



PUBLIC CALL

**For Expressing Interest in Concluding a Framework Agreement for
purchasing and sale of electrical energy and
electrical power**

PC no. 01/2023

Skopje, 2023

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For expressing Interest in concluding a Framework Agreement for purchasing and sale of electrical energy and electrical power

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1. Subject of the Open Call

ESM Prodazba DOOEL Skopje, issues a public call inviting all interested parties to express their interest in concluding a framework agreement for purchasing and sale of electrical energy and power.

The framework agreement is the basis on which the mutual rights and obligations of the contracting parties are arranged during sale, delivery, purchase and acquisition of electricity.

2. Definitions and Abbreviations

(1) The terms used in this public call stand for the following:

Framework Agreement	A contract for purchase and sale of electricity concluded between the Economic Operator and ESM Prodazba DOOEL Skopje.
Economic Operator	Producer, trader or supplier of electricity registered in compliance with the legal regulations of the Republic of North Macedonia, holder of an adequate license issued by the Energy Regulatory Commission of the Republic of Macedonia and an EIC code issued by JSC MEPSO
Qualified Bidder	A bidder who has a framework agreement with the ESM Prodazba DOOEL Skopje.
Public Call	This document is published on the www.esm-prodazba.mk website.
Purchasing/Sale of electrical energy and electrical power	Procedure carried out by ESM Prodazba DOOEL Skopje in accordance with the rules for purchase/sale of electric power and energy.
Request for bid	Document in electronic form sent by ESM Prodazba DOOEL Skopje to all qualified bidders via email in which the conditions are precisely determined for the procedure of purchase and sale of electrical energy and electrical power
Bid	Bid for sale or purchase of electricity (MWh) per specified price (EUR/MWh) rounded to two decimal places, submitted by a qualified bidder
Individual agreement	Purchase/Sale agreement between Qualified Bidder and ESM Prodazba DOOEL Skopje, which determines the commercial conditions for purchase and sale of electrical energy.

3. Right to Participation in the Public Call

All interested electricity producers, suppliers and traders in the Republic of North Macedonia registered in compliance with the legal regulations in the Republic of North Macedonia and holders of the appropriate license issued by the Energy Regulatory Commission of the Republic of Macedonia and an EIC code issued by JSC MEPSO may express interest for concluding a Framework Agreement.

4. Documentation

The interested Bidders express interest by submitting the following documents:

- Application for registration (Form 1)
- Statement of acceptance of the terms and conditions defined in the Sales/Purchase Rules (Form 2)
- Notarized Statement confirming that no effective court decision for participating in felonious organizations, corruption, fraud or money laundering has been passed against the Bidder in the last 5 (five) years;
- Certificate that no procedure for bankruptcy has been opened from an authorized party;
- Certificate that no procedure for liquidation has been opened from an authorized party;
- Certificate for a paid taxes, fees and other public duties from an authorized party from the country of establishment;
- Confirmation from the Register of Penalties for Criminal Offenses of Legal Entities that he is not a secondary penalty imposed, a temporary or permanent ban on performing a separate activity;
- Certificate that has not been determined criminal sanction – prohibition for execution of profession, activity or duty, or temporary prohibition for execution of temporary activity;
- Licensed activity document as proof that the applicant is legally registered as a legal entity for performing the activity related to the purchase and sale of electrical energy from a authorized institution.
- Current Status Excerpt issued by a competent authority;
- Balance Sheet and data from the profit and loss account;
- Notice by JSC MEPSO on approved and registered ENTSO-E Identification Code (EIC);

The documents should be in accordance with the legislation and they should not be older than six months.

ESM Prodazba DOOEL Skopje has the right to request information directly from the competent authorities that issued the documents.

Application and Statement of acceptance of terms and conditions forms can be downloaded from ESM Prodazba DOOEL Skopje.

The Economic Operator submits the Application and the Statement on an official memorandum to ESM Prodazba DOOEL Skopje.

The completed and signed Application, Statement and Agreement for sale/purchase forms, as well as other documents, are submitted by the Economic Operator to ESM Prodazba DOOEL Skopje, at e-mail: elemtrejd@elem.com.mk and the original in the archive of ESM Prodazba DOOEL Skopje.

Applications to show interest in concluding a Framework Agreement with incomplete documentation will not be considered valid until they are completed.

ESM Prodazba DOOEL Skopje will sign the Framework Agreement for the purchase and sale of electricity and send it to the Economic Operator by e-mail, with which the Economic Operator acquires the right to participate in the process for the sale/purchase of electrical energy and power.

Original documents will be exchanged by post.

The economic operator, who does not submit complete and correctly completed documentation and has not concluded a Framework Agreement, will not have the right to participate in the processes for the sale/purchase of electrical energy and power, published by ESM Prodazba DOOEL Skopje, until he submits a complete documentation

If certain data provided by the Economic Operator and indicated in the application, during the calendar year, undergo status or other changes, it is necessary for the Economic Operator to notify ESM Prodazba DOOEL Skopje immediately of the change and submit new valid documents.

Economic operators can register at any time of the year, by submitting the designated documentation.

ESM Prodazba DOOEL Skopje has the right not to allow further participation in the processes for the sale/purchase of electrical energy and power of Economic Operators who:

- They do not comply with the rules and procedures prescribed by ESM Prodazba DOOEL Skopje, the Energy Regulatory Commission of the Republic of North Macedonia, the Electricity Market Rules, UCTE and ETSO in the previous period.
- They do not meet the conditions for performing an activity.

5. Description of the Electricity Procurement and Sale Process

ESM Prodazba DOOEL Skopje will procure and sell electricity through transparent, competitive and non-discriminatory process. This process is structured in the following manner:

A) Public Call for Concluding a Framework Agreement

This document.

B) Evaluation and Qualification Preceding FA Conclusion

The assessment of the economic operators who show interest in concluding a Framework Agreement is carried out by authorized persons from ESM Prodazba DOOEL Skopje. The authorized persons after the delivery of the documents by the Economic Operators, which are listed in point 4 of this open call, check whether the submitted documents are valid (not older than 6 (six) months) and whether they were issued by appropriate competent authorities of Republic of North Macedonia. The authorized persons from ESM Prodazba DOOEL Skopje inform the Economic Operator about the completeness of the documentation and, if it is complete, invite him to conclude a Framework Agreement. Otherwise, if the documentation submitted by the economic operator is not complete, he will be informed about the shortcomings and the qualification process will continue until the completion of the specified documents.

C) Conclusion of a Framework Agreement

Economic operators who have submitted complete documentation will conclude a framework agreement for the purchase and sale of electrical energy and power with ESM Prodazba DOOEL Skopje and acquire the status of a qualified bidder.

D) Participants in the process for sale/purchase of electrical energy and power

Participants in the process for the sale/purchase of electricity and power can be economic operators, in accordance with the Law on Energy and the Rules for the Electricity Market, who have concluded a Framework Agreement for the purchase and sale of electricity with ESM Prodazba DOOEL Skopje.

E) Request for bids (RB)

ESM Prodazba DOOEL Skopje publishes the quantities and period for sale/purchase of electrical energy and power on the website.

All Economic Operators with whom ESM Prodazba DOOEL Skopje has concluded a Framework Agreement for the purchase and sale of electrical energy and power will receive RB via e-mail and/or an electronic web platform, in the event that a process for the sale/purchase of electricity has been initiated. Each RB will contain instructions and rules for submitting an offer by the Economic Operator.

F) Ranking and selection of the most favorable Bidder

The ranking of the most favorable bidder is carried out by authorized persons from ESM Prodazba DOOEL Skopje through the evaluation of the offers by means of the "List of Merit Ordering". During the electricity procurement process, the list of merit ordering is formed in ascending order, so that the offer for electricity with the lowest price is ranked first. During the process of selling energy, the merit ranking list is formed in descending order, so that the offer for electricity with the highest price is ranked first.

Electricity prices for the purchase or sale of electricity are considered the primary criterion for the ranking and selection of the Offers. The time of receipt of the Bids will be taken as a secondary criterion, only if two or more bids are with same price. In such a case, preference will be given to the offer with the earliest registered time of receipt.

The decision on the selection of the most favorable Bidder is made by the order issuer according to the results of the evaluation of the submitted bids. The results of the conducted evaluation are delivered to the client's email address.

G) Publication of results and reporting

The publication of the results of the process for the purchase and sale of electrical energy is carried out by sending a notification via e-mail to all economic operators who took part in the process of purchase and sale of electrical energy and who had a valid offer according to the instructions and rules defined in RB.

H) Signing of an Individual Agreement

Before the expiration of the validity of the offer, ESM Prodazba DOOEL Skopje will invite the selected most favorable Bidders to conclude an Individual Agreement. The rights and obligations between ESM Prodazba DOOEL Skopje and the selected most favorable Bidder will be defined in the Individual Agreement.

6. Other provisions

All costs incurred by the Economic Operator in preparing and sending the documents in connection with this open Public Call shall be borne by the Economic Operator.

ESM Prodazba DOOEL Skopje will consider only the complete documents according to Point 4 of this open Public Call.

All questions regarding this open public call should be sent in writing to the following e-mail address: elemtrejd@elem.com.mk

(Form 1)

(Company)
(Address)
(Date)

To
ESM Prodazba DOOEL Skopje
St. 11-th October No.9
1000 Skopje

Application for registration

As an economic operator interested in concluding a Framework Agreement for the purchasing and sale of electricity, we submit this application in accordance with the Open call for expressions of interest for the conclusion of a Framework Agreement for the purchasing and sale of electricity and power - OP No. 01/2023.

Information about the applicant:

Company name:

Company address:

Unique identification number of the subject (EMBS):

VAT number:

Priority activity of the subject:

EIC code:

Authorized person/s for signature:

Contact person:

Contact number:

Contact email:

Bank account:

Bank depositor:

(Company)
(Authorized person: Name and Surname)
(Authorized person:Position)

(FORM 2)

(Company)
(Address)
(Date)

To
ESM Prodzba DOOEL Skopje
St. 11-th October No.9
1000 Skopje

STATEMENT

**FOR IRREVOCABLE AND UNCONDITIONAL ACCEPTANCE OF THE CONDITIONS DEFINED IN
THE PROCEDURE FOR THE PURCHASING/SALE OF ELECTRIC POWER AND ENERGY, IN THE
FRAMEWORK AGREEMENT AND THE INDIVIDUAL AGREEMENT ACCORDING TO
PC no. 01/2023**

We, the undersigned, declare that we irrevocably, unconditionally, without reserve and limitation accept the conditions specified in the procedure for the purchase/sale of electrical energy and power, as well as from the Framework Agreement and the Individual Agreement, in accordance with the published Public Call of ESM Prodzba DOOEL Skopje for showing of interest in concluding a Framework Agreement for the purchase and sale of electrical energy and power - PC No. 01/2023.

(Company)
(Authorized person: Name and Surname)
(Authorized person:Position)