

ПРЕПИС-ИЗВЛЕЧЕНИЕ ПРОТОКОЛ No. 470	TRANSCRIPT-EXTRACT MINUTES No.470
от	of a
Редовно заседание	Regular Meeting
на Управителния съвет на	of the Management Board of
"ЧЕЗ Разпределение България" АД	CEZ Distribution Bulgaria AD
Днес, 24.04.2019 г., в 10:00 часа, в гр. София, ул. „Цариградско шосе“ № 159, ет. 5 на основание чл. 74 от Устава на „ЧЕЗ Разпределение България“ АД, акционерно дружество учредено и съществуващо съгласно законите на Република България, със седалище в гр. София и адрес на управление: гр. София 1784, район „Младост“, бул. „Цариградско шосе“ № 159, вписано в Търговския регистър при Агенция по вписванията под ЕИК 130277958 (наричано по-долу „Дружеството“), се проведе редовно заседание на Управителния съвет на Дружеството съобразно процедурата, предвидена в Устава на Дружеството. Присъстваха членовете на Управителния съвет на Дружеството, както следва:	On this day of 24.04.2019, at 10:00 a.m in the city Sofia, 5th fl., 159 Tsarigradsko shose Blv., Mladost region, on the grounds of Article 74 of the By-laws of <b>CEZ Distribution Bulgaria AD</b> , a joint stock company, organized and existing under the laws of the Republic of Bulgaria, having its seat in Sofia and management address at., 159 Tsarigradsko shose Blv., Mladost region, 1784 Sofia, Republic of Bulgaria, registered in the Commercial Register at the Registry Agency under UIC 130277958 (hereinafter referred to as " <b>the Company</b> "), the Management Board of the Company held its regular meeting in accordance with the procedure provided for in the By-laws of the Company. The following members of the Management Board of the Company attended personally:
1. г-н Петър Холаковски, който присъства, както в личното си качество, така и в качеството си на пълномощник на г-н Томаш Пеца, упълномощен по силата на писмено пълномощно съгласно чл. 75, от Устава на Дружеството, като копие от пълномощното е приложено към настоящия протокол	1. Mr. Petr Holakovsky attending in his personal capacity, as well as in his capacity as a proxy of Mr. Tomáš Pecka, authorized by virtue of a written power of attorney pursuant to Article 75 of the Company's By-laws, as a copy of the power of attorney is enclosed to the present minutes
2. г-н Виктор Любомиров Станчев	2.Mr. Viktor Lyubomirov Stanchev
Управителният съвет на Дружеството УСТАНОВИ: „Заседанието на Управителния съвет на Дружеството е свикано в съответствие с процедурата, предвидена в Устава на Дружеството и в Процедурните правила на Управителния съвет. Необходимият кворум за валидно вземане на решения съгласно Устава на Дружеството е налице”.	The Management Board of the Company ESTABLISHED: “The meeting of the Management Board is duly convened in accordance with the procedure set out in the By-laws of the Company and in the Procedural Rules of the Company's Management Board. The quorum requirements for passing valid resolutions in accordance with the By-laws of the Company are met”.
По точка 4 от дневния ред: Вземане решение за избор на изпълнител за сключване на договор след проведена обществена поръчка чрез вътрешен конкурентен избор с предмет: „Доставка на метални рамки за правоъгълни капаци за кабелни шахти, след сключени рамкови споразумения“, реф.№ PPD 19-019.	Under item 4 of the agenda: Taking decision about selection of contractor for signing agreement following up held public procedure of internal competitive selection with subject "Delivery of metal frames for rectangular cable shafts covers based on signed frame agreements", ref. number PPD 19-019
Председателят на заседанието даде думата на г-н Рали Манчев - юриконсулт на „ЧЕЗ	The Chairman gave the floor to Mr. Rali Manchev, legal advisor in CEZ Distribution, who explained

<p>Разпределение България“ АД, който обясни, че по обявената с решение на Управителния съвет на „ЧЕЗ Разпределение България“ АД поръчка с предмет: „Доставка на метални рамки за правоъгълни капаци за кабелни шахти, след сключени рамкови споразумения“, реф.№ PPD 19-019, е постъпило писмо, придружено от доклад на комисията, назначена със № CD-ORD-2327/03.04.2019 г. на г-н Петър Холаковски – Член на Управителния съвет, предлага на УС да одобри и приеме отразените в доклада на комисията резултати и обяви класирането, извършено от комисията, съгласно посочения в поканата за участие в обществената поръчка критерий.</p>	<p>that regarding the announced with Decision of the Management Board of CEZ Distribution Bulgaria AD procedure with subject “Delivery of metal frames for rectangular cable shafts covers based on signed frame agreements”, ref. number PPD 19-019, there has been submitted a letter accompanied by report of the Commission appointed by Order No. CD-ORD-2327/03.04.2019 of Mr. Petr Holakovský – Member of the Management Board, with what the Commission proposes to the MB to approve and accept the results presented in the report of the Commission and announces the ranking fulfilled by the Commission according to the criterion appointed in the invitation.</p>
<p>Председателят на заседанието даде думата за изказвания, въпроси и други предложения по същество. Такива не постъпиха и поради това Председателят на заседанието предложи да се премине към гласуване на текста на предложението по точка 4 от дневния ред.</p>	<p>The Chairman of the meeting gave the floor for statements, queries and other substantive proposals. No such statements, queries and proposals were made and the Chairman of the meeting proposed that the Management Board proceeds to voting of the submitted proposal under item 4 of the agenda.</p>
<p><b>Пристъп се към гласуване и УПРАВИТЕЛНИЯТ СЪВЕТ РЕШИ:</b>  I На основание чл. 22, ал. 1, т. 6 и чл. 108, т. 1 във връзка с чл. 82, ал. 4, т. 5 от Закона за обществените поръчки (ЗОП), както и въз основа на резултатите от работата на комисията, отразени в Доклад от 22.04.2019 г. и в съпътстващите го документи, изготвени в хода на работата на комисията, както и след отчитане на описаните по-долу обстоятелства, както следва:</p> <ol style="list-style-type: none"> <li>1. Чрез публикуване на покана до лицата, с които има сключени рамкови споразумения, на профила на купувача на 15.03.2019 г., възложителят е открил вътрешен конкурентен избор за сключване на договор в резултат на рамково споразумение по чл. 82 от ЗОП с предмет: „Доставка на метални рамки за правоъгълни капаци за кабелни шахти, след сключени рамкови споразумения“ и идентификационен (референтен) № PPD 19-019;</li> <li>2. Обществената поръчка е с прогнозна стойност от <b>307 721.50 лв., без ДДС</b>, като нейният предмет не е разделен на обособени позиции;</li> <li>3. За оповестяване на откриването на вътрешния конкурентен избор, възложителят е изпратил покана на лицата, с които има сключени рамкови споразумения в резултат на предходна процедура за възлагане на обществена поръчка, на 15.03.2019 г., като е публикувал поканата на същата дата на профила на купувача. В поканата е определен и крайният срок за получаване на оферти, който е до 16:30 ч. на 02.04.2019 г.;</li> </ol>	<p><b>The MANAGEMENT BOARD proceeded to voting and RESOLVED:</b>  I On the grounds of Art. 22, Para. 1, Item 6 and Art. 108, Item 1 in relation to Art. 82, Para. 4, Item 5 of the Public Procurement Act (PPA) as well as on the grounds of the results from the work of the Commission reflected in Report dated 22.04.2019 and in the accompanying documents drafted during the work of the Commission and after taking into consideration the following circumstances, as follows:</p> <ol style="list-style-type: none"> <li>1. By publishing the Invitation to the person with whom the Assignor has concluded frame agreement on 15.03.2019 the latter started an internal competitive selection on conclusion of a contract as a result of a frame agreement under Art. 82 of the PPA with subject: 'Delivery of metal frames for rectangular covers for cable shafts after concluded frame agreements' and identification (reference) No. PPD 19-019;</li> <li>2. The public procurement has an estimated value of <b>BGN 307 721.50 VAT exclusive</b> and its subject has not been divided into detached lots;</li> <li>3. For announcing the starting of the internal competitive selection on 15.03.2019 the Assignor sent an invitation to the persons with which it has concluded frame agreements as a result of a previous procedure for awarding a public procurement and published the invitation on the same date on the Buyer's profile. The deadline for receiving offers – until 16.30 h on 02.04.2019 - was indicated in the invitation;</li> </ol>

4. До изтичане на крайния срок за подаване на офертите, възложителят е получил 5 (пет) оферти, регистрирана, както следва:

4.1. Вх. № CD-DOC - 3353/ 22.03.2019 г. в 14:24 часа от „ДЕСТИНАЦИЯ БЪЛГАРИЯ“ ЕООД;

4.2. Вх. № CD-DOC - 3601/ 28.03.2019 г. в 10:51 часа от „ЕНЕРГОСЕРВИЗ ИНЖЕНЕРИНГ“ ООД;

4.3. Вх. № CD-DOC - 3873/ 02.04.2019 г. в 11:27 часа от „СТЕНЛИ 03“ ЕООД;

4.4. Вх. № CD-DOC - 3875/ 02.04.2019 г. в 11:34 часа от „ТЕХНАДЗОР“ ЕООД;

4.5. Вх. № CD-DOC - 3882/ 02.04.2019 г. в 13:19 часа от „МОНТАЖИ КО“ ЕООД.

5. След изтичане на крайния срок за получаване на оферти, възложителят е назначил комисия, на която е възложено да проведе вътрешния конкурентен избор, със Заповед № CD-ORD-2327/03.04.2019 г. на г-н Петър Холаковски – Член на Управителния съвет на „ЧЕЗ Разпределение България“ АД;

6. Комисията е извършила предвидените в ЗОП и Правилника за прилагането на ЗОП (ППЗОП) действия по провеждане на вътрешния конкурентен избор (включително провеждане на преговори с участника), като резултатите от своята дейност е отразила в Доклад от 22.04.2019 г.;

7. Докладът на комисията, както и всички съпътстващи го документи, изготвени в хода на работата на комисията, са изпратени на възложителя за утвърждаване и вземане на решение съобразно неговата законова компетентност, на 22.04.2019 г.;

8. Адресът на електронната преписка по провеждане на вътрешния конкурентен избор обществената поръчка в профила на купувача, където са публикувани протоколите и окончателните доклади на комисията е както следва:

<https://platform.negometrix.com/PublishedTenders.aspx?tenderId=118273&companyId=20808>

Управителният съвет на „ЧЕЗ Разпределение България“ АД, като представителен орган на дружеството, извършващо секторна дейност в областта на енергетиката, със седалище и адрес на управление: България, гр. София 1784, район „Младост“, бул. „Цариградско шосе“ № 159, бизнес център „БенчМарк“, ЕИК: 130277958, и в това си качество като секторен възложител на обществената поръчка по смисъла на чл. 5, ал. 4, т. 2 от ЗОП,

#### РЕШИ:

I. Утвърждава отразеното в доклада на комисията класиране на участниците вследствие проведения вътрешен конкурентен избор, което е извършено в съответствие с обявения критерий за възлагане на обществената поръчка „най-ниска цена“,

4. Until the deadline for submission of offers the Assignor has received an offer, registered as follows:

4.1. Inc. No. CD-DOC-3353/ 22.03.2019 at 14:24 h by DESTINATSIA BULGARIA EOOD;

4.2. Inc. No. CD-DOC-3601/ 28.03.2019 at 10:51 h by ENERGOSEERVICE ENGINEERING OOD;

4.3. Inc. No. CD-DOC-3873/ 02.04.2019 at 11:27 h by STENLI 03 EOOD;

4.4. Inc. No. CD-DOC-3875/ 02.04.2019 at 11:34 h by TECHNADZOR EOOD;

4.5. Inc. No. CD-DOC-3882/ 02.04.2019 at 13:19 h by MONTAZHI CO EOOD.

5. After the deadline for receiving offers with Order No. CD-ORD-2327/03.04.2019 of Mr. Petr Holakovský – Member of the Management Board of CEZ Distribution Bulgaria AD the Assignor appointed a Commission to which has been awarded to conduct the internal competitive selection;

6. The Commission has fulfilled all activities established under the PPA and the Rules for Application of the PPA (RAPPA) for conduction of the internal competitive selection (including the conduction of negotiations with the candidate) as the results of its work are reflected in a Report dated 22.04.2019;

7. On 22.04.2019 the Commission's Report as well as all the accompanying documents drafted during the work of the Commission were sent to the Assignor for confirmation and taking a decision according to its legal competence;

8. The address of the electronic file on the conduction of the internal competitive selection on the Buyer's profile where the Commission's Minutes and final Reports have been published is as follows:

<https://platform.negometrix.com/PublishedTenders.aspx?tenderId=118273&companyId=20808>

The Management Board of CEZ Distribution Bulgaria AD, as a representative body of the company operating in the energy service sector having its seat and management address at: BenchMark Business Centre, 159, Tsarigradsko Shose Blvd., Mladost District, 1784 Sofia, Republic of Bulgaria, UIC 130277958, and in this capacity being an Assignor of the public procurement pursuant to Article 5, Para. 4, Item 2 of the PPA,

#### DECIDED:

I. Confirms the ranking of the candidates based on the conducted internal competitive selection reflected in the Commission's Report and prepared according to the announced criterion for awarding a public procurement

съгласно чл. 70, ал. 2, т. 1 от ЗОП, като обявява, че то е в следния ред:

Първо място: „ДЕСТИНАЦИЯ БЪЛГАРИЯ“ ЕООД с обща цена в размер на 305 800.00 лв. без ДДС;  
Второ място: „МОНТАЖИ КО“ ЕООД с обща цена в размер на 394 911.20 лв. без ДДС;  
Трето място: „СТЕНЛИ 03“ ЕООД с обща цена в размер на 457 426.30 лв. без ДДС;  
Четвърто място: „ЕНЕРГОСЕРВИЗ ИНЖЕНЕРИНГ“ ООД с обща цена в размер на 480 700.00 лв. без ДДС.

II. Определя за изпълнител на обществената поръчка участника, класиран на първо място, а именно:

„ДЕСТИНАЦИЯ БЪЛГАРИЯ“ ЕООД

В офертата си участникът е заявил, че **НЯМА** да ползва подизпълнители.

III. С участника, определен за изпълнител на обществената поръчка, да бъде сключен договор за възлагането ѝ.

IV. Упълномощава всеки един от членовете на Управителния съвет, да сключи писмен договор за възлагане на обществената поръчка с участника, определен за изпълнител, като подпише самостоятелно договора и приложенията към него, които изискват подпис от възложителя.

V. Отстранява от участие във вътрешния конкурентен избор посочените по-долу участници, поради описаните в доклада на комисията причини и мотиви, както следва:

1. „ТЕХНАДЗОР“ ЕООД, поради следните причини и мотиви:

На публичното заседание на комисията по отваряне на опаковките с офертите на участниците и оповестяването на съдържанието им (включително първоначалните цени за изпълнение на поръчката) при отваряне на офертата на участника „ТЕХНАДЗОР“ ЕООД се установи следното:

В офертата на участника са приложени Ценово предложение (Приложение 1 към офертата) и Срокове за доставка (Приложение 2 към офертата), и двете изготвени по образец съгласно поканата за участие във вътрешния конкурентен избор. В опаковката, представена от участника, липсва Оферта, съгласно представения в поканата за участие във вътрешния конкурентен избор образец. Видно от информацията, съдържаща се в образеца на този документ, чрез него участникът следва да посочи обстоятелства, които не подлежат на преговори в настоящия ред за възлагане на обществена поръчка, поради което е налице изначална липса на основна информация като например срок на валидност на офертата на участника, съгласие с

'lowest price' under Art. 70, Para. 2, Item 1 of the PPA and announces, it is in the following order:

First place: DESTINATSIA BULGARIA EOOD with a total price in amount of BGN 305 800.00 VAT exclusive.

Second place: MONTAZHI CO EOOD with a total price in amount of BGN 394 911.20 VAT exclusive;

Third place: STENLI 03 EOOD with a total price in amount of BGN 457 426.30 VAT exclusive;

Fourth place: ENERGOSEERVICE ENGINEERING OOD with a total price in amount of BGN 480 700.00 VAT exclusive.

II. Determines as an Assignee of the public procurement the candidate ranked first place, namely:

DESTINATSIA BULGARIA EOOD

In its offer the candidate has declared that the services of subcontractors **SHALL NOT** be used.

III. The contract for awarding the public procurement shall be concluded with the candidate determined as an Assignee.

IV. Authorizes each one of the Members of Management Board individually to conclude a written contract for awarding the public procurement with the candidate determined as an Assignee as signs the contract and the applications to it which require the Assignor's signature.

V. Eliminates from participation in the internal competitive selection the below mentioned candidates because of the reasons and motives reflected in the Commission's Report, as follows:

1. TECHNADZOR EOOD because of the following reasons and motives:

On the Commission's public meeting for opening the packages with the offers of the candidates and the announcement of the offers' content (including initial price offers for performance of the procurement) during the opening of the offer of TECHNADZOR EOOD the following has been found:

The offer of the candidate contains a Price proposal (Template 1 to the offer) and (Template 2 to the offer), both drawn up in accordance with the template in the invitation for participation in the internal competitive selection. The package presented by the candidate is missing an Offer, according to the template presented in the Invitation for participation in the internal competitive selection. As can be seen from the information contained in the template of this document, the candidate shall indicate circumstances which are not negotiable in the present public procurement procedure and therefore there is an initial lack of basic information such as the validity period of the candidate's offer, the contract term and all other conditions contained in the invitation for participation.

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The offer of the candidate contains a Price proposal (Template 1 to the offer) and (Template 2 to the offer), both drawn up in accordance with the template in the invitation for participation in the internal competitive selection. The package presented by the candidate is missing an Offer, according to the template presented in the Invitation for participation in the internal competitive selection. As can be seen from the information contained in the template of this document, the candidate shall indicate circumstances which are not negotiable in the present public procurement procedure and therefore there is an initial lack of basic information such as the validity period of the candidate's offer, the contract term and all other conditions contained in the invitation for participation.

On the Commission's public meeting for opening the packages with the offers of the candidates and the announcement of the offers' content (including initial price offers for performance of the procurement) during the opening of the offer of TECHNADZOR EOOD the following has been found:

The offer of the candidate contains a Price proposal (Template 1 to the offer) and (Template 2 to the offer), both drawn up in accordance with the template in the invitation for participation in the internal competitive selection. The package presented by the candidate is missing an Offer, according to the template presented in the Invitation for participation in the internal competitive selection. As can be seen from the information contained in the template of this document, the candidate shall indicate circumstances which are not negotiable in the present public procurement procedure and therefore there is an initial lack of basic information such as the validity period of the candidate's offer, the contract term and all other conditions contained in the invitation for participation.

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<p>продължителността на договора и с всички други условия, съдържащи се в поканата за участие.</p> <p>Тази изначална липса на Оферта по образец води до извода, че представената оферта е непълна и не отговаря на предварително обявените условия на поръчката, като по този начин участникът не е изпълнил условие, посочено в локаната за подаване на оферта и приложенията към нея в настоящия ред за възлагане на обществената поръчка. С оглед на гореизложеното налице е хипотезата на отстранителното основание на чл. 107, т. 1 от ЗОП, въз основа на което участникът следва да бъде отстранен от участие в настоящата обществена поръчка.</p> <p><b>VI.</b> Упълномощава <b>Рали Манчев</b> – юриконсулт на „ЧЕЗ Разпределение България“ АД, да изпрати в установения в закона срок настоящото решение на участниците във вътрешния конкурентен избор, както и в същия ден да организира и осигури публикуването му в профила на купувача, като за целта подписва всички необходими документи и книжа.</p> <p><b>VII.</b> Упълномощава всеки един от членовете на Управителния съвет поотделно да подпише обявление за възлагане на поръчка по чл. 26 от ЗОП, както и <b>Рали Манчев</b> – юриконсулт на „ЧЕЗ Разпределение България“ АД, да организира изпращането на обявлението, изготвено в съответствие с утвърдените образци съгласно ЗОП до Агенцията за обществени поръчки, при условията, по реда и в сроковете, предвидени в ЗОП и ППЗОП.</p> <p><b>Решението подлежи на обжалване пред Комисия за защита на конкуренцията (КЗК) в 10-дневен срок от получаването му.</b></p>	<p>This initial absence of an Offer drafted pursuant to the template leads to the conclusion that the submitted offer is incomplete and does not meet the previously announced terms of the procurement, thus failing to meet a condition set out in the invitation for submission of an offer and the appendixes thereto in the present public procurement procedure.</p> <p>In view of the abovementioned, the hypotheses of the elimination grounds of Art. 107, Items 1 of the PPA are in presence, on the grounds of which the candidate shall be eliminated for participation in this public procurement.</p> <p><b>VI.</b> Authorizes <b>Rali Manchev</b> – a legal advisor at CEZ Distribution Bulgaria AD to send this Decision to the candidates in the internal competitive selection in the legally established term as well as on the same day to organize and assure its publishing on the Buyer's profile, as for this purpose signs all necessary documents and papers.</p> <p><b>VII.</b> Authorizes each one of the members of the Management Board, individually to sign an Announcement for awarding a procurement under Art. 26 of the PPA, as well as <b>Rali Manchev</b> – a legal advisor at CEZ Distribution Bulgaria AD, to organize the sending of the Announcement drafted in accordance with the approved forms under PPA to the Public Procurement Agency under the conditions, procedures and terms of the PPA and RAPPА.</p> <p><b>In a 10 days term of receiving the present Decision, it could be subject of appeal before the Commission for Protection of the Competition.</b></p>
<p><b>ГЛАСУВАЛИ „ЗА“:</b> г-н Петър Холаковски, както в личното си качество, така и в качеството си на пълномощник на г-н Томаш Пеца и г-н Виктор Станчев</p>	<p><b>AFFIRMATIVE VOTES:</b> Mr. Petr Holakovsky in his personal capacity as well as in the capacity of a proxy of Mr. Tomáš Pecka and Mr. Viktor Lyubomirov Stanchev</p>
<p>Настоящото препис-извлечение отразява точно запис на взетото решение по точка 4 от Протокол № 470 на Управителния съвет на "ЧЕЗ Разпределение България" АД, взето на присъствено заседание проведено на 24.04.2019 г. Препис-извлечението е изготвено в 2 еднообразни екземпляра, на български и на английски език. При противоречия между българския и английския текст, българският текст има предимство.</p>	<p>This transcript-extract is an exact record of the decision taken in item 4 of Protocol No. 470 of the Management board of "CEZ Distribution Bulgaria" AD, taken on a regular meeting which was held on 24.04.2019. The transcript-extract is prepared in two unified copies, in the Bulgarian and the English language. In cases of differences between the Bulgarian and the English text, the Bulgarian text shall apply.</p>

Вярно с оригинала: / Same with the original

Информацията е заличена съгласно чл.5 и 6 от Регламент (ЕС) 2016/679

Румяна Христова/ Rumyana Hristova

Секретар на УС/ Secretary of the MB