

№	Question	Answer
1.	<p>In connection with Your answers with respect to the existing contracts with Wizz Air and in particular this under item 7 of Q&amp;A_19.11.18_bg (in which you state that the Auxiliary Services Agreement with Wizz Air was concluded under a new basic contract of IATA) we asked for a copy of this Auxiliary Services Agreement. The document you provided in relation with your answer under item 1. of Q&amp;A_02.01.19_bg represents an annex to the former ground handling agreement with Wizz Air from 2013, by which annex the term of the agreement was extended until 31 October 2018. Please provide the auxiliary services agreement with Wizz Air (e.g. Annex B or other relevant document) and the applicable basic IATA contract and Annex A.</p>	<p>The information is available for review in the Physical Data Room – <b>Appendix 3.118.</b></p>
2.	<p>Please provide a copy of better quality of the contract with KITA Bulgaria as parts of the one provided in connection with your answer under item 2 of Q&amp;A_02.01.19_bg cannot be read.</p>	<p>Please review <b>Appendix 3.117</b> in the Physical Data Room.</p>
3.	<p>Please provide the pricelist of the Seller under the agreement with KITA Bulgaria</p>	<p>The information is available for review in the Physical Data Room – <b>Appendix 30.12.</b></p>
4.	<p>Please provide information on the goods (and the price under which they were ordered, supplied (or ordered and shipment is expected) under the agreement with KITA Bulgaria.</p>	<p>The information is available for review in the Physical Data Room – <b>Appendix 30.13.</b></p>
5.	<p>Please confirm whether the agreement with KITA Bulgaria is approved by the Board of Directors of Sofia Airport and provide the respective minutes with resolutions of the board meetings.</p>	<p>The agreement with KITA Bulgaria is not approved by the Board of Directors of Sofia Airport EAD.</p>
6.	<p>Please confirm whether the agreement with KITA Bulgaria has entered into force.</p>	<p>The agreement with KITA Bulgaria is not approved by the Board of Directors of Sofia Airport EAD and has not entered into force.</p>
7.	<p>Please confirm whether with respect to the goods ordered under the agreement with KITA Bulgaria the requirements under art. 2 of the said agreement have been met, in particular: receipt of an offer and preparation of marketing analysis in compliance with the Internal Rules of Sofia Airport on planning, assigning and control on public, mixed and private procurement and provide the said analysis and offer.</p>	<p>The orders and supplies by „Kita Bulgaria” OOD are carried out in accordance with the Internal Rules on Forecasting, Planning, Assignment and Control of Public, Mixed and Private Procurement of Sofia Airport EAD.</p>

<p>8. Tender Documentation, Schedule 3, Part 1 (Application)</p> <p>3. Documents evidencing technical capabilities</p> <p>a) (iv) operating an airport either by way of <del>(i) participation in the share capital of the entity performing the operating and management services</del> any form...</p> <p>Airport Concessions are typically implemented through special purpose vehicles (SPVs / project companies). Airport developers with multiple airport entities participate in concessions through a controlling stake in such SPVs. The sole purpose of these SPVs is to develop the airports specific to respective concessions. Further, these SPVs, by very definition, are not allowed to commit or undertake liabilities towards resources, warranties or indemnifications for any other airport project (as required under qualification requirements), as a Third Party. Such a restriction is also mentioned in Sofia Airport’s Draft Concession Agreement in clause 3.1.2.</p> <p>Thus, the above modification in the qualification criteria, leads to a highly restrictive situation, whereby international airport developers with multiple airport assets will not be able to participate in the Bid for Sofia Airport. We hence request that qualification through participation in share capital of the entity performing the operating and management services, be reinstated for the Bid. For establishing a valid relationship between the bidder and the airport entity, we suggest that the Bidder / Airport Operator Shareholder must have a controlling stake of not less than 51% in the airport entity meeting qualification criteria.</p>	<p>The latest modifications in the Tender Documents do not prevent the Bidders (whether single Economic Operators or Consortia) from relying on the experience of any of their Affiliates (whether parent company or subsidiary, direct or indirect), in particular airport operating companies. However, within the meaning of the Concessions Act (Article 63) and the Concessions Directive (Article 38), such entities are considered third parties (“other entities, regardless of the legal nature of its links with them”). Therefore, the respective third party requirements apply.</p>
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