

Negotiated procedure with prior call for competition in the Official Journal of the European Union - EKR000886082024

E10 - Preparation stage

Subject of Public Procurement: **Supplying fuel cell system**
Name of Contracting Authority: **Magyar Földgáztároló Zártkörűen Működő Részvénytársaság (Hungarian Gas Storage Limited Company)**

NOTICE HEADER DATA

TED identification number: Public Tender Notices Issue No.:
EHR identification number: 16881/2024 Date of publication:

Contract notice/Invitation to Participate – Utilities

Contract notice/Invitation to Participate – Utilities

Directive 2014/25/EU

Section I: Contracting Authority

I.1) Name and addresses (please identify all contracting authorities responsible for the procedure)

BT-500	Official name:	Magyar Földgáztároló Zártkörűen Működő Részvénytársaság	ORG-0001		
BT-501	National identification	12543317244	BT-16 Organisation part name		
BT-510	Postal	Váci Út 144-150			
BT-513	Town:	Budapest	BT-507 NUTS- HU110	BT-512 Post code:	1138
BT-514	Country	Hungary			
BT-502	Contact Person:	András	Mák		
BT-506	E-mail:	kozbeszerzes@mfgt.hu	BT-503 Phone:	+36 205663503	
BT-739	Fax:	+36 13547045			
Internet address(es)					
BT-505	Main address: (URL)	www.mfgt.mvm.hu			
BT-508	Address of the buyer profile:	www.mfgt.mvm.hu			
BT-11	Type of Contracting	Public undertaking			
BT-10	Activity of Contracting Authority	General public services			
BT-610	Activity of Contracting Entity	Production, transport or distribution of gas or heat			

Roles of this organisation:

BT-08 Organisation role

Contracting Authority

BT-770 Organisation subrole

Additional information can be obtained from, The request to participate is to be submitted

Data of managing authority(ies)

I.2) Joint procurement

BT-09 In the case of joint procurement involving different countries, state, applicable national procurement law:

I.3) Communication

Public procurement

BT-14 The access to certain procurement documents is restricted.

No

BT-15 Procurement documents' URL

<https://ekr.gov.hu/portal/kozbeszerzes/eljarasok/EKR000886082024/reszletek>

BT-615 Information on accessing the restricted procurement documents is available here.

BT-707 Justification for restricting access to certain procurement documents.

OPT-050 Document status

Official language version

BT-708 Language in which public procurement documents are officially available

BT-737 The language in which the procurement documents (or their parts) are unofficially available

BT-744 Submission by electronic signature

Tenders or requests to participate must be submitted

BT-17 electronically:

Yes

BT-18

<https://ekr.gov.hu/portal/kozbeszerzes/eljarasok/EKR000886082024/reszletek>

BT-19 Non-electronic submission justification:

BT-745 Non-electronic submission description:

BT-724 Electronic communication requires the use of tools and devices that are not generally available:

No

Section II: Object

II.1) Scope of the procurement

BT-21 II.1.1.) Title: Supplying fuel cell system

BT-22 Reference number: EKR000886082024

BT-26 II.1.2.) Procedure-level CPV code:

BT-262 Procedure-level main CPV code:

31122100-8

BT-23 II.1.3) Main nature of public procurement Supplies

BT-24 II.1.4) Description of public procurement:

Supplying and installing a 1 MW electric power fuel cell system for the Kardoskút Underground Gas Storage Site of the Hungarian Natural Gas Storage Ltd.

II.1.5) Estimated total value:

BT-27 Value excluding VAT: Currency:

II.1.6) Information about lots

This contract is divided into lots: No

II.2) Description

BT-21 II.2.1) Title: Supplying fuel cell system

BT-26 II.2.2.) Lot-level CPV code(s):

BT-262 Lot-level main CPV code:

31122100-8

BT-263 Lot-level additional CPV code(s):

31160000-5

51000000-9

79998000-6

71323000-8

BT-23 Lot main nature: Supplies

BT-531 Lot additional nature:

BT-25 Quantity: BT-625 Unit:

II.2.3) Place of performance:

BT-727 Other restrictions on the place of performance

BT-5141 Country: Hungary BT-5071 NUTS-code:

BT-5121 Postcode: 5945 BT-5131 City: Kardoskút

BT-5101(a) Street: BT-5101(b) Streetline 1: Kardoskút Underground Gas Storage Facility

BT-5101(c) Streetline 2: BT-5101(c) Topographical lot No.:

BT-728 Additional information

BT-24 II.2.4) Description of public procurement:

(nature and quantity of works, supplies, or services or indication of needs and requirements, for supplies only – state whether tenders are requested for purchase, lease, rental, hire purchase or any combination of those)

The content of the procurement is the delivery and on-site installation of the fuel cell system designed the Kardoskút Natural Gas Storage Site of Hungarian Gas Storage Ltd for Hungarian Gas Storage Ltd. The fuel cell system to be supplied will be integrated into the existing hydrogen production and storage technology. During the Contracting Authority's previously implemented project,

PEM (Proton Exchange Membrane) technology based hydrogen production and surface storage system was established. The hydrogen produced and stored can be used for electricity generation, therefore during the present project, we intend to generate electricity using a fuel cell system of the same (PEM) type as the existing one, or equivalent, with an electric power of at least 1000 kW. The definition of equivalence is included among the additional information (BT-300) and in the documentation.

Scope of Supply

The scope of supply includes the design, procurement, factory assembly, factory testing, delivery to site and on-site installation of the fuel cell system's boundary surfaces and the system elements therein necessary for its independent operation, the full assembly of connections, commissioning, the performance of on-site operational tests, conducting a 72-hour continuous test operation after commissioning, the provision of training in Hungarian on the operation and maintenance background, as well as the provision of documentation and certificates required for the licensing, placement design, commissioning and initial use. Supplier shall provide operational support during the test operation.

Further requirements:

Mechanical Engineering; Control; Electricity system

Design, manufacturing, construction and installation tasks of the mechanical, control and electricity system components of the fuel cell system within the contractor's boundary are within the supplier's scope. Connecting the connection points to the related system specified by the supplier but established by the customer shall also be part of the scope of supply.

Pressure system pipes shall be made of DIN 1.4404 (AISI 316L) corrosion-resistant steel or a material grade with equivalent resistance to hydrogen.

The fuel cell system shall have a process control system and related field instrumentation ensuring the combined operation of the system components. If the unit is composed of several parts, their coordinated operation shall be ensured by the supplier. Remote monitoring and operation will be performed by the existing Siemens PCS7 DCS.

The fuel cell system shall provide at least 1000 kW electric power at the TP3 connection point. At the TP3 connection point, electric power output can be transmitted at a frequency of $f_n = 50\text{Hz}$ ($\pm 1\%$ (10s AVG)) and at two optional voltage levels ($U_n = 3 \times 22 \text{ kV AC}$ or $U_n = 3 \times 400 / 230 \text{V AC}$).

Fire and Explosion Protection

The fuel cell system shall be equipped with an explosive gas mixture and fire detection system for safe operation.

Transportation, installation

Lifting the units from the transport vehicle to their final location (e.g. on a foundation, on another container) and anchoring them shall be part of the scope of supply. All administration and costs related to transportation shall be borne by the supplier. The main units and parts of the fuel cell system shall have an outdoor installation design (IP64). The design should aim for a compact construction, as available space on site is limited, and the maximum allowable height of the system elements is 8 metres. Contracting Authority will not hold on-site inspection visit in the tendering stage to demonstrate the installation site.

Data supply task required for planning

The construction permit for the fuel cell system is not included in the scope of supply, whereas the related data supply is. It is the supplier's responsibility to provide the documentation and certificates required for licensing, placement design, commissioning and initial use.

During performance, Supplier shall be obliged to supply data regarding fuel cell system's main process and utility

- mechanical engineering plans,
- control and primary instrumentation plans,
- electrical plans.

Supplier shall be obliged to supply data regarding the characteristics of the units concerning construction works and the architectural foundations completed shall be approved by the supplier prior to installation.

Commissioning, Test Operation, Training:

Supplier shall perform the commissioning and operational coordination of the fuel cell system elements. The commissioning process shall be deemed to be complete when all the system elements perform their tasks according to the parameters specified in the technical tender (and the technical specification).

During the commissioning, supplier shall provide the customer's professionals (2x~15 persons) with training in Hungarian on the system functions, operation, work safety and maintenance. The training material shall be approved by the manufacturer and handed over to the customer by the supplier in Hungarian.

Handover/acceptance will take place after a continuous 72-hour test operation following commissioning. To start the test operation, the equipment must be CE certified. During commissioning, a professional authorised or approved by the manufacturer, shall be assigned to supervise and control the commissioning.

Maintenance Task

Supplier shall organise and arrange for the maintenance and servicing of the fuel cell system elements to be carried out during the 72-hour test operation and the trial operation period.

Maintenance and servicing shall be carried out only by a professional approved by the manufacturer(s).

The detailed technical content of the procurement shall be contained in the Technical Specification of the Public Procurement Documentation.

II.2.5) Evaluation/Award criteria

BT-539 Quality criterion: Yes

BT-540	Name/Description	BT-541	Value	BT-5421	BT-5422	Value type
	1) The value of the maximum apparent power (Sn stationary; kVA) absorbed simultaneously with the nominal power output at the TP3 connection point	10		BT-5421 WEIGHT: Weighting (scores, exact)		
	2) Electrical voltage value at TP3 connection point (Un)	7.5		BT-5421 WEIGHT: Weighting (scores, exact)		
	3) Space requirements for system container(s) (A), outside the cooling unit:	7.5		BT-5421 WEIGHT: Weighting (scores, exact)		
	4) Nominal electrical power output at connection point TP3 (Pn-stationary, kW)	5		BT-5421 WEIGHT: Weighting (scores, exact)		
	5) Fuel cell efficiency (η ; %)	5		BT-5421 WEIGHT: Weighting (scores, exact)		
	6) Integrated cooling unit (in a system container or on top of a system container)	5		BT-5421 WEIGHT: Weighting (scores, exact)		
	7) Time required to increase load to nominal electrical power (T; sec).	2.5		BT-5421 WEIGHT: Weighting (scores, exact)		
	8) Minimum electrical power level at TP3 connection point compared to nominal electrical power	2.5		BT-5421 WEIGHT: Weighting (scores, exact)		
	9) Load increase rate (R; kW/s) 5%	2.5		BT-5421 WEIGHT: Weighting (scores, exact)		
	10) Soft water demand from external source	2.5		BT-5421 WEIGHT: Weighting (scores, exact)		

BT-539 Cost criterion: Yes

BT-540	Name/Description	BT-541	Value	BT-5421	BT-5422	Value type
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	Investment life cycle cost	50		BT-5421 WEIGHT: Weighting (scores, exact)		
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BT-539 Price criterion: No

BT-543 Complex evaluation criterion

BT-733 Evaluation criteria – order justification

II.2.6) Estimated total value:

BT-27 Value excluding VAT: Currency:

II.2.7) Duration of the contract, framework agreement or dynamic purchasing system

BT-36 Duration: 100 OPA-36 Weeks

or

BT-536 Start date:

- BT-537 End date:

or

BT-538 Other duration

BT-58 Maximum number of contract renewals 0

BT-57 Description of renewal options:

II.2.9) Information about the limits on the number of candidates to be invited (except in open procedures)

BT-50 Envisaged minimum: / BT-51 BT-661 Maximum:

II.2.10) Information about variants

BT-63 Variants will be accepted Not allowed

II.2.11) Information about options

BT-53 Options: No

II.2.12) Information about electronic catalogues

BT-764 Tenders must be submitted in the form of electronic catalogues or include an electronic catalogue No

II.2.13) Information about European Union funds

BT-60 The procurement is related to a project and/or programme financed by European Union funds: No

Please note that in the Information about European Union funds section of the notice, you must provide the data to be publicly disclosed in accordance with the information on the form of funding and grant details provided on the Preparatory documents interface. The data in the BT-5010 EU Funds Financing Identifier field can be filled in with the data provided in the Preparatory documents Additional information on EU funding using the Copy Data button.

II.2.14) Additional Information:

BT-300 Additional Information:

Evaluation of Tenders: Pursuant to Section 76 (2) (c) of the PPA, best price-quality ratio evaluation criterion, where the cost is determined and evaluated by Life Cycle Cost calculation.

Quality Criteria - evaluation will be carried out for each sub-criterion by means of an objective, range-based evaluation, with scoring as defined in the Technical Specification of the Procurement Document.

The quality criteria tender elements shall be provided by the Tenderers in the Data Sheet to be submitted as part of the technical tender - containing the technical specifications of the equipment offered - and with the parameters specified and certified in the detailed technical content. The number of scores available for the tender per each sub criterion and the allocation of scores are detailed in the second (quality criteria) part of the tender data sheet. Similarly, the values compared to which offering a lower/worse value or parameter shall render the tender invalid are indicated next to each sub-criterion.

Pursuant to Section 87(1) of the PPA, Contracting Authority specified the minimum technical level required for performance at the 0 score level of the Quality criteria, as the conditions of the technical specification compared to which it will not accept anything less favourable. In the quality criterion evaluation sub-criterion, the tender element below the minimum content shall be invalid, the tender element exceeding the maximum value shall be valid, without receiving any additional scores compared to the maximum score.

Life cycle cost evaluation: relative evaluation with inverse proportionality. Elements of the life cycle cost calculation method to be applied:

- Investment costs
- Operation costs
- Maintenance costs

The cost breakdown shall be offered in detail in the third (cost criteria) part of the tender data sheet, providing all the data. The evaluation methodology is detailed under the cost criteria section of the tender data sheet.

Score range in every sub-criterion: 0-100 scores.

Details, the tender sheet to be filled in and the proportionality formulas are provided in the public procurement document.

BT-726 The public procurement is also suitable for small and medium-sized enterprises (SMEs) ...Yes

II.4) Strategic procurement

II.4.1. Strategic procurement

Defining the strategic objective of public procurement: No

II.4.2) Green procurement criteria

Objective of green procurement

BT-805

National green procurement criteria

BT-774 A method to reduce environmental impacts

Transition to a circular economy

II.4.3) Social procurement

BT-775 Social objective pursued:

II.4.4) Procurement of innovation

BT-776 Innovation objective

The procured works, goods or services involve research and development activities.

II.4.5) Accessibility

BT-754 Application of accessibility criteria for people with disabilities in technical specifications

II.4.6) Clean Vehicles Directive

BT-717 Application of Clean Vehicles Directive

No

Section III: Legal, economic, financial and technical information

III.3) Grounds for exclusion

Ground for refusal

BT-67(a) Type of grounds for exclusion

Bankruptcy

BT-67(b) Short description of grounds for exclusion

Economic operators are excluded from participating in the procedure as a candidate or a subcontractor, and may not contribute to the certification of suitability if the grounds for exclusion as per Section 62, Subsection (1) and (2), and Section 63, Subsection (1) of the PPA exist.

The non-existence of the grounds for exclusion shall be verified pursuant to Sections 1-16 of Government Decree No. 321/2015 (X.30.) (hereinafter: Government Decree), subject to Section 1 (7) of the Government Decree.

Candidate shall provide preliminary evidence for the non-existence of the grounds for exclusion as per Section 62 (1) and (2) and Section 63 (1) of the PPA with regard to the candidate and the entity providing resources by submitting a European Single Procurement Document (hereinafter: ESPD).

Candidate shall make a statement to the effect that:

- for the purposes of performing the contract they shall not employ any subcontractor subject to the grounds for exclusion as specified in Section 62 (1) and (2), and Section 63 (1) of the PPA. [Pursuant to Section 67 (4) of the PPA] This statement shall be submitted even if Contracting Authority did not require in the procedure the identification of known subcontractors.

whether they are in the process of any registry modification at the Court of Registration. In case of an ongoing registry modification procedure, the modification request submitted to and the acknowledgement of receipt issued by the Court of Registration shall also be attached to the request to participate. [Pursuant to Section 13 of Gov. Decree No. 321/2015. (X. 30.)]

III.4) Participation, contract-related and other tender criteria

III.4.1. Suitability criterion (criteria):

Suitability criterion

BT-747 Suitability criterion type:

Economic and financial standing

BT-748 Application of suitability criterion:

Used

BT-749 Name of suitability criteria:

Total turnover

BT-750 Description of suitability criterion:

P1.) Candidate shall qualify as unsuitable unless in the business years ending on the three preceding balance sheet dates Candidate has generated in total at least HUF 100 000 000 total net turnover.

Method of verification:

In the participation stage, candidates shall provide preliminary evidence for their compliance with the suitability criteria by submitting an ESPD. The relevant economic operator's ordinary statement will be accepted by the Contracting Authority in the ESPD as a preliminary evidence for the suitability criteria.

P1.) Upon the Contracting Authority's invitation as per Section 69 (4) of the PPA, invited candidates shall attach their statements on the total net turnover they generated in the business years ending on the three preceding balance sheet dates, depending on the candidates' date of establishment, their start of activities, provided such data are available. [Section 19 (1) c) and (3) of Government Decree No. 321/2015. (X. 30.)]

The statement shall be detailed enough to clearly establish compliance with the suitability criterion.

In case of a joint Request to Participate, suitability shall be certified pursuant to Section 65 (6) of the PPA. Candidates may rely on other entities' resources and provide certification thereof according to Section 65 (7)-(12) of the PPA.

An ordinary copy of the documents may be submitted.

BT-40 The suitability criterion for the selection of candidates to be invited for the second stage of the procedure will be applied

No

Suitability criterion

BT-747 Suitability criterion type: Technical and professional ability

BT-748 Application of suitability criterion: Used

BT-749 Name of suitability criteria: Reference

BT-750 Description of suitability criterion:

M1.) Candidate shall qualify as unsuitable unless Candidate has at least a reference on performance that started within nine years and completed in the six years prior to the date of the invitation in supplying and installing at least 1 PEM (Proton Exchange Membrane) type fuel cell system with CE certification, with a nominal electric power of at least 200 kW, with at least one year of continuous operation up to the tender submission deadline.

Method of verification:

In the participation stage, candidates shall provide preliminary evidence for their compliance with the suitability criteria by submitting an ESPD. The relevant economic operator's ordinary statement will be accepted by the Contracting Authority in the ESPD as a preliminary evidence for the suitability criteria.

M1.) Upon the Contracting Authority's invitation as per Section 69 (4) of the PPA, invited candidates shall attach a review of their major references as per the subject of procurement from the six years (started in nine years and completed in six years) prior to the date of the invitation. [Supplying at least 1 PEM (Proton Exchange Membrane) type fuel cell system with CE certification, with a nominal electric power of at least 200 kW, with at least one year of continuous operation up to the tender submission deadline].

Certificates and statements shall include at least the following data: date of performance (start and end dates), name of the other contracting party, object of the supply, sale and a statement as to whether performance was in line with the requirements and the contract. In view of the technological novelty of the fuel cell system, contracting authority requests to indicate that the supply presented as a reference is still in operation at the date of dispatching the invitation to participate. Considering that the planned lifetime of the fuel cell systems exceeds 10 years, contracting authority will not restrict competition by this, and will only examine the operability of the referenced product/technology.

[As per Section 21(3)a), 21(1a) and b) and 22 (1)-(2) of Government Decree No. 321/2015. (X. 30.)] Contracting Authority shall consider supplies completed during the evaluation period but started within a maximum of nine years.

The statement shall be detailed enough to clearly establish compliance with the suitability criterion.

In case of a joint Request to Participate, suitability shall be certified pursuant to Section 65 (6) of the PPA. Candidates may rely on other entities' resources and provide certification thereof according to Section 65 (7)-(12) of the PPA.

An ordinary copy of the documents may be submitted.

BT-40 The suitability criterion for the selection of candidates to be invited for the second stage of the procedure will be applied

No

III.4.2) Information about staff responsible for the performance of the contract

BT-79 Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract

No

III.4.3) Information about reserved contracts

BT-71	The contract is reserved to sheltered workshops and economic operators aiming at the social and professional integration of disabled or disadvantaged persons	No
BT-736	The execution of the contract is restricted to the framework of sheltered employment programmes	No
BT-751	BT-75	III.4.4) Tender guarantee requirement:
Contracting Authority does not require the provision of a tender bond.		
BT-77	III.4.5) Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them:	
The amount of the invoice in conformity with the contract and the legislation shall be settled by the contracting authority by transfer having regard to Section 6:130 (1)-(2) of the Civil Code.		
Conditions set out in Section 135 (1) and (6) of the PPA shall be part of the contract even if not regulated or otherwise agreed by the parties. Tenderers may request an advance payment of up to 30 % of the net purchase price as per contract (requesting advance payment is not compulsory), which shall be declared in the tender. Payment of the advance shall be subject to providing the advance repayment bond in accordance with the contracting authority's requirements for the part of the advance exceeding 5% of the net purchase price. The advance payment will be settled in the (5th) partial invoice following the technical handover and acceptance.		
Payment shall be made in several instalments pursuant to Section 135 (5) of the PPA, in accordance with the draft contract annexed to the documentation.		
The currency of the tender, contract and payments shall be EUR.		
BT-761	BT-76	III.4.6) Legal form to be taken by the group of economic operators to whom the contract is to be awarded:
Contracting Authority does not allow the setting up of a project company (business organisation) for the performance of the contract.		
BT-70	OPT-060	III.4.7) Contract performance conditions:
Late delivery penalty: due to reasons attributable to the Supplier, Supplier defaults on delivering the product in time. Amount: 1% of the net contract price/day, but maximum 20%.		
Defective delivery penalty: due to reasons attributable to the Supplier, performance is not in conformity with the contract in whole or in part. Amount: 25 % of the net contract price for the parts affected by defective performance.		
Cancellation penalty: due to reasons attributable to the Supplier, performance is cancelled. Amount: 30% of the net contract price.		
Guarantee: 12 months from the handover/takeover of the service (+12 months option).		
Performance bond: 5% of the net contract price. From the conclusion of the contract until 90 days after performance of the contract. Defects liability bond: 5% of the net contract price. For 15 months from the performance of the contract.		
Contract deposits and guarantees are specified in the public procurement document.		
III.4.8) Confidentiality agreement		
BT-801	Confidentiality agreement	No
BT-802	Description of confidentiality agreement :	

Section IV: Procedure

IV.1) Description

IV.1.1) Type of procedure		
BT-105	Type of procedure	Negotiated procedure with prior publication of a contract notice / negotiated procedure
BT-106	Accelerated procedure	No
BT-1351	Justification for accelerated procedure	
IV.1.3) Information about a framework agreement or a dynamic purchasing system		
BT-765	The notice involves the establishment of a framework agreement	No
BT-766	The notice involves the setting up of a dynamic purchasing system	No
IV.1.4) Information about the reduction of the number of solutions or tenders during negotiation or dialogue		
BT-52	Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated	No
IV.1.6) Information about electronic auction		
BT-767	An electronic auction will be used	No

IV.1.8) Information about Government Procurement Agreement (GPA)

BT-115 The contract is covered by the Government Procurement Agreement

Yes

BT-88 IV.1.11) Main features of the award

IV.2) Administrative information

IV.2.1) Previous publication concerning this procedure

OPP-090 Notice number in the Official Journal:

(One of the following: Periodic indicative notice- Utilities, Notice on a buyer profile)

Prior information notice

BT-125 Prior information notice number in the Official Journal:

BT-1251 Identifier of a part of prior information notice

IV.2.2.1) Time limit for requesting additional information about the procurement procedure

BT-13 Date, local time: hours/m

IV.2.2.2) Time limit for receipt of tenders or requests to participate

BT-131 BT-1311 (BT-1311) - Time limit for receipt of requests to participate

Date, local time: 02.12.2024 12:00 hours/m

IV.2.3) Estimated date of dispatch of invitations to tender to selected candidates

BT-130 Invitation to Tender: Date: 15.01.2025

BT-97 IV.2.4) Languages in which tenders or requests to participate may be submitted:

English, Hungarian

IV.2.6) Minimum time frame during which the tenderer must maintain the tender

BT-98 OPA-98 Tender Validity deadline: 30 Days

IV.2.7) Conditions for opening tenders

BT-132 Date, local time: 02.12.2024 14:00 hours/m

BT-133 Place: https://ekr.gov.hu, only electronically, via the EPPS system (ekr.gov.hu), using the dedicated interface of the procedure.

BT-134 Further information about the opening of tenders: (Opening the tenders shall mean the opening of the requests to participate.)

Place: https://ekr.gov.hu, only electronically, via the EPPS system (ekr.gov.hu), using the dedicated interface of the procedure. Information: Section 15 of Government Decree No. 424/2017 (XII.19.) and Section 68 (1b) and (1c) of the PPA.

IV.3) Prizes and evaluation committee (in case of competitive dialogues and innovation partnerships)

IV.3.1) Information about prize(s)

Prizes to be awarded: No

Section VI: Complementary Information

VI.1) Information about recurrence

BT-94 This is a recurrent procurement:

No

BT-95 Description of the recurrent public

VI.2) Information about electronic workflows

BT-92 Electronic ordering will be used:

Yes

BT-743 Electronic invoicing will be accepted:

Yes

BT-93 Electronic payment will be used:

Yes

BT-300

VI.3) Additional Information

(Under Section VI.3 Additional Information of the notice to be published, EPPS will automatically display the date as per Section IV.2.7 of the invitation to participate as the date of opening the requests to participate.)

- 1) Contracting Authority set stricter suitability criteria and verification methodology than those set out in the list of qualified tenderers.
- 2) Contracting Authority does not allow the submission of tenders for lots, as the fuel cell to be supplied is a single unit, and dividing into lots is incompatible with professional and economic rationality and with the nature of the framework agreement.
- 3) In case of a joint request to participate, Section 35 of the PPA shall apply. A copy of the agreement on the assumption of joint and several liability shall be attached to the request to participate, specifying the competences of the candidates in relation to the public procurement procedure and identifying the candidate who exclusively represents the joint candidates in the public procurement procedure and is entitled to make binding legal statements on the joint candidates' behalf. The agreement shall also specify that in case of a contract award, joint candidates shall accept joint and several liability for the performance of any and all the obligations assumed in the contract, together with other minimum content requirements as per the document.
- 4) In the request to participate, Candidate shall make a duly signed statement as per Section 65 (7) and Section 66 (6) of the PPA by completing the template included in the document.
- 5) Complementary Information as per Section 56 of the PPA. Contracting Authority shall make available the public procurement document and all the complementary information to the economic operators in the EPPS, at <https://ekr.gov.hu>.
- 6) Supply of missing information, provision of information as per Section 71 of the PPA, in case of including a new economic operator, there is no new supply of missing information. Contracting Authority will conduct an on-site inspection visit and consultation during the Tendering Stage at the location specified in Section II.2.3.
- 7) Legal basis for negotiated procedure: Section 2 (2) of Gov. Decree No. 307/2015 (X.27.) on the special public procurement rules governing the public procurement of public utility service providers, since the object of the public procurement procedure is required for the core activities and the normal operation of the Contracting Authority.
- 8) Contracting Authority reserves the right to conduct the negotiation by way of electronic communications network or other device suitable for transmitting image and voice, informing the tenderers thereof simultaneously in advance.
- 9) Place of submitting and opening the Request to Participate: At the address specified in Section I.3, only electronically, via the EPPS system (ekr.gov.hu), using the dedicated interface of the procedure. Information: Section 15 of Government Decree No. 424/2017 (XII.19.) and Section 68 (1b) and (1c) of the PPA.
- 10) A copy of the specimen signature or a sample signature countersigned by the legal representative of the person signing the request to participate shall also be attached to the request to participate. In the event that the request is signed by a person other than the authorized representative, the authorisation to sign the request by the authorized representative shall also be attached to the request.
- 11) Contracting Authority will not apply the option to declare the procedure unsuccessful as per Section 75 (2) of the PPA. Contracting Authority carried out a Preliminary Market Consultation No.EKR001460472024 with regard to the subject of this procedure to enhance competition, as set out in its applicable Action Plan.
- 12) In issues not regulated by the notice launching the procedure, stipulations of the PPA shall apply. Sections 41/A - 41/C of the PPA and Sections 11-12 of Government Decree No. 424/2017 (XII.19.) (e-Gov. Decree) shall specify further stipulations on the requirements for documents submitted via the EPPS, statements made electronically in the EPPS and statements made electronically in case of representation. For using the EPPS, registration as per Section 6 of the Government Decree is required. Guidelines of using the EPPS shall be available at: <https://ekr.gov.hu/portal/tamogatas..>
- 13) Accredited public procurement consultant: András Mák, Registration No.: 01151 / dr. László Gábor Nagy, Registration No.: 00099
- 14) Further information on the submission of the request shall be provided in the public procurement document. In the event of any difference between the notice and the public procurement document, the notice shall prevail.
- 15) Candidate shall not be a person or entity subject to a prohibition pursuant to Article 5k (1) of Council Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine.
- 16) In case of Candidate's contract award in the public procurement procedure, Tenderer may not employ during the performance of the contract any entity designated as a subcontractor, supplier or entity providing resources exceeding 10% of the contract value, where any of the conditions provided for in Article 5k(1) a)-c) of Council Regulation (EU) No 833/2014 exists.
- 17) If the candidate is successful in the public procurement procedure, during the performance of the contract, it may only carry out or have carried out certain activities (commissioning and supervision of the test operation) by a specialist approved by the fuel cell system manufacturer.
- 17) In the Request to Participate, Candidate shall make a statement on compliance with the prohibition set out in Sections VI.3 15) and 16).
- 19) Payment shall be made in several instalments pursuant to Section 135 (5) of the PPA, in accordance with the draft contract annexed to the documentation.

Planned payment schedule:

Advance payment: 30% of the purchase price, advance payment will be settled in the (fifth) partial invoice following the acceptance of the technical handover and acceptance.

1. Phase 1: 5% of the Purchase Price, the 5th week after the conclusion of the contract - planning data supply 1
 2. Phase 2: 10% of the Purchase Price, the 12th week after the conclusion of the contract - planning data supply 2
 3. Phase 3: 10% of the Purchase Price, the 30th week after the conclusion of the contract - FAT
 4. Phase 4: 15% of the Purchase Price, the 50th week after the conclusion of the contract - delivery
 5. Phase 5: 30% of the Purchase Price, the 75th week after the conclusion of the contract, following the successful technical handover and acceptance
 6. Final invoice: 30% of the Purchase Price upon the successful completion of the trial operation according to the installation permit (+180 days)
- The payment schedule related to performance may be modified during the tendering stage in accordance with the tender. The currency of the tender, contract and payments shall be EUR. Payment will be made partly from grants, with ex-post financing.
- 20) In the tendering stage of the procedure, Contracting Authority requires as a condition for tender validity the submission of a technical tender with the following minimum content:
 - A. Preliminary view and layout drawings displaying all system elements, with size and weight data, indicating the location and dimensions of process connections.

- B. Preliminary process flow diagram (PFD) clearly indicating the system elements within the scope of supply and those outside thereof but necessary for operation.
- C. Schematic drawing illustrating the elements of the electrical system, clearly indicating the electrical system elements within the scope of supply and those outside thereof but necessary for operation.
- D. Schematic drawing of the process control, gas detection and fire alarm system, indicating the external connections.
- E. View drawings illustrating the explosion hazardous zones generated by system containers and other items within the scope of supply.
- F. Operational description, covering all the equipment within the scope of supply, with precise names; containing the principles fundamentally determining operation, specifying instrumentation and control; describing the equipment in such a way that their operation is clear and comprehensible.
- G. Specification of maintenance requirements and intervals for the main system elements.
- H. Implementation schedule (manufacturing, delivery, installation, commissioning, test operation).
- I. List of tests and inspections to be carried out during manufacturing, declaration that the product has been designed and manufactured in accordance with the directives and standards in use in the EU or that its compliance with the directives and standards in use in the EU will be subsequently provided.

The technical tender may be submitted in Hungarian or in English. The technical tender shall contain all the information listed herein and shall be suitable to establish its conformity with the technical specification. In case of technical tenders, Contracting Authority shall provide the possibility to supply missing information with regard to errors or deficiencies concerning insignificant, individual details pursuant to Section 71 (8) of the PPA.

21) With regard to supplying the fuel cell (based on Proton Exchange Membrane (PEM) technology) that is the subject of the procurement, Contracting Authority accepts as equivalent during tendering the technologies that simultaneously meet the following three conditions:

- 1) The fuel used shall be hydrogen only. This project is based on using green hydrogen produced by the Contracting Authority.
- 2) It is an electrolyser design with solid electrolyte system. Non-solid electrolyte technologies use liquid alkali or acid, which have a negative impact on the environment and operators, and therefore cannot be integrated into the Contracting Authority's operations - without significant additional investment, planning and licensing.
- 3) It is a technology applied in normal operation. Given the novelty of the fuel cell system as a technology, the Contracting Authority intends to minimise its technological risk without limiting competition, and therefore no experimental technology can be installed. Contracting Authority shall consider a fuel cell system to be "applied in normal operation" if at least one of the fuel cell systems installed has been in operation for a total period of more than 12 months (excluding outages and downtime due to malfunction).

VI.4) Procedures for review

VI.4.1) Review body

BT-500 Official name: Közbeszerzési Hatóság Közbeszerzési Döntőbizottság ORG-0002

BT-501 National identification number 15329190-2-41 **BT-510** Postal address: Riadó u. 5

BT-513 Town: Budapest **BT-507** NUTS-code: HU110

BT-512 Post code: 1026 **BT-514** Country: Hungary

BT-506 E-mail: dontobizottsag@kt.hu **BT-503** Phone: +36 18828592

BT-505 Internet address: https://kozbeszerzes.hu **BT-739** Fax: +36 18828593

VI.4.3) Lodging of appeals

BT-99 Precise information on the deadline for review procedures:

Pursuant to Section 148 of the PPA.

VI.4.4) Service from which information about the lodging of appeals may be obtained

BT-500 Official name: Közbeszerzési Hatóság Közbeszerzési Döntőbizottság ORG-0003

BT-501 National identification number 15329190-2-41 **BT-510** Postal address: Riadó u. 5

BT-513 Town: Budapest **BT-507** NUTS-code: HU110

BT-512 Post code: 1026 **BT-514** Country: Hungary

BT-506 E-mail: dontobizottsag@kt.hu **BT-503** Phone: +36 18828592

BT-505 Internet address: https://kozbeszerzes.hu **BT-739** Fax: +36 18828593

Section VIII: Changes

VIII.1) Original notice identifier

BT-758 Notice identifier: (year and document number)

VIII.2) Change reason

BT-140 Change reason:

BT-762 Description of change reason

VIII.3) Changes

Text to be corrected in the original notice (please indicate the relevant section and paragraph number of the original notice)

IX. Information about the notice

IX.1) Information about the notice type

BT-01 Procedure legal basis:

Directive 2014/25/EU

OPP-070 Notice sub-type:

17 - Contract notice — sectoral directive, standard regime

BT-03 Notice form type:

Competition

BT-02 Notice type:

Contract or concession notice– rules for classic contracting authorities

IX.2) Notice language

BT-702 Official language of the notice:

Hungarian

IX.3) Entity submitting the notice (eSender)

BT-500 Official name:

Közbeszerzési Hatóság

ORG-0004

BT-501 National identification number:

EKRSZ_40664534

BT-510 Postal address:

Riadó utca 5.

BT-513 Town:

Budapest

BT-507 NUTS-code:

HU110

BT-512 Post code:

1026

BT-514 Country:

Hungary

BT-506 E-mail:

hirdetmeny@kt.hu

BT-503 Phone:

+36 18828635

BT-505 Internet address (URL):

https://kozbeszerzes.hu

BT-739 Fax:

IX.4) Notice dispatch date

BT-05 Date of dispatch of this notice by the contracting authority:

25.10.2024

BT-803 Date of dispatch of this notice by eSender:

29.10.2024

It is the contracting authority's responsibility to ensure compliance with European Union law and any applicable laws.