

Appendix B

INSTRUCTIONS FOR TENDERERS

1. Introduction

These Instructions to Bidders (ITB) establish the procedural, administrative, and technical framework for participation in the procurement procedure having as its object the award of an EPC contract – engineering, procurement, construction, commissioning, and operation & maintenance for 2 years – for the Turda Photovoltaic Power Plant, with an installed capacity of minimum 50 MWp DC and 29.4 MW AC, at the 20 kV connection level.

This document provides the information necessary for:

- understanding the Employer's requirements,
- the proper preparation of technical and financial bids,
- compliance with submission and evaluation procedures,
- clarification of the administrative, legal, and contractual obligations applicable to the Bidders.

The tender is conducted in accordance with:

- Appendix A – Employer's Requirements,
- FIDIC Silver Book – General and Particular Conditions of Contract,
- Appendix C – Eligibility, evaluation, and award criteria,
- the legislation and technical standards applicable to photovoltaic projects in Romania,
- the connection requirements established through the ATR issued by the Distribution System Operator.

By participating in this procedure, Bidders confirm that they have understood the Employer's requirements, have reviewed the complete documentation made available, and assume the obligation to prepare a complete, compliant, competitive, and unambiguous bid.

The Employer's objective is to select, through a transparent and competitive procedure, an experienced EPC Contractor, capable of delivering a turnkey project in accordance with the performance, quality, and safety standards specified in the technical documentation.

2. Purpose of the tender and description of the works

The Employer, RES Invest South East Europe SRL, invites Bidders to submit offers for the design, procurement, construction, commissioning, and operation & maintenance of a photovoltaic power plant with an installed capacity of approximately 50 MWp (DC) and 29.4 MW (nominal AC), located in Turda Municipality, Cluj County, in accordance with the requirements specified in the tender documents (hereinafter referred to as the "Works").

The contract is of EPC / Design–Build type, with a lump-sum price.

In essence, the scope of the Works includes the following main activities:

- i. Design of the photovoltaic power plant in accordance with Appendix A – Employer’s Requirements, including all necessary interfaces up to the point of connection in the 110/20 kV substation (substation designed and constructed by a separate contractor).
- ii. Procurement of all required equipment and materials.
- iii. Execution of civil works and infrastructure.
- iv. Mechanical installation and electrical works, including the CCTV security system and communications infrastructure.
- v. Supply and installation of the remote monitoring system (SCADA / Monitoring Platform) for the entire PV plant.
- vi. Operation and maintenance of the Photovoltaic Power Plant for a period of two (2) years from the Taking Over Certificate.
- vii. Provision of the performance guarantees defined in Appendix A – Employer’s Requirements (Production, PR, Availability) until the issuance of the Final Performance Certificate.

3. Tender documents

The tender documentation consists of all documents made available by the Employer, which govern the technical, commercial, legal, and financial conditions of the EPC contract. Bidders are required to analyze all documents in detail and to prepare their bids in full compliance with them.

The tender documents include, without limitation:

1. **Contractual documents:** the EPC Contract (FIDIC Silver Book – General Conditions and Particular Conditions), the Contract Data, and the draft Contract Agreement.
2. **Appendix A – Employer’s Requirements** and the technical documentation related to the site.
3. **Technical annexes and applicable regulations**, including studies, drawings, execution requirements, standards, and relevant regulations.
4. **Financial and commercial documents**, including the payment structure, guarantee requirements, and instructions for preparing the financial proposal.
5. **Mandatory forms** to be completed, including eligibility declarations, compliance statements, fixed price declaration, joint venture agreements, confidentiality agreements, etc.
6. **Appendix C – Eligibility, evaluation, and award criteria.**
7. **Any clarifications** issued by the Employer during the procedure, which become an integral part of the tender documentation.

The Bidder is responsible for verifying the complete receipt of the documentation and for requesting clarifications, if necessary, within the deadlines established in this document.

4. Procedure timetable

The procurement procedure shall be carried out in accordance with the timetable below. The Employer reserves the right to amend the deadlines, subject to prior notification of all bidders:

No.	Stage	Date / Deadline
1	Publication of the tender documentation	30 December 2025
2	Deadline for submission of clarification requests	19 January 2026 (5:00 PM, Romania time)
3	Deadline for the Employer's responses to clarifications (published on the website)	23 January 2026 (5:00 PM, Romania time)
4	Deadline for submission of bids	5 February 2026, 5:00 PM (Romania time)
5	Submission of passwords for encrypted files	6 February 2026, between 11:00–13:00 (Romania time)
6	Bid evaluation period	6 February – 16 February 2026
7	Communication of the procedure results	within a maximum of 7 days from completion of the bid evaluation
8	Contract signing	within a maximum of 21 days from communication of the result

All clarifications and responses will be published on the official project webpage:
<https://perpetuumsee.ro/pag/res-invest-south-east-europe-srl-proiect-turda>

5. Communication rules and clarifications

All official communications within the procedure, including requests for clarifications, notifications, and administrative correspondence, shall be carried out exclusively in electronic format, by e-mail, to the following addresses:

turda@perpetuumsee.com
andrei.moiescu@perpetuumsee.com

5.1 Requests for clarifications

- Any question or request for clarification regarding the tender documentation must be submitted no later than 19 January 2026.
- Requests must be clearly formulated, with reference to the relevant section, page, and chapter of the documentation.
- Clarifications submitted after the deadline shall not be taken into consideration.

5.2 Responses to clarifications

- The Employer shall publish consolidated responses to clarification requests by 23 January 2026.
- The responses will be posted on the official project website, at the same address where the tender documentation is available:
<https://perpetuumsee.ro/pag/res-invest-south-east-europe-srl-proiect-turda>
- The responses provided become an integral part of the tender documents.

5.3 Communication regarding bids

- Bidders shall submit the technical and financial bids exclusively by e-mail, in accordance with the chapter regarding the bid format.
- In the case of technical and financial bids, the encrypted files shall remain inaccessible to the Employer until the bid opening.
- The password for the encrypted files shall be transmitted by the bidders on 6 February 2026, between 11:00–13:00, Romania time.
- E-mails received outside the established deadlines shall not be accepted.

6. Preparation of bids

6.1 General

Bidders shall prepare their bids in full compliance with Appendix B – Instructions to Bidders, Appendix A – Employer’s Requirements, Appendix C – Eligibility, evaluation, and award criteria, the FIDIC Silver Book, and all annexes included in the tender documentation.

All requested documents are mandatory, and the absence of any of them may lead to rejection of the bid as non-compliant.

6.2 Language of the documents

The bid shall be submitted in Romanian.

Documents in English may be submitted, but they must be accompanied by authorized translations into Romanian. In case of discrepancies, the Romanian version shall prevail.

6.3 General organization of the bid

The bid shall be divided into volumes, in accordance with the Bid Checklist, as follows:

- Volume I – Administrative and legal documents
- Volume II – Eligibility and compliance documents
- Volume III – Technical proposal
- Volume IV – Financial proposal and payment terms

6.4 Rules regarding the content of each volume

- Each volume must contain at least the documents requested in the bid checklist corresponding to that volume.
- Bidders may include additional relevant documents, provided that these are clearly identified, do not contradict the requirements of the tender documentation, and do not alter the required minimum structure or content.
- Documents must be presented clearly, numbered, and organized in logical order.
- Any item described in the technical proposal but not priced in the financial proposal shall be deemed to be included in the total price.

7. Content of the bid

The bid must be structured into four distinct volumes, in accordance with the List of documents required for bid compliance (“Checklist ofertă EPC”). Each volume shall contain the documents requested, in the form and format provided for in the tender documentation.

7.1 Volume I – Legal / administrative documents

This volume shall include all required administrative and legal documents, including completed forms, registration documents, and documents regarding association/subcontracting (if applicable), in accordance with the Checklist.

7.2 Volume II – Eligibility (A.1 – A.6)

This volume shall contain the documents demonstrating compliance with the eligibility criteria: technical experience, financial capacity, technical capacity, certifications, authorizations, and declarations of conformity, in accordance with the requirements of the Checklist.

7.3 Volume III – Technical proposal (B.1 – B.3)

This volume shall include the requested technical documentation, including technical guarantees, proposed parameters, guaranteed performances, justifications, and technical simulations, in accordance with **Appendix A – Employer’s Requirements** and the documents indicated in the Checklist.

7.4 Volume IV – Financial proposal and payment terms (C, D)

This volume shall include the final financial proposal (fixed price, without adjustment), cost breakdown, and payment terms, in accordance with the mandatory forms and annexes. This volume shall be submitted exclusively in encrypted and password-protected format, separately from the technical proposal.

8. Format and method of submission of bids

8.1 Structuring the bid by volumes

The bid shall be organized into the four volumes provided for in the tender documentation (Volume I – Administrative Documents, Volume II – Eligibility, Volume III – Technical Proposal, Volume IV – Financial Proposal and Payment Terms).

Each volume shall be transmitted in a **separate archive**, in accordance with point 8.3.

8.2 Separation and encryption of technical and financial bids

- Volume III – Technical Proposal and Volume IV – Financial Proposal must be submitted in separate files, each in encrypted/password-protected format (password-protected archive).
- The passwords for both volumes shall be transmitted to the Employer on 06.02.2026, between 11:00–13:00 (Romania time), exclusively at the moment requested by the Employer for the opening of bids.
- The inclusion of any financial information in volumes other than Volume IV – Financial Proposal shall lead to the automatic disqualification of the bid.

8.3 Submission of archives

Each volume of the bid shall be submitted by e-mail, in archive format (ZIP/RAR), to the following e-mail addresses:

turda@perpetuumsee.com
andrei.moisescu@perpetuumsee.com

Specific submission requirements:

- Documents shall be submitted exclusively as archives attached to e-mails;
- The maximum allowed size is 25 MB per e-mail;
- Each archive shall correspond to one volume of the bid and shall be clearly named, as follows:
 - Volume I
 - Volume II
 - Volume III
 - Volume IV
- If the size of the documents for a volume exceeds the 25 MB limit, the respective volume shall be split into several archives, named consecutively and clearly identifiable, for example:
 - Volume II.a, Volume II.b, etc.;
- The archives corresponding to Volume III (Technical Proposal) and Volume IV (Financial Proposal) shall be mandatory encrypted/password-protected;
- Submission via download links (Google Drive, Dropbox, WeTransfer, or similar platforms) is not permitted and shall not be considered.
-

8.4 Accepted document formats

Documents included in the archives must be submitted in the following formats:

- PDF – for text documents, forms, declarations, reports;
- Excel (XLSX) – for financial tables, pricing forms, and payment schedules;
- DWG – for plans, technical drawings, layouts;
- Images or other formats are accepted only if included within a PDF.

8.5 Language of the documents

All documents must be submitted in Romanian.

Documents drafted in English must be accompanied by authorized translations into Romanian.

8.6 Form, signing, and pagination

- Each volume shall include a General Table of Contents listing the included documents;
- All documents shall be consecutively paginated;
- Documents must be signed by the bidder's authorized representative (handwritten signature or qualified electronic signature);
- All files must be submitted in final form, complete, and legible.

8.7 Validity of the bid

The bid must be valid for a minimum period of 60 days from the submission deadline. Any bid with a shorter validity period shall be rejected as non-compliant.

8.8 Restrictions regarding bid submission

Under penalty of exclusion:

- a bidder may submit only one bid.

8.9 No modification of bids after the submission deadline

In accordance with Order no. 1561/2024 regarding procurement rules for projects financed from the Modernisation Fund:

- Bidders may modify, withdraw, and resubmit their bid at any time before the submission deadline (05.02.2026, 5:00 PM).
- Only the last version submitted before the deadline shall be considered the final bid.
- After the submission deadline, no modifications to bids are permitted, including price adjustments, completion of essential documents, or renegotiation of the technical/financial proposal.
- Financial proposals submitted are considered final, firm, and non-negotiable.

9. Eligibility conditions

Bidders must meet the minimum eligibility criteria set out in Appendix C – Eligibility, evaluation, and award criteria.

Failure to comply with any of the mandatory minimum criteria shall result in rejection of the bid as non-compliant.

The main eligibility categories include:

- technical experience in similar EPC projects;
- adequate financial capacity;
- technical capacity and available resources;
- mandatory certifications and authorizations (including ANRE C1A/C2A);
- legal compliance.

All supporting documents must be submitted in accordance with the Bid Submission Checklist.

10. Technical evaluation criteria

The technical evaluation shall be carried out in accordance with the criteria and scores detailed in Appendix C – Eligibility, evaluation, and award criteria.

The technical proposal must demonstrate:

- compliance with Appendix A – Employer's Requirements;
- guaranteed values for PR, availability, and production indicators;
- the bidder's ability to implement the project within the required timeframe and quality standards;
- complete and compliant technical solutions.

Only bids that meet the minimum technical threshold set out in Appendix C – Eligibility, evaluation, and award criteria shall be admitted to the financial evaluation stage.

11. Financial evaluation criteria

The financial evaluation shall be carried out in accordance with the formulas and weightings established in Appendix C – Eligibility, evaluation, and award criteria, based on:

- the total EPC bid price (fixed, without adjustments);
- O&M costs for 2 years;
- costs for the minimum spare parts stock.

The bid with the lowest total value shall receive the maximum score (100 points), and the other bids shall be scored proportionally according to the formula:

$$\text{Score} = (\text{Minimum value} / \text{Offered value}) \times 100$$

12. Rules regarding alternative bids

12.1 Prohibition of alternative bids

Within the framework of this procurement procedure, alternative bids are not permitted.

An “alternative bid” means any technical, commercial, or contractual proposal:

- that proposes technical solutions different from those required in Appendix A – Employer’s Requirements,
- or that modifies the technical parameters, guaranteed indicators, or required performance standards,
- or that proposes pricing structures, contractual conditions, or timelines different from those set out in the tender documentation.

Any bid containing alternative solutions, options, or technical/financial variants compared to the base requirements shall be rejected as non-compliant.

12.2 Optional proposals (where permitted)

The only optional variants that may be submitted are those explicitly requested in the award documentation (e.g. additional optimization proposals, if expressly required).

These:

- may not replace the base requirements,
- are evaluated separately, without impacting the compliance of the main bid.

13. Employer’s rights

The Employer reserves the following rights, without such exercise giving rise to any compensation obligation towards the bidders:

- a) to request written clarifications from bidders, under the conditions and within the deadlines set out in these Instructions to Bidders;
- b) to verify the information and documents submitted by bidders, including by requesting additional evidence;
- c) to reject any bid that is incomplete, non-compliant, or does not meet the requirements of the tender documentation;
- d) to cancel the procurement procedure at any time prior to contract signing, without the

obligation to justify the decision and without any right to compensation for bidders;
e) not to accept the lowest-priced bid if it does not meet the technical, financial, or eligibility requirements;
f) to correct obvious arithmetic errors, in accordance with the applicable procedural rules;
g) to negotiate, exclusively with the bidder declared winner, contractual aspects that do not affect the evaluation criteria or the outcome of the procedure, to the extent permitted by the legislation applicable to projects financed from the Modernisation Fund.

14. Confidentiality

The tender documentation made available by the Employer is publicly accessible through the official website indicated in these Instructions to Bidders and may be used by bidders exclusively for the purpose of preparing and submitting bids within this procedure.

Bidders undertake to maintain confidentiality with respect to:

- a) the content of the submitted bids, including technical solutions, financial proposals, and commercial information;
- b) clarifications, responses, and correspondence transmitted individually by the Employer;
- c) information obtained during the procedure that is not public and that may affect competition or the commercial interests of the Employer or other bidders.

The Employer shall treat all received bids as confidential information and shall not disclose their content to third parties, except as required by applicable legislation or by the requirements of financing authorities.

The confidentiality obligations set out in this chapter shall remain valid after completion of the procurement procedure.

15. Post-award – documents required prior to contract signing

The bidder declared winner shall be required to submit, within the deadline communicated by the Employer, the following documents as a condition precedent to signing the EPC contract:

- a) updated identification and legal representation documents;
- b) confirmation of the final subcontracting structure (if applicable);
- c) the updated execution schedule (Baseline Schedule);
- d) the list of key personnel allocated to the project;
- e) any other documents reasonably requested by the Employer for the completion of the contracting process.

Failure to submit the above-mentioned documents within the established deadline may result in loss of the right to sign the contract and the designation of the next-ranked bidder, without further formalities.