

№	Question	Answer
1.	Please confirm that even though you do not have available evidences for execution of the condition (according to your answer under p.1 of Q&A_28.12.2018) set in Permit for use No. CT-12-57/04.02.2005, this condition has been executed, i.e. Sofia Municipality has timely and duly granted construction right against consideration over real estates, private municipal property in favour of Elektrorazpredelenie Stolichno EAD in relation to the partail relocation of electricity power line 20 kV Luna.	The as-built documentation for the partial moving of the 20kV “Luna” overhead transmission line shows that the transmission towers do not affect any private properties, but are all situated within the limits of the agricultural road – municipal property. With respect to the limiting conditions, related to the finalization of the procedures for the establishment of development rights against consideration within real estate properties – private municipal property, as specified in the commissioning permissions for the development projects, even before the appointment of the State Acceptance Commissions, letters were sent on behalf of the Ministry of Transport and Communications – DG CAA to the Mayor of the Sofia Municipality, requesting the undertaking of the necessary actions for the issuance of documents for assigned development rights with respect to the said projects (07-00-02/21.11.2003) and to the Minister of Energy and Energy Resources, requesting the establishment of development rights, pursuant to art. 62, para. (1) of the Energy Act (04-19-8185/23.12.2003). The Minister of Energy and Energy Resources, by virtue of art. 62, para. 1 of the Energy Act, made a proposal (letter 9101/22/09.01.2004) to the Sofia Municipality requesting the establishment of development rights against consideration in the name of “Elektrorazpredelenie – Stolichno” EAD, with respect to the land – private municipal property, where the electricity equipment is built. The relevant documents were submitted to the Sofia Municipality for processing. We have not been informed of the actions undertaken.
2.	Please provide layouts indicating the location of the railway line of Manty Co OOD and of the industrial railway branch of Sofia Airport, as well as a layout showing which land plots it passes through.	A layout of the private properties, through which the railway line passes, is available for review in the Virtual Data Room – <b>Appendix 30.14</b> . We do not have at our disposal any sketches of the privately-owned properties.
3.	Is it possible for the concession grantor to procure the establishment of easement right of passage for the entire term of the Concession Agreement through the real estate and the railway line of Manty Co OOD in order to ensure access of the Concessionaire to the public railway infrastructure for the term of the Concession Agreement?	Sofia Airport EAD uses the rail route situated on the land property of Manta Ko OOD, as agreed upon by Contract No. 100-D-196/10.05.2018, valid till May 2019. The information is available for review in the Physical Data Room – <b>Appendix 3.122</b> .
4.	With respect to the information, which should be submitted regarding the key personnel (management positions) please confirm that:	We confirm your understanding on both points i) and ii). Please see also the answer to Question 3031, published on December 13, 2018, of the Summary table of questions and answers.

<p>(i) in accordance with Schedule 3, part 1, item 3, letter (b) of the Tender Documents the bidders should attach to the Application only a list of the persons proposed to be appointed at management positions (which should include names, education, qualification, positions held, length of service) and no other documents or additional information (for example CVs or documents or information for evidence of education and/or professional experience) are required in relation to the key personnel (management positions) for the purposes of the Application; and</p> <p>(ii) in accordance with Schedule 4, part 1, section 2, letter "A", item 4, letter (a) of the Tender Documents the bidders should attach to the Offer only detailed CVs of minimum five qualified and experienced top-level managers that have held airport management positions for at least five years in the last 10 years, together fully covering the specified in the Tender Documents six fields of expertise, and no other documents or additional information (for example list(s) or documents or information for evidence of education and/or professional experience) are required in relation to the key personnel for the purposes of the Offer.</p>	
<p>5. Please confirm that for any bidder (whether in a consortium or not) the maximum aggregate liability for Shareholders and Third Parties (if present) pursuant to the undertakings at Appendix 11a, 11b and 11c of the Concession Agreement is capped at the Maximum Liability Amount (namely BGN 200 million).</p>	<p>The joint and several maximum liability amount applies to the Shareholders and the Third Party Providing Financial Capabilities is capped at BGN 200 mil whereas the Airport Operator third Party has a separate liability equivalent to the amount which would have been provided as equity. Please refer also to the responses published on 21st of January.</p>
<p>6. With your answer Q&amp;A_12.11.2018_2 under p. 21 you confirmed that in Clause 5.1.3. of the draft of the Concession agreement "There is an error in the second sentence, where the Concessionaire has to be changed to Grantor." In the last published draft of the Concession agreement, amended with Decision № PK-6 from 20.12.2018, the technical mistake is not corrected. Please take the necessary steps for correction of the above mistake in Clause 5.1.3. of the Concession agreement.</p>	<p>The typo will be changed as part of the execution version.</p>
<p>7. We kindly ask for clarification of Clause 7.1 of the Tender Documents.</p> <p>1. What means that the Application and the Proposal shall be submitted [...] "in the form of electronic or machine-readable document". We understand that all documents shall be or can be printed, signed manually and then scanned as pdf. Is this sufficient or shall the text in the pdf-scan also be "searchable" with the (text-) search function of a pdf-program?</p> <p>2. Please confirm whether it is required or at least possible that the filled-out Application Forms A, C, E.1, and E.2 and the Proposal Forms from A to D are not</p>	<p>The Concessions Act requires that the <u>Application</u> and the <u>Proposal</u> be submitted <u>in the form of electronic document</u> signed with electronic signature. Based also on the Electronic Documents and Electronic Trust Services Act and Regulation (EU) No 910/2014) is that electronic document does not mean printed and then scanned – it has to be created and signed directly in electronic form.</p> <p>Please refer also to our response published on 27.8.2018 clarifying that the Application and the Proposal shall be signed with electronic signatures in accordance with Clause 7.1(a) of the Tender Documents and art. 89 para.</p>

<p>printed and are not signed manually by the Bidder's representatives but are signed only by the electronic signature of the Bidder as they are drafted in Word or in pdf format (not scanned but directly converted from the Word-file) and recorded on the memory device.</p> <p>We understand that all documents signed by third parties/Third Parties shall always be signed manually, scanned (in the form of pdf files) and verified for its authenticity by the electronic signature of the Bidder. None of these pdf-scans needs to be verified by electronic signatures of the third parties/Third Parties.</p> <p>3. Please confirm if the following procedure of signing the Application and the Proposal is acceptable:</p> <p>(i) All Application documents (Forms A, C, E.1, E.2, F, G, H) are filled out, printed, signed manually and, together with all other supporting documents (e.g. letter agreements between Third Parties and the Bidder pursuant to clause 6.2.(b)(i) of the Tender Documents, register extracts to evidence signature power of the persons signing on behalf of Third Parties, reference letters from banks supporting financial capabilities, etc.) are scanned into one file in pdf format and the (combined single) pdf scan is recorded on a digital memory device and that single pdf-file is verified for its authenticity by the electronic signature of the Bidder. The same is done with all Proposal documents (Forms from A to D).</p> <p>(ii) In order to meet the requirements stipulated in 7.1(c) of the Tender Documents (that the Electronic Memory Device shall also contain electronic images of the documents in the form of pdf-files) we understand that in addition to the combined pdf files containing all Application documents and all Proposal documents, separate pdf scans, verified for its authenticity by the electronic signature of the Bidder, are prepared and recorded on the memory device for each manually signed document (e.g. one separate pdf-scan for the manually signed Application Form A, one separate pdf-scan for Application Form C, etc.). None of these pdf-scans needs to be verified by electronic signatures of the Third Parties providing financial or technical capabilities, of the institutions providing Form H - Experience Raising Financing Certificate, in general no electronic signature of any third party is required (but only the electronic signature of the Bidder).</p>	<p>2 of the Concessions Act. The supporting documents to be enclosed to the Application or the Proposal respectively, including the declarations provided as Forms C, E.1 and E.2 in Schedule 3, part 1 of the Tender Documents, may be signed manually, scanned as PDF documents and the scanned copies verified with an electronic signature.</p> <p>As concerns question 2 and 3, we reiterate</p> <p><u>ad question 2:</u> Yes, it would be acceptable to sign the documents with electronic signature only. In fact, this is mandatory with respect to the Application (schedule 3, part 1, Form A) and the Proposal (schedule 3, part 3, Form A). Documents signed by Third Parties have to be verified for its authenticity by the electronic signature of the Bidder.</p> <p><u>ad question 3:</u> i) correct (except for Forms A of part 1 and part 3 of schedule 3 – i.e. the forms of the and Application and of the Proposal); ii) correct</p>
<p>8. We kindly ask for clarification whether the list representing Part III. Documents attached to this Application of Application Form A can be supplemented with other documents that the Bidder encloses in the application. For example can the Bidder include wording that it encloses a current register excerpt for and the letter agreements with the Third Party providing financial and technical capacity, the declarations Forms E.1 and E. 2 by that Third Party, reference letters for good</p>	<p>All documents and Forms which pursuant to the Tender Documents have to be submitted along the Application shall be attached to the Application. In the event of documents and Forms not expressly mentioned in the draft Form A - Application as documents and Forms to be attached but which pursuant to the Tender Documents have to be submitted along the Application shall be attached and indicated in the Application.</p>

	standing from banks, in general, all other documents which the Bidder encloses in the Application which are not mentioned in the standard list of documents to Application Form A?	Additional documents not expressly required to be attached to the Application, if submitted, may be included.
9.	Please clarify the following with respect to Form E.2: If there are no grounds for exclusion regarding a Bidder and the Bidder has answered with "No" to the first question under each ground for exclusion, our understanding is that the following additional questions concerning the respective grounds for exclusion do not need to be answered or the form to be supplemented in any way, respectively they need to be left blank (not filled in), without deleting any of the boxes or text from the form. Please confirm if this understanding is correct.	Your understanding is correct, there is no need to answer the remainder of the questions in case the first question is answered with a "No". The Form will need in any case to be submitted.