

Nr.41554/06.09.2023

## INVITATION TO PARTICIPATE

The National Electric Energy Transport Company "Transelectrica" S.A., a company managed in a dual system, with headquarters in Str. Olteni no. 2-4, Sector 3, Bucharest, invites you to participate with the offer valid for 60 days, for the purchase with the object: "Credit rating services"

### General information:

CPV code **66171000-9 – Financial consulting services**

Type of acquisition: **Own procedure (exception from the provisions of Law 99/2016, cf. art. 37(1) letter e) of the same normative act) - negotiation**

Contract duration: **24 months**

Contract type: **services**

Estimated value: **656,834 lei (without VAT)**

Award criteria: **the lowest price**

### Information on the procedure:

The invitation to participate and the form models are published on the company's website [www.transelectrica.ro](http://www.transelectrica.ro) and in SEAP in the "publicity announcements" section. The specification is made available to interested economic operators, by e-mail, upon their request. At the same time, after the announcements are published, information emails can be sent to potential bidders.

### Submission of the offer

The offer and accompanying documents are sent to the work point of CNTEE "Transelectrica" SA, Str. Olteni no. 2-4, Sector 3, Bucharest - Registry, ground floor, Commercial Department, in envelope enclosed with the forwarding letter.

**The deadline for submission of the offer is the latest on the date of 28.09.2023 hour 11:00 PM**

### Information regarding the preparation of the offer

The offer will be drawn up in Romanian or English and will include at least the following:

Documents proving the fulfillment of the qualification requirements, the financial proposal drawn up in EURO, as well as the following documents attached to the invitation:

1.	Forwarding letter	Form no. 1
2.	The offer form + annex	Form no. 2
3.	Declaration	Form no. 3
4	Certificate of participation with the independent offer	Form no. 4

### **Qualification requirements**

**A.**Registration or certification by the European Securities and Markets Authority (ESMA) as a credit rating agency authorized to operate within the European Union, in accordance with Regulation (EC) no. 1060/2009 of the European Parliament and of the Council of September 16, 2009 regarding credit rating agencies (in this regard, the bidder will present the documents on physical support that will certify the registration status/certification by the competent authority);

**B.**The offeror must be in the List of Credit Rating Agencies published by ESMA on the institution's website at <https://www.esma.europa.eu/credit-rating-agencies/cra-authorisation>;

**C.**The bidder must be registered in the list of credit assessment institutions (External Credit Assessment Institutions - ECAI) recognized by the National Bank of Romania (BNR) at the national level published on the institution's website at: [http://bnr.ro/External-credit-evaluation-institutions-\(ECAI\)-recognized-by-BNR3389.aspx](http://bnr.ro/External-credit-evaluation-institutions-(ECAI)-recognized-by-BNR3389.aspx).

### **Similar experience**

The offeror must hold at least 5% of the total market share within the reference market, as found on the ESMA website at: <https://www.esma.europa.eu/regulation/credit-rating-agencies>.

The CRA (credit rating agencies) regulation requires the ESMA to publish annually on its website a list of CRAs registered in the European Union (EU), indicating the total market share and their types, of the credit ratings issued by each CRA.

The total market share is calculated based on the audited financial statements of each CRA, with reference to the annual turnover from credit rating activities and ancillary services for the year 2021 or 2022 (if available).

This Market Share Calculation is valid for use from the date of publication and is applicable until the publication date of the next Market Share Calculation in 2023.

Similar experience: rating published for at least 3 companies with a similar profile to Transelectrica (energy companies) in the last 5 years. The requirement refers to the rating requested by the issuer (ratings not requested by companies will not be taken into account).

In this regard, the bidder will present documents attesting to the above (links to clients' websites or letters signed by clients attesting to the fact that the bidder has been entrusted with commitments to issue and monitor a credit rating).

The provisions of this section are supplemented by the provisions of the specifications.

In order to complete Form 3, we specify that the decision-making persons within the contracting entity involved in the public procurement procedure are: Ștefăniță MUNTEANU, Cătălin Constantin NADOLU, Bogdan TONCESCU, Glorin Cristian TĂTARU, Cristian CONSTANTINESCU, Dan VASILIAȘ, Cerasela Aritina RĂDESCU, Ana Iuliana DINU, Florin STANCIU, Daniela MOGOȘ, Felicia NICOLAESCU, Ion SMEEIANU, Adina Georgiana DAVID, Raluca Ioana DUMITRU ȘERBACOV, Maria Beatrice PÎRVU, Rodica GAVRILESCU.

### **Clarifications**

Economic operators have the right to request clarifications or additional information, by e-mail, at the addresses [cerasela.radescu@transelectrica.ro](mailto:cerasela.radescu@transelectrica.ro), [cristian.constantinescu@transelectrica.ro](mailto:cristian.constantinescu@transelectrica.ro) within a period of no more than 5 working days before the date set for the submission offers.

The answers to the clarifications issued during the pre-bidding period or other additional information will be published on the company's website [www.transelectrica.ro](http://www.transelectrica.ro) and will be sent by e-mail to the economic operator who formulated them.

Any information and clarifications issued by the contracting entity during the pre-offer period will publish on the website [www.transelectrica.ro](http://www.transelectrica.ro), in the "public procurement" section.

### **The stages of the acquisition procedure**

The procedure will take place offline.

#### **2 Steps of the procedure:**

- submission of offers
- analysis and evaluation of offers
- establishing admissible offers
- inviting the economic operators who submitted the admissible offers to submit the improved offer
- applying the award criteria and establishing the intermediate ranking
- inviting the bidder ranked first to submit the contract model
- analysis and finalization of the contract model - establishing the final form of the contract
- elaboration and approval of the procedure report
- communication of the result
- signing the contract.

### **Reasons for rejection**

The evaluation committee has the obligation to evaluate the offers and to reject the offers non-compliant and unacceptable.

#### **The offer is considered unacceptable if:**

- a) does not meet the form conditions related to its elaboration and presentation;

b) was submitted after the submission deadline or at a different address than that established in the notice of participation/invitation to participate or in the invitation to submit the improved offer;

c) was submitted by a bidder who does not meet one or more of the qualification criteria established in the procurement documentation;

d) constitutes an alternative to the provisions of the specifications, an alternative that cannot be taken into account because the invitation to participate does not specify the possibility of submitting alternative offers, and that alternative offer does not comply with the minimum requirements provided in the specifications;

e) the price, without VAT, included in the financial proposal exceeds the estimated value communicated through the invitation to participate and there is no possibility of making available additional funds for the fulfillment of the respective sectoral contract;

f) if an offer lacks the financial proposal (offer form and annex)

g) does not submit the requested clarifications/completions within the deadline specified by the evaluation committee or the clarifications/completions sent are not conclusive.

**The offer is considered non-compliant in the following situations:**

a) does not properly satisfy the requirements of the specifications;

b) contains contractual clauses that are obviously disadvantageous for the Contracting Entity or are contrary to the provisions of the specification, and the tenderer, although he has been informed about the said situation, does not accept the waiver/modification of the respective clauses;

c) the financial proposal is not complete or is not correlated with the object of the procurement, which could lead to the defective execution of the contract or constitutes a deviation from the incident legislation, other than that in the field of sectoral procurement;

d) it was submitted by a tenderer who, through the answers to the clarifications, changes the content of the financial proposal, and that change does not fall into the category of defects of form;

e) the offer is irrelevant to the object of the contract, obviously unable to satisfy, without substantial changes, the needs and requirements of the contracting entity indicated in the procurement documents, including in the case where the offer does not meet the financial conditions imposed by the invitation to participate;

f) the tenderer does not agree with the correction of form defects;

g) the offer is not presented in the form requested by the Purchaser through the Terms of Reference and the Invitation to participate;

h) the contractual or procedural conditions imposed by the bidder ranked first are disadvantageous for the company or establish additional conditions compared to those included in the offer, and the bidder, although informed about the said situation, does not accept the waiver/modification of the respective conditions.

Offers that do not fall into the non-compliant or unacceptable category are considered admissible offers.

Form defects - represent those errors or omissions within a document whose correction/completion is unequivocally supported by the meaning and content of other information initially existing in other documents presented by the bidder or whose correction/completion has the role of clarification or confirmation, not being likely to produce an unfair advantage in relation to the other participants in the procurement procedure.

### **Completion of the purchase procedure**

The contracting entity will cancel the procurement procedure of the sectoral contract/framework agreement in the following cases:

- a) if no offer was submitted or if no admissible offer was submitted;
- b) if admissible offers were submitted that cannot be compared due to the non-uniform way of preparing the offers;
- c) if violations of the legal provisions affect the procurement procedure or if it is impossible to conclude the contract;
- d) the court orders the modification/elimination of any specifications from the specifications or from other documents issued in connection with the procurement procedure, and the contracting entity is unable to adopt remedial measures;
- e) if the contract cannot be concluded with the bidder whose bid was ranked first and there is no admissible bid ranked next.

### **Signing the contract**

After the completion of the procedure, the contracting entity concludes the contract with the bidder designated as the winner.

A copy of the contract is sent to the beneficiary (developer) entity.

The beneficiary entity will take into account the fact that the development of the contract takes into account all its elements (specifications, financial offer, etc.).

### **Inquiry**

1. Any appeals must be filed within 5 calendar days starting from the day following the communication of the contested document, at the headquarters of the contracting entity.

2. In order to resolve the appeal, the contracting entity will appoint a committee consisting of 3 members (other than the members of the evaluation committee).

3 The purchaser will notify the appellant. within 2 working days from the adoption, the decision on the way to resolve the appeal,

4 Complaint can be made against the Purchaser's decision to the competent court in Romania.

Additional information and possible clarifications can be obtained from the Commercial Department by e-mail [cerasela.radescu@transelectrica.ro](mailto:cerasela.radescu@transelectrica.ro) and [cristian.constantinescu@transelectrica.ro](mailto:cristian.constantinescu@transelectrica.ro).