of tenders or requests to participate".

All times specified in the Contract Notice refer to the local time in Romania (GMT+2 hours).

The Tenders submitted via other means will not be taken into consideration.

The Contracting Authority may extend the deadline for submission of Tenders. In accordance with the provisions of art. 55 (1) of Romanian Government Decision (H.G.) no. 395/2016, as further amended and supplemented, the deadline for submission of tenders shall be changed by publishing an errata notice to the initial notice, which must be published no later than 3 working days before the date set for submission of tenders. In such a case, all rights and obligations previously established for the Contracting Authority and for the Tenderers will be extended until the new deadline.

Based on the provisions of article 160 of Law no. 98/2016, as further amended and supplemented, the interested economic operators will request clarifications or additional information about the award documentation until maximum *20 days* before the deadline for submission of tenders.

The contracting authority will answer clearly and completely all requests for clarification/additional information sent by the economic operators, in the *12th day* before the deadline for submission of tenders, according to art. 161 of Law no. 98/2016, as further amended and supplemented, corroborated with art. 27 (3) of Romanian Government Decision (HG) 395/2016, as further amended and supplemented.

#### **Withdrawal, replacement and modification of Tenders**

The electronic public procurement system provides Economic Operators with the possibility of withdrawing, replacing and modifying the Tender before the deadline for receipt of Tenders set in the Contract Notice.

Likewise, the "Price Offer" can be resubmitted in the Electronic Public Procurement System (S.E.A.P.) until the deadline for submitting the Tender.

No Tender can be replaced or modified after the deadline for submission of Tenders.

After the expiry of the deadline set for submission of tenders, the economic operator is not entitled to withdraw or modify its tender under other conditions than those expressly regulated by the legislation in this respect and proving those circumstances, under the sanction of exclusion from the contract award procedure and the enforcement of the tender bond.

#### **Accessing the Tenders**

As a general rule, since the procedure is conducted on line, after the deadline for submission of Tenders, the Contracting Authority will be able to access in the Electronic Public Procurement System (S.E.A.P.) the

Tenders submitted by the Tenderers.

The economic operator must take all measures so that the tender be sent in the Electronic Public Procurement System (S.E.A.P.), only electronically and only until the deadline for submission of tenders, as highlighted in the contract notice. The risks of sending the tender, including force majeure or fortuitous event, are in the charge of the economic operator sending that tender, in accordance with the provisions of article 125 of Romanian Government Decision (H.G.) no. 395/2016, as further amended and supplemented.

**Tenders and/or documents that do not have a valid extended electronic signature of the tender signatory affixed**, based on a qualified certificate unsuspending or unrevoked when signing the tender **will not be accepted**, in accordance with the legal provisions relating to the electronic signature. The economic operators will take into account the circumstance that the lack of encryption of the tendered price in the Electronic Public Procurement System (S.E.A.P.) shall lead to the impossibility to access any possible documents already uploaded in the related sections.

After the expiry of the deadline set for submission of tenders, the economic operator is not entitled to withdraw or modify its tender under other conditions than those expressly regulated by the legislation in this respect and proving those circumstances, under the sanction of exclusion from the contract award procedure and the enforcement of the tender bond.

**Taking into account the provisions of Law no. 216/2025, the documents released by official habilitated institutions/bodies or by third parties must be dated, signed and, as applicable, stamped according to the legal provisions in force and will be presented scanned in legible format and signed electronically by the tenderer. Where the documents released by official habilitated institutions/bodies or by third parties are in other language than Romanian/English, they will be presented in scanned legible format and signed electronically by the tenderer, accompanied by authorized translation into Romanian/English.**

Failure to abide by the instructions, to present the requested information completed in an appropriate manner and/or to send the documents in an improper form which renders impossible to view their content are activities undertaken at the tenderer's risk, and the failure of submitting a tender that does not meet the minimum and mandatory qualification requirements and the instructions on presenting/filling in the documents indicated herein may lead to the tender being rejected as unacceptable/non-conforming/inadequate, by properly applying the legal incidental provisions. **The Tenderers must send a complete tender for all the activities under this contract.**

**The Tenderers are exclusively liable for examining with due care the award documentation, including any clarification made to the award documentation throughout the tender preparation period by the contracting authority's answers to the requests for clarifications, and for obtaining all necessary information relating to any kind of requests/conditions and obligations that may affect in any way the value, the established conditions, the nature/content of the tender and/or the performance of the contract.**

No cost borne by the economic operator with preparing and submitting the tender will be reimbursed. All such costs will be entirely borne by the tenderers, regardless of the result of the award procedure application.

By submitting a tender, the tenderer accepts in advance the general and particular conditions governing the future public procurement contract, as presented in the award documentation, as being the only basis for conducting this award procedure, regardless of the situation or the tenderer's own conditions.

The presumption of lawfulness and authenticity of the presented documents: the tenderer undertakes exclusive liability for the lawfulness and authenticity of all documents presented in original, copy and/or "true copy" in order to participate in the procedure. To this end, the analyzing by the evaluation committee of the documents presented by the tenderer does not engage its liability or obligation towards accepting those documents as authentic or legal and do not eliminate the tenderer's exclusive liability in this respect. In this sense, economic operators who, either do not present or present partial information regarding their own situation relating to the incidence of the reasons for exclusion or the fulfilment of the qualification and selection criteria or who are guilty of making false statements in the content of the information sent at the contracting authority's request

will be rejected, by properly applying the legal incidental provisions/consequences.

## SECTION VI: ADDITIONAL INFORMATION

|   |                                 |                            |
|---|---------------------------------|----------------------------|
| <b>VI.1 This procurement is periodic:</b> <span style="float: right;">yes <input type="checkbox"/> no <input checked="" type="checkbox"/></span>  |                                 |                            |
| Specify the estimated schedule for publication of future notices: .....   |                                 |                            |
| <b>VI.2 Information regarding the electronic work flows</b>   |                                 |                            |
| Use electronic order system: yes <input type="checkbox"/> no <input checked="" type="checkbox"/>  |                                 |                            |
| Electronic invoice is required: <b>yes</b> <input checked="" type="checkbox"/> no <input type="checkbox"/>  |                                 |                            |
| Use electronic payment: yes <input type="checkbox"/> no <input checked="" type="checkbox"/>   |                                 |                            |
| <b>VI.3 Additional information</b>  |                                 |                            |
| Economic operators will also take into account the information presented in the document “ <i>Instructions to Tenderers</i> ”, attached to section Attached documents comprised by the Award Documentation in the Electronic Public Procurement System (S.E.A.P). |                                 |                            |
| <b>VI.4) Complaint procedures</b>   |                                 |                            |
| <b>VI.4.1) Body for solving complaints</b>  |                                 |                            |
| <b>National Council for Solving Complaints</b>  |                                 |                            |
| Address: <b>Str. Stavropoleos nr. 6 sector 3</b>  |                                 |                            |
| Locality: <b>Bucharest</b>  | Code NUTSRO321 Bucharest        | Postal code: <b>030084</b> |
| Country: Romania  | E-mail: office@cncsc.ro         |                            |
| Telephone: <b>+40 213104641</b>   | Fax: <b>+40 213104642</b>       |                            |
| Internet address (URL): <b>www.cncsc.ro</b>   |                                 |                            |
| <b>VI.4.3) Review procedure</b>   |                                 |                            |
| <b>Mentions regarding the time limit(s) for review procedures:</b> The time limits for pursuing remedies are those set out in paragraph 8 Law no. 101/2016.   |                                 |                            |
| <b>VI.4.4) Service offering information on pursuing remedies</b>  |                                 |                            |
| Official name: <b>IFIN-HH Legal Office</b>  |                                 |                            |
| Address: <b>30 Reactorului Street, Ilfov county</b>   |                                 |                            |
| Locality: <b>Măgurele</b>   | Postal code: <b>077125</b>      | Country: Romania           |
| E-mail:   | Telephone: <b>+40 214042300</b> |                            |
| Internet address (URL): <b>www.nipne.ro</b>   | Fax: <b>+40 214574440</b>       |                            |