

CLARIFICATIONS NO. 2

on

THE NOTICE

*on the call for bids for consulting services related to the privatisation of
Societatea Complexul Energetic Hunedoara S.A.
(the "Notice")*

Societatea Complexul Energetic Hunedoara S.A. informs the interested Consultants about the received requests for clarifications and about the answers thereto. The terms written below with upper case initial will have the meaning ascribed thereto in the Notice.

Question 1. *In respect of the statements issued in a country in which English is not the mother tongue, please indicate if it suffices to draft the sworn statements bilingually (in the language of that country and in the English language), and subsequently, for the selection from among the pre-selected Consultants, to submit them both in original copy and in notarised translation into Romanian language.*

Answer: *In respect of statements issued in a country in which English is not the mother tongue, it suffices if the sworn statement is drafted in the bidder's mother tongue and is submitted in original copy, accompanied by its notarised translation into Romanian. The notarised translation will be also submitted in original copy.*

Question 2. *In respect of sworn statements to be made related to the selection criteria mentioned at points (i), (ii) of the Notice, please clarify if the sworn statement should indicate all the projects in which we were involved as consultants, or it suffices for such projects to be indicated in an annex to the relevant sworn statement.*

Answer: *In this Project stage (pre-selection of Consultants and shortlisting), it is adequate if the notarised sworn statements required in respect of the selection criteria at points (i), (ii) of the Notice only confirm that the selection criteria are met. The sworn statements will indicate explicitly which of the alternative criteria provided at points (i) and (ii) of the Notice are met by each Consultant, cumulatively with the criterion provided at point (iii) of the Notice. In this Project stage, it suffices if the text of the sworn statements actually includes the specific text of the Notice that refers to the selection criteria met by the Consultant. It is not required for the text of the sworn statements or their annexes to detail all the projects in which the consultants were involved.*

The Consultants should note that the Specifications will request the submission of supporting documents, confirming the sworn statements submitted at this stage.

Question 3. *As to the requirement under point (iii) of the Notice, please indicate if notarised and certified copies of the financial statements of each Company participating in the Consultant pre-selection must be submitted.*

Answer: *As expressly mentioned in the Notice, no notarised and certified copies of the financial statements of each company participating in the Consultant selection must be submitted. In this*

Project stage, the submission of sworn statements notarised by a notary public will be enough proof in respect of ALL the pre-selection criteria under points (i), (ii) and (iii) of the Notice.

Question 4 . *In case of a consortium, please mention whether each member of the consortium should submit a statement in respect of the fulfilment of the selection criteria provided under points (i), (ii) and (iii) of the Notice or whether a joint statement of the consortium in respect of the fulfilment of the selection criteria provided under points (i), (ii) and (iii) of the Notice is required.*

Answer: *In case of a consortium, its members may choose any of the two options, i.e. (a) each member of the consortium shall submit a statement in respect of the fulfilment of the selection criteria provided under points (i) and/or (ii) and (iii) of the Notice; or (b) all the members of the consortium shall submit a joint statement in respect of the fulfilment of the selection criteria provided under points (i) and/or (ii) and (iii) of the Notice. In all such cases, the sworn statements, to be notarized, shall provide the complete consortium structure, from the date of submission of the letters of interest and the manner in which the selection criteria are met, i.e. (a) cumulatively/ individually, indicating the members of the consortium depending on whose professional experience the selection criterion under point (i) and/ or (ii) of the Notice is deemed to be met; and (b) the member of the consortium with the highest turnover during the past 3 consecutive financial years ended and depending on which the selection criterion under point (iii) of the Notice is deemed to be met. Mention shall be made that, after shortlisting a consortium, the consortium structure can no longer be changed (or, at least, the consortium members depending on whose experience/ turnover the selection criteria were deemed to be met, according to the sworn statements, can no longer withdraw), unless such change is carried out in order to add new members with a view to providing the Project activities pursuant to the conditions in the Specifications.*

Question 5. *In respect of the supporting documents certifying that we are authorized to provide legal services, please let us know if notarized copies of the decisions issued by the Bucharest Bar certifying we are authorized in respect thereof are sufficient.*

Answer: *The Consultants (or the consortium members) providing legal services may submit a notarized copy of the decisions issued by the Bucharest Bar certifying they are authorized in respect thereof instead of the confirmation of company details (or other equivalent documents).*

Question 6. *In respect of the statements regarding the selection criteria under points (i), (ii) and (iii), please mention if only these statements may be made in an authentic form before the notary public in Romania or abroad and whether the criteria regarding experience and turnover may be mentioned in a separate annex (in simple form) and be enclosed to the authentic statement.*

Answer: *Please see the answer to Question 2 above.*

Question 7. *In respect of the statement regarding the selection criteria under points (i) and (ii), should they be provided in an annex to the referred statement, please mention whether such annex may only be stamped (without being signed) by the notary public abroad, the referred annex (to be subsequently translated and notarized in Romanian) being thereafter enclosed to the authentic statement.*

Answer: *Please see the answer to Question 2 above.*