



TENDER DOCUMENTATION

to public contract

“Snubbing Unit for UGS Dolni Dunajovice”

published under Section 27 of Act No. 137/2006 Sb., on Public Contracts, as amended (the “Act” only hereinafter) in the open procedure.

This tender documentation has been prepared in English solely.

1. CONTRACTING ENTITY

RWE Gas Storage, s.r.o.

is part of the third biggest energy group in Europe and the biggest underground gas storages operator in the Czech Republic. It operates 6 underground gas storage facilities based on virtual gas storage principle with a total operating volume exceeding 2.6 milliard m³, which is approximately the two-month consumption of gas in the Czech Republic in winter.

RWE Gas Storage, s.r.o.

Prosecká 855/68, 190 00 Prague 9, Czech Republic

listed in the Commercial Register administered by the Municipal Court in Prague, Section C., Insert no. 124711

Company Identification No. (IČ): 27892077

Tax Registration No. (DIČ): CZ27892077

No. of CZK bank account: 17805243/0300 at ČSOB a.s., Prague 5

IBAN: CZ900300000000017805243

Swift Code: CEKOCZPP

No. of EUR bank account: 2142281/0300 (cash operations only) at ČSOB a.s., Prague 5

IBAN EUR: CZ6303001752810017805243

("Contracting Entity" only hereinafter)

2. CONTACT ADDRESS

RWE Gas Storage, s.r.o.

Prosecká 855/68, 190 00 Prague 9, Czech Republic

Contact Person: Ing. Dagmar Schreiberová, Strategic Purchaser,
Core Commodity Team

Telephone: +420 267 974 343 or +420 739 535 986

E-mail: dagmar.schreiberova@rwe.cz

The above stated contact person of the contracting entity facilitates contact between the suppliers/bidders and the contracting entity. It is not permitted to contact other employees or representatives of the contracting entity during the award procedure.

3. SUBJECT-MATTER OF THE PUBLIC CONTRACT

- 3.1 The subject-matter of the public contract is the installation of maximum 6 TRSSSV to maximum 6 wells of UGS Dolní Dunajovice - 3 wells are required in 2013 (DUN- 26, 27, 29) and 3 wells (DUN-4, DUN-30 and DUN-31) are required based on following condition: The contracting entity is entitled not to ask for the performance of the work on three (or less) last listed wells during the time of the contract.

The final number of the installation on the wells depends on the money drawing from the budget.

- 3.2 The detailed Scope of Work is in the Annex No. 3 of this Tender Documentation.
- 3.3 The detailed HWO Unit description requested by the Client is in the Annex No. 1 of this Tender Documentation.
- 3.4 Number and description of each well is in the Annex No. 2 of this Tender Documentation.

4. CLASSIFICATION OF THE SUPPLIES ACCORDING TO THE IMPLEMENTING LEGISLATION

76450000-2 Well-management services

76460000-5 Well-support services

5. DATE AND PLACE OF THE PUBLIC CONTRACT PERFORMANCE

Place of performance	Estimated date of performance
Dolní Dunajovice, South Moravian region	
Works on the wells (DUN- 26, 27, 29) till 31.12.2013	immediately after the contract signature
Works on the wells (DUN-4, DUN-30 and DUN-31) till 1Q/2014 (Estimation).	immediately after contractors' call

6. MANNER, TIME AND PLACE OF THE BIDS SUBMITTING

- 6.1 Time limits for the bids submitting and the requirements for the envelope marking and securing

The bidders may send their bids by registered mail by **November 20, 2013 10 a.m.** to the address of RWE Gas Storage, s.r.o., Prosecká 855/68, 190 00 Prague 9, or in person at the same address to the reception desk or to the contact person. The decisive time shall be the time of the delivery or receipt of the bid. The bid must be submitted in writing, in a single sealed envelope with stamps on the stickers, signed by the bidder and marked distinctively as follows:

COMPETITION – Snubbing Unit for UGS Dolni Dunajovice – DO NOT OPEN”

- 6.2 The bids shall be made in writing in 3 counterparts (1 original + 2 copies) in English. The original of the bid shall be marked as the “original”.
- 6.3 The bid must be adequately secured against manipulation with the separate sheets including the annexes (preferably each sheet numbered in uninterrupted sequence and signed by the bidder).
- 6.4 The text part of the bid (all documents with the exception of those issues by a third person) shall be submitted also in electronic form (such as CD or a flash disc).
- 6.5 Each bidder may submit no more than one envelope containing a bid/bids. The envelope containing a bid/bids must include the return address to which notification of the contracting entity under Section 71 (6) of the Act can be sent in case of late delivery.

7. DATE AND PLACE OF THE ENVELOPES OPENING

- 7.1 The envelopes shall be opened on November 20, 2013 10:01 a.m. at the address of RWE Gas Storage, s.r.o., company seat, Prosecká 855/68 190 00 Prague 9 – Prosek. Representatives of the bidders whose bids were received by the contracting entity in the period for the bid's submission shall have the right to participate (2 persons max.). The representatives of the bidders shall be obliged to present their authorizations.

8. TENDER SECURITY

The contracting entity requires that the bidders shall submit in the bid security to guarantee the performance of their obligations resulting from the participation in the tendering procedure in the following value:

30.000,- EUR

The tender security shall be given by the bidder in the form of a deposit of a monetary to the account of the contracting entity ("tender security"), in the form of a bank guarantee or security insurance.

Where the tender security is submitted in the form of a bank guarantee, the bidder shall arrange the validity of the security throughout the entire award period. The **award period** shall run from the date of expiry of the time limit for the submission of bids.

The pecuniary security must be credited to the contracting entity account **no later than one day before the day** which is the last day to submit a bid. The bidder shall state as the variable symbol the registration number of this public contract from IS VZ US system (central address).

Where the tender security is given in the form of a bank guarantee or security insurance, the "Certificate of Guarantee" (an **original** of a written statement of a bank or of the insurance contract) must be part of the bid.

By the bank guarantee, the bank undertakes to pay the contracting body the above mentioned sum based on a written application that includes a statement that the bidder (the bank guarantee principal) failed to comply with his commitments arising from the guarantee for the performance of his obligations in connection with the participation in the awarding procedure.

The bank guarantee shall be issued by entities rated at least A- by Standard & Poors or with an equivalent rating by Moody's or Fitch.

Bank Guarantee for the warranty period shall be irrevocable, unconditional, non-assignable and payable on first call.

In the event that the bank guarantee fails to not meet the above parameters, the bidder shall be excluded from the tender in accordance with the law.

9. AWARD PERIOD

- 9.1 The bidders are bound by their bids for 60 days. The award period shall run from the day following the expiry of the time period the submission of bids.

10. METHOD TO BE APPLIED IN THE BIDS EVALUATION

The contracting entity shall evaluate the bids according to the lowest contract price for one well criterion.

11. REQUIREMENT REGARDING THE CALCULATION OF A CONTRACT PRICE

- 11.1 In the bid, the Bidder will indicate the total maximal binding price in EUR excluding VAT. The price bid must be indicated as the maximal permitted price. The price bid must contain all the costs and risks of the Bidder related to the preparation and performance of the contract. The Bidder will break down the price bid according to the price bid form provided in Annex No. 5 to the Tender Documentation. The bidder is not authorized to make any changes in Annex No. 5, change its structure, add or omit any items required.
- 11.2 The price bid may be exceeded only in the event of a substantial change of the circumstances under which the contract was placed, and which the Bidder could neither foresee nor cause this change, and this change has an impact on the scope of the contract. In this case, both contractual parties will agree in writing on a change in the scope of the subject of fulfilment.

12. CONTRACTUAL CONDITIONS

The contractual conditions are specified in details in the Annex No. 6 of this Tender Documentation.

13. THE TERMS OF THE CONTRACT PERFORMANCE

- 13.1 Under the law, the bidders shall be bound by the whole bid for the whole award period.
- 13.2 The contracting entity will not organize a collective visit to the site of performance. Each bidder can individually visit the site of performance of the public contract, evaluating all possible influences that can arise in the public contract performance.
- 13.3 A contractor submitting a bid within this award procedure must not be simultaneously a subcontractor through which another contractor demonstrates his fulfilment of qualifications in the same award procedure.
- 13.4 The bidders shall be obliged to present as a part of their bid the Contract for Work signed by an authorized person. The authorized person is a person named in the Commercial Register as a person authorized to act on behalf of the bidder or to represent the bidder, or a person authorized by such person based on power of attorney. A verified copy or an original of such power of attorney must be a part of the Contract for Work. The bidders shall include the Client's conditions according to the paragraph 12 into the Contract. The Bidders are not allowed to make any adjustments regarding provisions of the Client's conditions in the Contract for Work, otherwise they will be excluded from the awarding procedure.
Note: if the Contract for Work is missing in the bid or has not been signed by an authorized person, such bidder shall be excluded from the award procedure in compliance with the law.
- 13.5 The bidders shall not be entitled to claim any compensation for the bid preparation and submitting.
- 13.6 The contracting entity shall not accept any alternative solution, either technical or price related.
- 13.7 Bids received after the time limit for bids submitting shall be excluded from evaluation.
- 13.8 Any bid failing to meet the requirements specified herein or to contain the required documents, information or statements, shall be excluded by the committee and, followingly, the bidder excluded from the participation in the award procedure by the

contracting entity. This shall be without prejudice to the right of the contracting entity to require other documents of information under Section 59 (4) of the Act.

- 13.9 Pursuant to the long-term targets and rules of business conduct, the contracting entity informs that the members of RWE Group in the Czech Republic has voluntarily undertaken to maintain the "RWE Code of Conduct". Due to this fact, the subjects are obliged to follow clear rules creating a framework for their business activities and social conduct. In order to check the observance of the above mentioned rules, the companies of RWE Group in the Czech Republic have appointed a position of an ombudsman. For more information concerning the RWE Code of Conduct" and the ombudsman activities please enter <http://www.rwe.cz/cs/4415/> (in Czech) or <http://www.rwe.cz/en/fraud-prevention-program/> (in English).
- 13.10 The Bidder agrees to get acquainted with the Technical conditions of work as Annex No. 4 of this Tender Documentation.
- 13.11 The Client reserves the right to inspect Snubbing unit and its equipment to meet industry standard (especially API standards etc.) or appoint third party to do that.

14. REQUIREMENTS FOR QUALIFICATIONS

- 14.1 The bidders shall demonstrate the fulfilment of professional qualifications by a simple copy of an excerpt from the Commercial Register and a simple copy of trading licence in the scope corresponding to the subject-matter of the contract. The excerpt from the Commercial Register must not be older than 90 days on the last day for bids submission.
- 14.2 If more bidders submit a collective bid, they shall be obliged to submit a contract with the bid demonstrating that all the bidders shall be bound jointly and severally towards the contracting entity and any other third persons as concerns any obligations arising in connection with the public contract performance or as a result of a delay or other violation of the contractual or other duties in connection with the public contract performance.
- 14.3 Foreign bidders shall demonstrate the fulfilment of the qualifications in a manner pursuant to the legal order applicable in the country of such bidder seat, place of business or residence, within the scope required by the contracting entity. If certain documents are not issued under the legal order applicable in the country of the bidder seat, place of business or residence, the bidder shall be obliged to fulfil the duty to demonstrate the fulfilment of the relevant part of the qualifications by affirmation. If the duty the fulfilment of which should be documented is not set in the country of the bidder seat, place of business or residence, the bidder shall make and affirmation of this fact. Foreign bidders shall submit documents evidencing the fulfilment of the qualifications in the original language together with their translation to the Czech language, if not otherwise stated in the Act of the international contract. The translations of the above mentioned documents need not be officially verified.
- 14.4 The contracting entity requires that the financial and economical qualifications of the bidder shall be demonstrated by a document of insurance (insurance contract copy) of indemnity towards third persons in the value min. EUR:

EUR 2,000,000

If a bidder fails to have an insurance contract in that value in the bidding period, he submits an affirmation in the bid containing his undertaking to enter into an insurance contract according to this paragraph if the bid is selected by the contracting entity prior to the entering into the public contract or its relevant part.

- 14.5 Where the economic operator is unable to demonstrate the fulfilment of certain qualifications required by the contracting entity it is entitled to demonstrate the

fulfilment of lacking qualifications by means of a sub-contractor. If a bidder intends to use a sub-contractor to perform the contract, the bid must contain a list of sub-contractors stating the parts of the performance which will be sub-contracted together with the share of the sub-contractor in the contract as well as the scope and specification of the sub-contractor's activities in the contract discharge. The bidder shall also submit apart from the qualifications documents of the sub-contractors by means of which he documents his lacking qualification an excerpt from the Commercial register of the sub-contractor and a contract made between the bidder and the subcontractor through which the sub-contractor undertakes to provide performance, items or rights to the bidder necessary to the contract discharge, at least within the scope in which the subcontractor documented the qualifications instead of the bidder. The documents may be presented in a simple copy, the excerpt from the Commercial Register must not be older than 90 days at the last day of the bidding period.

15. OTHER REQUESTS

15.1 In case the contractor will use the sub-suppliers his bid must contain a list of sub-suppliers incl. the specification of the part of his sub-supply. The specification must also include the financial amount and the scope of work according to the contract.

15.2 In their bids, the bidders shall submit:

- declaration that he has not and will not any prohibited agreement under Act no. 143/2001 Coll., on the Competition Protection and on the Amendment to Certain Act (Act on Competition Protection), as amended, in connection with the public contract being awarded.
- list of statutory bodies or statutory bodies members working for the contracting body in the last 3 years, and
- list of shareholders with a share exceeding 10 % of the registered capital, prepared in the bidding period, if the bidder is a joint stock company.

Requirements under this paragraph shall be evidenced by the bidder in the form of an affirmation (see Annex no. 8 of this TD) signed by a person authorized to act for or on behalf of the bidder.

15.3 The bidders shall present in their bids a timetable of the snubbing operation of each well with the start and end dates of the performance including the time schedule (under Annex No. 9, Well Snubbing operations Timetable) split to single rig hours, stating the rig hour price for the given type of the WO repair both in operation (T1) and in idle time (T2). In each timetable, each day shall be split to 2 parts (12 hours). Each part (each 12 hours) shall be marked T2, rig in operation, or T2 rig idle, respectively.

16. THE CONTRACTING ENTITY RESERVES THE FOLLOWING RIGHTS

16.1 Cancel the awarding procedure for the public tender.

16.2 To verify and check the information supplied by the bidders. The contracting entity shall exclude a bidder from the awarding procedure if the bidder stated false information in his bid.

Annexes:

Annex no. 1 Unit Description

Annex no. 2 Wells Specification

Annex no. 3 Scope of Work

Annex no. 4 Technical Conditions

Annex no. 5 Price Form

Annex no. 6 Contractual Conditions

Annex no. 7 Check list

Annex no. 8 Affirmation of a contractor in compliance with Section 68.3 of the Act

Annex No. 9 Well Snubbing operations Timetable

In Prague on: 27.09.2013