

DECISION

**№ ТИпГ- 5
of 29 August 2011**

**under Article 43, para. 9 and Article 47 of the Energy Law and Article 28 of the
Ordinance on licensing the activities in the energy sector**

**THE STATE ENERGY AND WATER REGULATORY COMMISSION
HAS DECIDED:**

I. It shall initiate a competitive procedure for the issue of a license to carry out the activity of natural gas distribution in the territory of Gabrovo Municipality under the following terms and conditions:

1. Subject of the competition.

- To appoint a holder of a license to carry out the activity of natural gas distribution in the territory of Gabrovo Municipality.

2. Time period for the construction of the individual sections of the gas distribution network.

The time period for the construction of the individual sections of the entire gas distribution network in the territory of Gabrovo Municipality shall not exceed ten years since the issuance of the license for the activity of natural gas distribution and shall be consistent with the business plan of the successful bidder in the competition.

3. Terms and procedure of the competition.

The competition shall be held by the State Energy and Water Regulatory Commission under the terms and procedure set out in the Energy Law, the Ordinance on licensing the activities in the energy sector and in compliance with the requirements as laid down in the competition documentation.

4. Requirements to the applicants for participation in the competition.

Any legal person registered under the Commerce Act or under the laws of any Member State of the European Union or of any other country that is a signatory to the Agreement creating the European Economic Area with the technical and financial capabilities, material and human resources and an organizational structure necessary for the performance of the activity of the license and in respect of which the circumstances under Article 40, para. 4-5 of the Energy Law do not exist can apply for participation in the competition.

Any foreign person not registered under the laws of a Member State of the European Union or of another country that is a signatory to the Agreement creating the European Economic Area can participate in the competition under the terms and conditions of Article 46, para.4 of the Energy Law.

5. Price of the competition documentation, place and deadlines for purchasing it.

The price of the competition documentation shall be **BGN 10 000 (ten thousand)**, payable in the Bulgarian National Bank – Headquarters in the name of SEWRC under **IBAN BG78BNBG 9661 3000 1420 01, BIC code: BNBGBGSD**.

The competition documentation may be obtained from room **605** of the State Energy and Water Regulatory Commission every business day from **09.00 until 17.00, from 20 September 2011 until 7 October 2011** and against a bilaterally signed list of its contents, upon production of a document issued by the Bulgarian National Bank certifying the payment of the price and after signing a declaration of confidentiality in respect of the information contained therein. The declaration shall be signed in two copies by a person with representative powers according to the registration of the trader.

Upon receipt of the competition documentation, the applicant shall produce a recent *Certificate of trade registration issued by the Registry Agency* or the respective national authority.

6. Type, amount and method of payment of the participation bond.

Applicants for participation in the competition shall present a document for a bank deposit or unconditional and irrevocable bank guarantee issued by a first -class Bulgarian or foreign bank to the amount of BGN 30 000 (thirty thousand Bulgarian levs), with a validity period until the competition procedure ends with the issue of a license to the successful bidder in the competition. The money guarantee shall be deposited in the Bulgarian National Bank – Headquarters in the name of the SEWRC under **IBAN BG16BNBG 9661 3300 1420 01, BIC code: BNBGBGSD**.

7. Place, date, time and conditions under which Applications for participation in the competition will be accepted.

Applications for participation shall be submitted every business day from **09.00 until 17.00, up to 17 November 2011 inclusively**, at the premises of the State Energy and Water Regulatory Commission: room 303, 8-10 Knyaz Dondoukov Blvd., Sofia. Application shall be accepted in the registry office and registered with an incoming number on condition that the applicant produces a *Certificate of purchased competition documentation* issued by the Commission, evidencing that he has purchased the documentation in the time period **20 September 2011 - 7 October 2011**.

Applications received on the date under it. I. 8 and the following days shall not be considered by the State Energy and Water Regulatory Commission. The documents for participation in the competition cannot be withdrawn except in case of a written waiver of participation within the time period for submitting applications.

The documents for participation in the competition shall not be returned to the applicant after the end of the competitive procedure.

8. Date, place and time of opening the bids for participation in the competition The competition procedure starts at **14.00 o'clock on 22 November 2011** with opening of the submitted bids at the premises of the State Energy and Water Regulatory Commission: 8-10, Knyaz Dondoukov Blvd., fl. 5, hall No. 1, Sofia.

9. Time period for evaluation of the bids.

The time period for evaluation shall not exceed 3 months of the date of opening the bids, under Article 29, para.4 of the Ordinance on licensing the activities in the energy sector.

II. It shall approve the competition documentation for participation in a competitive procedure for the issue of a license to carry out the activity of natural gas distribution in the territory of Gabrovo Municipality.

III. It shall approve the sample formats of the declarations under Article 28, para. 3 with reference to Article 34, para. 1, Article 31, para. 4 and para.5 of the Ordinance on licensing the activities in the energy sector and the sample format of the certificate of submitting an application for participation in a competitive procedure under Article 37, para. 2 of the Ordinance on licensing the activities in the energy sector.

IV. Contacts: Control and Market Opening Department, Natural Gas Supply Division, SEWRC, tel. 02 93 59 659, 02 93 596 684, fax: 988 87 82, e-mail: ggeorgiev@dker.bg; vdenkova@dker.bg.

The Decision may be appealed only together with the Decision determining the winner of the tender before the Supreme Administrative Court within fourteen (14) days of notification of the last.

**SEWRC CHAIRMAN:
(ANGEL SEMERDJIEV)**

**SECRETARY GENERAL:
(EMILIA SAVEVA)**

Further instructions:

- 1. The competition documentation may be obtained after depositing BGN 10 000 (ten thousand) in SEWRC bank account.***
- 2. In case of payment in a foreign currency, the transfer amount of the fee should correspond exactly to the price set forth in item 5 of the Decision.***
- 3. Banking fees and foreign exchange rate differences shall be at the expense of applicants for participation in the competition.***