

**PUBLIC CALL ON AWARDING THE CONTRACT FOR RIGHT TO USE A PREMIUM FOR ELECTRICITY
GENERATED FROM PHOTOVOLTAIC POWER PLANTS ON LAND NOT OWNED BY THE
REPUBLIC OF NORTH MACEDONIA OR ON LAND OWNED BY THE REPUBLIC OF NORTH MACEDONIA
ON WHICH RIGHT TO USE HAS BEEN ESTABLISHED**

Call No. 01/2021

PART I: CONTRACTING AUTHORITY

I.1) Information about the Contracting Authority

I.1.1) Name of Contracting Authority: Ministry of Economy

I.1.2) Address of the Contracting Authority:

15 Jurij Gagarin Str.

City: Skopje,

Zip code:1000

I.1.3) Contact: Katerina Bilbiloska

Tel: +389 2 30 93 472

E-mail: komisijapremium@economy.gov.mk

Website: www.economy.gov.mk

I.2) Category of contracting authority, its main activity:

State authorities – Economy and Finance

PART II: SUBJECT OF AGREEMENT

II.1. Subject of agreement: Awarding the right to use a premium for electricity generated from photovoltaic power plants on a land not owned by the Republic of North Macedonia or on a land owned by the Republic of North Macedonia on which right to use has been established.

II.2. Type of agreement: right to use the premium for electricity generated and from a photovoltaic power plant and sold

II.3 Detailed description of the subject of agreement: Provided in the technical specification which is integral part of the Tender Documentation.

II.4 Procurement in lots: Yes. The subject of procurement is divided in lots as defined in the technical specifications, which is integral part of the Tender Documentation.

II.5 Detailed information of the electronic auction:

The contracting authority shall use electronic auction as a last stage of the open procedure, which shall be conducted upon the initial full evaluation of bids whereby it was determined that there are at least two acceptable bids. The fixed premium shall be subject to the electronic auction. The lowest amount of fixed premium of all acceptable bids shall be set as starting amount for the e-auction, whereas for the auction to be successful it is required that there was at least one reverse bidding below the starting amount. The bid of the bidder that shall not make at least one reverse bidding shall be rejected.

II.6 Duration of the Contract:

- Duration of the Contract for the right to use premiums shall be 3 years
- Duration of the Contract to use premiums shall be 15 years

PART III: SUBMISSION OF BIDS**III. 1. Deadline for submission of bid**

Date: 05.10.2021 till 10:00 o'clock local time

III.2. Address for submission of bid

Jurij Gagarin Str. No.15

III.1.2) Contracting authority's address:

Jurij Gagarin Str. No.15

City: Skopje

Zip code:1000

III.3. Language of the bid:

Macedonian

English

Other

PART IV: PROCEDURE

IV.1) Type of procedure: Open procedure

IV.2) Criteria for selection of most favorable bid: Economically most advantageous bid based on a price expressed as lowest offered fixed premium

IV.3) E-procedure: No

IV.4) E-auction: Yes

PART V: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION**V.1) Bid guarantee s and advance payment**

V.1.1) Bid guarantee: Yes in amount of 3.050 MKD per kW planned installed capacity of photovoltaic plant, and if the economic operator is foreign entity the bid guarantee in amount of 50 € per kW planned installed power of photovoltaic power plant, based on the average exchange rate of the National Bank of Republic of Macedonia on the day the announcement was published.

V.1.2) Participation of domestic and foreign legal entity in the procedure: Yes

V.1.3) Association in a group of economic operators for the purpose of joint participation in this

procedure: Yes

V.1.6) Establishment and registration in the Central Register of the Republic of North Macedonia of a company in case when the economic operator is public enterprise, foreign legal entity, national or local natural person and / or when the group of bidders is selected as the most favorable bidder: Yes

PART VI: TERMS AND CONDITIONS FOR ESTABLISHING BIDDERS' CAPACITY

VI.1. Personal status

The Contracting Authority shall exclude from the procedure for awarding the right to obtain a premium for electricity produced from a photovoltaic power plant built on land not owned by the Republic of North Macedonia or on a land owned by the Republic of North Macedonia on which right to use has been established each economic operator that:

- has been imposed an effective conviction for participation in criminal organization, corruption, tax and contribution evasion, terrorism or other criminal actions related to terrorist activities, money laundering and financing terrorism and abuse of child labor and trafficking in the last 5 years;
- has unpaid taxes, contributions and other public dues, unless the economic operator was approved deferred payment of taxes, contributions or other public dues in line with the specific regulations and the same are being regularly paid;
- has ongoing bankruptcy or liquidation procedure;
- has been imposed secondary penalty – interdiction to participate in public announcement procedures, awarding of public procurement contracts and public-private partnership contracts;
- has been imposed secondary penalty – temporary or permanent interdiction to perform certain business activity;
- has been imposed misdemeanor sanction – interdiction to carry out profession, business activity or duty, i.e. temporary interdiction to perform particular business activity or duty and
- gives false data and fails to submit the data requested by the Contracting Authority.

In order to prove its personal status, the economic operator shall submit the following documents:

- Statement from the economic operator that no effective conviction was imposed to the economic operator or member of its managing or supervisory board, or person that is authorized to represent or adopt decisions or supervise the economic operator, in the past 5 years for conducted criminal act which contains elements of the following criminal acts stipulated in the Criminal Code;
 - participation in criminal organization,
 - corruption,
 - tax and contribution evasion,
 - terrorism or other criminal actions related to terrorist activities,
 - money laundering and financing terrorism and
 - abuse of child labor and trafficking

- Certificate for paid taxes, contributions and other public duties issued by a competent body;
- Certificate from competent body that bankruptcy proceedings have not been initiated ;
- Certificate from competent body that liquidation proceedings have not been initiated;
- Certificate from the Register of penalties for criminal acts of legal entities that secondary penalty interdiction to participate in public announcements procedures, awarding of public procurement contracts and public private partnership contracts, has not been imposed;
- Certificate from the Register of penalties for criminal acts of legal entities that secondary penalty temporary or permanent interdiction to perform particular activity, has not been imposed;
- Certificate that the economic operator has not been imposed misdemeanor sanction interdiction to perform profession, activity or duty, i.e. temporary interdiction to perform particular activity with an effective conviction.

VI.2. Capacity to perform professional activity

In order to prove the capacity to perform professional activity, the economic operator, if it is a legal entity, shall submit a document as a proof of registration as a domestic trade company or public enterprise in the Central Register of RNM or a proof that it is registered in the country of its incorporation in case the economic operator is a foreign legal entity.

The economic operator is required to have the ownership right, or established right to use the land on which it intends to build the power plant for which it will request to use premium, and if the land is agricultural land it should be possible to change its purpose into construction land in accordance with the Law.

VI.3. Economic and financial capacity

Evidence to establish capacity:

- Economic operator shall proof that it meets the minimum requirements with submission of Report on the balance sheet and data on the Income statement, issued by the Central Registry of North Macedonia Foreign economic operators shall proof that they meet the minimum requirements with submission of Audit report issued by an auditing company, or excerpt from the Audit Report issued by an auditing company if the excerpt clearly states the income of the bidder in each of the specified years.

- For economic operator which does not meet the requirement or which is newly established legal entity specifically for this purpose or who is natural person, it shall be required that they submit proof that the financial funds necessary for the implementation of the envisaged investment will be made available to it by a financial institution (bank).

Minimum requirements:

To qualify as capable for enforcing the Contract in terms of its economic and financial capacity the economic operator shall have generated a total cumulative income equal to 200 € per KW installed power of photovoltaic power plant for which the bid has been submitted in the past three years (2018, 2019 и 2020)

PART VII: CRITERIA FOR SELECTION OF MOST FAVOURABLE BID

Criterion on selection of the most favorable bid:

Economically most advantageous bid based on the price expressed as the lowest offered fixed premium for installed power for individual photovoltaic power plant within the framework of the total installed power in the respective lot.

PART VIII: ADMINISTRATIVE INFORMATION

VIII.1) Conditions on collection of tender documentation and additional documents:

Every interested economic operator may collect the tender documentation following a submitted e-request sent to the contract person: Katerina Bilbiloska, email. katerina.bilbiloska@economy.gov.mk. Accompanying the request, it shall submit an authorization for the person requesting the tender documentation with contact details, telephone and e-mail. The tender documentation will be sent by e-mail to the e-mail addresses given in the authorization letter.

VIII.2) Condition for submission of bids

VIII.2.1) The bids shall be submitted not later than: 05.10.2021, at 10:00 hours local time

VIII.2.2) Deadline for clarification questions: (8 days prior to expiration of the deadline for submission of bids) 27.09.2021

VIII.2.3) Deadline for replies to clarification questions: 29.09.2021

VIII.3) Bid validity period: 150 days

VIII.4) Conditions for opening of bids:

The public opening of bids shall take place on the date and at the time set forth as deadline for submission of bids, 05.10.2021 at 10:00 hours local time.

Venue: Ministry of Economy, address: Jurij Gagarin Str. No 45, Skopje.

VIII.5) Date of publication: 04.08.2021

PART IX: COMPLAINT PROCEDURE

IX.1) COMPETENT AUTHORITY FOR DECISION MAKING IN CASE OF COMPLAINTS

IX.1.1) Name of authority: State committee for public procurement complaints

IX.1.2) Address of authority:

63 A Ilinden Blvd.

City/Municipality: Skopje **Zip code:** 1000

IX.1.3) Contact: Marjan Vitanov

Tel: +389 (0) 2 3251 251

+389 (0) 2 3251259

E-mail: marjan.vitanov@gs.gov.mk

Fax: +389 (0)2 3251 269

Website: www.dkzjn.gov.mk

XI.2) RIGHT TO A COMPLAINT

Each economic operator having legal interest in being awarded the Contract, who has suffered or might have suffered a damage from possible violation to the provisions of the Law on Energy Decree on measures for support the production of electricity from renewable energy sources, and Public Procurement Law applied during this tender procedure, may seek legal protection against the decisions, actions or omissions to take actions from the Contracting Authority in the procedure for awarding the Contract, in line with the conditions and procedure defined in the Public Procurement Law. The right to a complaint with respect to establishing the capacities of the bidders and full evaluation of the bids shall be exercised upon adoption of the decision for selection of the most favorable bidder or decision for annulment of the procedure.

ANNEX A

OTHER ADDRESSES AND CONTACTS

I. ADDRESS AND CONTACT WHERE ADDITIONAL INFORMATION CAN BE OBTAINED:

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|---|-----------------------|---|
| Name: Ministry of Economy | | |
| Address: 15 Jurij Gagarin Str. | | |
| Place: Skopje | Zip code: 1000 | Country: Republic of North Macedonia |
| Office/Contract point: Contract person: Katerina Bilbiloska | | Tel: +389 (0)2 3093 472 |
| E-mail: komisijapremium@economy.gov.mk | | Fax: |
| Website: www.economy.gov.mk | | |

II. ADDRESS AND CONTACT WHERE AMENDMENTS OF THE TENDER DOCUMENTATION ARE AVAILABLE:

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|---|-----------------------|---|
| Name: Ministry of Economy | | |
| Address: 15 Jurij Gagarin Str. | | |
| Place: Skopje | Zip code: 1000 | Country: Republic of North Macedonia |
| Office/Contract point: Contract person: Katerina Bilbiloska | | Tel: +389 (0)2 3093 472 |
| E-mail: komisijapremium@economy.gov.mk | | Fax: |
| Website: www.economy.gov.mk | | |

III. ADDRESS AND CONTACT FOR SUBMISSION OF BIDS:

| | | |
|---|-----------------------|---|
| Name: Ministry of Economy | | |
| Address: 15 Jurij Gagarin Str. | | |
| Place: Skopje | Zip code: 1000 | Country: Republic of North Macedonia |
| Office/Contract point: Contract person: Katerina Bilbiloska | | Tel: +389 (0)2 3093 472 |
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