

INVITATION FOR EXPRESSION OF INTEREST

Selection of a Constructor for engineering, construction, procurement and commissioning of new nuclear power plant on the approved site in Kozloduy with AP1000® technology (EP+C turnkey contract, called the Contract)

1. ASSIGNOR AND BACKGROUND INFORMATION

The assignor of the selection is KOZLODUY NPP – NEW BUILDS’ PLC, with headquarters at Kozloduy, Republic of Bulgaria (Assignor), address: 1A Panayot Hitov Str., 3320.

KOZLODUY NPP – NEW BUILDS’ PLC is not among the listed in the article 5 bodies and is not an assignor under the **Law on public procurement**.

This procedure will include and be limited to **prequalification** of candidates and shortlisting during which requested information, submitted by the interested candidates shall be checked for compliance with the eligibility and prequalification criteria on “pass/fail” basis. The shortlisted candidates (the candidates who comply with the prequalification criteria) have the possibility to submit their offers in a separate new procedure.

During prequalification clarifications are not foreseen.

For the purpose of offering and negotiation a separate new procedure will be launched where offer should be developed by the shortlisted candidates compliant with the requirements to be provided and following negotiations a contractor will be selected.

Site visit shall be organized for short listed candidates at a later stage.

After completion of the negotiations, the EP+C contract (as per p. 16 of the indicative schedule – attachment 1 to the Parliament decision dated 18th December 2023) shall be awarded to the candidate evaluated based on the award criteria following completion of negotiations.

2. OVERALL OBJECTIVES AND RESULT

The overall objective and result of the current assignment is to have an AP1000® Plant procured, constructed, commissioned and operational before 2035.

Westinghouse shall hold overall Design Authority responsibility for the AP1000® Plant.

The responsibilities for the design of individual AP1000 plant systems and buildings shall be delegated by Westinghouse.

The responsibility for the design of Modules, Constructions Assemblies and Platforms is aligned with the party that is responsible for the design of the building in which the item is located.

The division of responsibilities with respect to Design, Engineering, Transport and Logistics, Construction and Erection/Installation, Commissioning and Startup activities are defined in separate document for Division of Responsibilities, which eventually shall be part of the EP+C Contract.

3. CONDITIONS FOR PARTICIPATION

3.1. Eligibility

Candidates may be (i) a legal entity or (ii) a consortium of legal entities, which according to their national legislation are **not**:

- bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- subject to proceedings for a declaration of bankruptcy, for winding-up, for administration by the courts, for an arrangement with creditors or for any similar procedure provided for in national legislation or regulations;
- convicted of an offence classified as a felony under the legal provisions of the country where they are established and/or in the Republic of Bulgaria;
- convicted of an offence concerning professional conduct by a judgment which has the force of res judicata (i.e. against which no appeal is possible);
- guilty of grave professional misconduct proven by any means which the contracting authority can justify;
- liable for unfulfilled obligations relating to the payment of social security contributions or other labor related violations in accordance with the legal provisions of the country where they are established and/or in the Republic of Bulgaria;

- liable for unfulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country where they are established and in the Republic of Bulgaria;
- having conflict of interest in implementing the current assignment.
- In the case of applications submitted by a consortium, these criteria are applied to each consortium member. In case, some of the services will be subcontracted, these criteria are applied to each subcontractor. For the prequalification stage, sworn statement will be required from the candidates (each consortium member) and, as the case may be, subcontractors. However, if shortlisted, the candidate (each consortium member) and, as the case may be, subcontractors will have to provide evidence for meeting the above requirements, ordinary under the law of the country in which they are established.

3.2. Candidature

All eligible legal persons (as per item 3 above) or groupings of such persons (consortia), meeting the prequalification criteria, may apply in the current procedure.

3.3. Number of applications

No more than one application can be submitted by a legal person (including legal persons within the same economic or legal group), whatever the form of participation (as an individual legal entity or as leader or partner of a consortium submitting an application).

3.4. Grounds for exclusion

As part of the application form, candidates must submit a statement to the effect that they are not in any of the exclusion situations listed under item 3 above.

3.5. Other

The Assignor reserves the right to cancel the current procedure at any time. In the event of cancellation of the procedure, candidates will be notified of the cancellation by the Assignor. In no event shall the Assignor be liable for any damages whatsoever including, without limitation, damages for loss of profits, in any way connected with the cancellation of a procedure even if the Assignor has been advised of the possibility of damages. The publication of an invitation for expression of interest does not commit the Assignor to implement the assignment in reference.

No costs occurred related to the participation of candidates in the current procedure are covered by the Assignor.

4. PREQUALIFICATION AND AWARD CRITERIA

The following prequalification criteria will be applied to candidates. In the case of applications submitted by a consortium, these prequalification criteria will be applied to the consortium as a whole if not explicitly otherwise provided:

4.1. Technical capacity and reputation of the candidate

The candidate should have deep knowledge and significant expertise and experience in engineering, construction, supply and commissioning of nuclear units in order to address the technical and financial requirements of the nuclear energy sector and to meet the following cumulative requirements:

- experience as leading constructor in contract/s for construction and commissioning of at least two nuclear units, and
- experience in contract/s for detailed design of systems, structures and components within nuclear island or turbine island of nuclear plant for at least two nuclear units and
- experience in contract/s for supply and installation of important equipment within nuclear island or turbine island of at least two nuclear units.

Candidates from the Russian Federation will not be considered and shortlisted.

Information for the referenced contracts shall be provided following the Application form template.

The candidate shall provide as an evidence of its sound technical capacity at prequalification stage:

- Declaration containing a list of selected referenced contracts, indicating dates of signing and completion, counterparties, and contract amounts;
- Declaration of proposed sub-contractors or consortium members, if any.

4.2. Economic and Financial Status

The candidate shall provide as evidence of its sound financial and economic standing Audited Financial Statements for the last 5 (five) years i.e. 2018-2022 demonstrating net profit and turnover for the last 5 years, exceeding 6 billion US dollars on average in this period (in the case of a consortium net profit for the indicated period shall be demonstrated only by the consortium leader).

5. AWARD CRITERIA AND INVITATION TO SUBMIT OFFER

Candidates shall be shortlisted on a pass/fail basis for each of the described above requirements. The shortlisted candidates shall be invited to submit offers in a separate new procedure.

6. APPLICATION

6.1. Deadline for receipt of applications

The deadline for expression of interest is 17.00 o'clock (5 p.m.) local Bulgarian time on 2 February 2024. Any application received after this deadline will not be considered.

6.2. Application format and details to be provided

Applications must be submitted using the Application Form (Expression of Interest) as provided by the Assignor whose format and instructions must be strictly observed. Any additional documentation (brochure, letter, etc) sent with an application will not be taken into consideration.

6.3. Submission of applications

Applications must be submitted in English at the address stated above (item 1),

The documentation should be submitted in a sealed opaque envelope by the applicant or by a person authorized by him, in person or through a licensed postal operator, or submitted by electronic means on the official e-mail address of the Assignor – newbuild@npp-nb.bg:

- Either by recorded delivery (official postal service);
- Or hand delivered (including courier services) directly for a signed and dated receipt;
Signed with a qualified electronic signature of the authorized applicant/person

The name of the candidate, mailing address, telephone and e-mail address should be written on the envelope or in the e-mail. The date and time of receipt is considered the date and time of registration in the office of Kozloduy NPP - New Builds PLC.

The Procedure title must be clearly marked on the envelope containing the application and must always be mentioned in all subsequent correspondence with the Assignor.

Applications submitted by any other means will not be considered.

6.4. Certification of the legal Status of the Signatory of the Proposal

The candidate shall provide original (or notarized copy) of a certificate of current registration (certificate of good standing) indicating the current legal status and representation of the company. If the language is different than English, the certificate must be translated in English by certified translator. The candidate can certify its legal status by submitting a link to the

Commercial/Company register or other authority/institution of the country where they are registered in the case the application is submitted by electronic means in digital form.

In case of consortium, all consortium members shall provide the required documents as described above.

7. OPERATIONAL LANGUAGE

All written communications for this prequalification procedure must be in English.

8. ADDITIONAL INFORMATION

The procedure will be governed by the Bulgarian law.

The Invitation will be published at the sites of: KOZLODUY NPP – NEW BUILDS’ PLC, KOZLODUY NPP PLC and Bulgarian Energy Holding EAD.