

STATE ENERGY REGULATORY COMMISSION
8-10, Knyaz Dondoukov Blvd., 1000 Sofia, tel. 03592/932 10 13, fax 03592/988 87 82,
<http://www.dker.bg>

D E C I S I O N

No ТИпГ-1/03.06.2003

On the grounds of Art. 36, Par. 1, item 3 of the Energy and Energy Efficiency Act (prom., SG, issue 64 of 1999, am., issue 1 of 2000, am. and suppl., issue 108 of 2001) and Art. 24, Par. 1 and Par. 2 of the Regulations for the conditions and procedures for issuing permits and licenses for performance of activities in the energy sector (prom., SG, issue 36 of 2000, am., issue 81 of 2000)

THE STATE ENERGY REGULATORY COMMISSION

D E C I D E D:

I. Opens a procedure for conducting a tender for selection of an investor for construction of a new gas distribution network under the following terms and conditions:

1. Subject of the tender: selection of an investor for construction of a new gas distribution network on the territory of Trakia region with center the city of Plovdiv, according to item VI of the List of the new gas distribution networks needed to be constructed in the territory of the Republic of Bulgaria (promulgated in the Special Bulletin of SEERA for June 2001), Order No ПД 14/218 of 28.05.2003 of the Minister of Energy and Energy Resources and under the terms and conditions for gasification of Trakia region stipulated in the above List.

2. Terms and conditions for conducting the tender - the tender will be conducted by the State Energy Regulatory Commission following the terms and conditions stipulated in EEEA, the Regulations for the conditions and procedures for issuing permits and licenses for performance of activities in the energy sector, the List of the new gas distribution networks needed to be constructed in the territory of the Republic of Bulgaria and observing the requirements specified in the tender documentation.

Applicant for participation in the tender can be a Bulgarian legal person registered under the Trade Law who possesses technical, economic, financial and organizational capabilities for performance of the activities under the permit and for whom do not exist the circumstances under Art. 37, Par. 2 and Art. 44, Par. 2 of EEEA.

A foreign person can participate in the tender through a trade company registered in the Republic of Bulgaria under the Trade Law, in which by the moment of submission of the application for participation in the tender the foreign company is owner of no less than 67 per cent of the shares.

3. Conditions for implementation of the permit for construction of a gas distribution network

In the implementation of the conditions of the permit for construction of a new gas distribution network shall be observed the provisions of the legislation in force regulating the design, construction and permission of the use of energy sites and sites of the technical infrastructure.

When performing the activities of construction of the gas distribution network, the permit holder shall secure safe and healthy labour conditions, use technologies that improve the energy efficiency, do not lead to pollution or damage of the environment, do not endanger the territories and sites protected by law, do not create risks of labour casualties and improve the hygiene and the conditions of labour.

4. Initial date for construction of the energy site – not later than 1 month after obtaining all the permissions and rights according to the legislation in force necessary for starting the actual construction of the gas distribution network.

5. Final date for construction of the energy site – the final date of the permit for construction of a gas distribution network issued to the successful bidder.

6. Price of the tender documentation, place and terms for purchasing it:

The price of the tender documentation is 10,000 leva, payable in the Bulgarian National Bank – Headquarters, in the name of SERC, to Bank Account No 3000142000, Bank Code 66196611, Bank Identification Number: 6301301459.

The tender documentation will be obtained in the records room of the State Energy Regulatory Commission each working day from 9.00 hrs. to 17.00 hrs. from 30.06.2003 in compliance with a bi-laterally signed list of its contents, against the presentation of a document certifying its purchase, issued by the Bulgarian National Bank, and after the signature of a declaration for keeping the secret of the information contained in it. The declaration shall be signed in two copies by a person with representative power according to the registration of the trader or by a person under Art. 69 of the Trade Law, after presenting due proof that the trade company is in a process of establishment.

A certificate for current state issued by the court of registration of the trader shall be submitted when obtaining the tender documentation, except in the cases of purchase of tender documentation by a person under Art. 69 of the Trade Law.

The tender documentation can be purchased by a foreign person.

7. Type, size and mode of payment of the tender participation bond:

The applicants for participation in the tender shall append a document for transferred money guarantee or unconditional and irrevocable bank guarantee issued by a first-class Bulgarian or foreign bank to the amount of 500,000 EUR, with a validity period till the closure of the tender procedure by issuing a permit and a license to the successful bidder. The money guarantee shall be transferred to the Bulgarian National Bank – Headquarters, in the name of SERC, Bank Account No 3000142000, Bank Code 66196611, Bank Identification Number: 6301301459[†].

[†] The payment of the bank guarantee should be transferred in Euro to the bank account of SERC at the Bulgarian National Bank (BNB) for the tenders for gasification of the country of Bulgaria:

Account number: 5400116632, Bank code: 66196611.

The payment should be made to the account at the Bulgarian National Bank:

EUR – DEUTSCHE BANK, FRANKFURT 10092334950000. The BNB code within the S.W.I.F.T. system is BNBGBGSF.

The SERC account at the BNB in Bulgarian leva for payment of the guarantee for participation in tenders for gasification of the country of Bulgaria is:

Account number: 5000142030, Bank code: 66196611.

8. Place and deadline for submission of the applications for participation in the tender:

The applications for participation in the tender can be submitted every working day from 09.00 hrs. to 17.00 hrs. till 17.10.2003 included, in the State Energy Regulatory Commission, 8-10 Knyaz Dondoukov Blvd., Sofia.

9. Date, place and time of the tender – the procedure of conducting the tender will start at 14.00 hrs. on 21.10.2003, with opening of the submitted offers in Hall No 3, Floor 5 of the State Energy Regulatory Commission, 8-10 Knyaz Dondoukov Blvd., Sofia.

II. Approves the tender documentation for participation in a tender for selection of an investor for construction of a new gas distribution network on the territory of Trakia region.

III. Approves the form of declaration for keeping the secret of the information contained in the tender documentation (<http://www.dker.bg>)

IV. Approves forms of declarations under Art. 24, Par. 2, Art. 28, Par. 3 and Par. 4 of the Regulations for the conditions and procedures for issuing permits and licenses for performance of activities in the energy sector and form of certificate for submission of an application for participation in a tender under Art. 33, Par. 2 of the Regulations for the conditions and procedures for issuing permits and licenses for performance of activities in the energy sector.

V. A tender announcement shall also be published abroad.

VI. For contacts: Foreign Relations Department of SERC, tel. 03592/93 210 60, 03592/54 90 592, 03592/988 22 27, 03592/93 210 71, fax: 03592/988 87 82, e-mail: tenderprocedure@dker.bg

This decision is an integral part of the tender documentation.

CHAIRMAN: *signed and stamped*
/Prof. Dr. Sc. eng. K. Shoushoulov/

SECRETARY GENERAL: *signed*
/eng. A. Ilieva/