

# Appendix B

## Negotiation plan

Negotiated procedure  
pursuant to Directive 2014/25/EU (the Utilities Directive)

## **1. TOPICS AND SCHEDULE FOR THE NEGOTIATION MEETINGS**

The contracting authority has listed below the topics that the contracting authority finds it particularly relevant to discuss with the tenderers:

- Topic 1: Capacity and rates/prices offered]
- Topic 2: Potential non-compliance - the mandatory requirements]
- Topic 3: Designated Lead role(s)]

The contracting authority may in the course of the negotiation phase add or change the topics that the contracting authority wishes to discuss with the tenderers. For example, the initial tenders may give rise to further topics being added to those listed above. In addition, the tenderers may propose topics for the negotiations.

The final agenda for the negotiation meetings will be submitted to the tenderers well in advance of the negotiation meetings.

The contracting authority expects that the negotiation meetings will be held according to the schedule below. However, the contracting authority may change the schedule.

Lot 1	29.03.2021 – 06.04.2021
-------	-------------------------

## **2. LOCATION AND PARTICIPANTS**

The negotiation meetings will preferably be held remotely via “Microsoft Teams”. The Contracting Authority remains flexible and will arrange with each Tenderer.

The tenderers are advised to participate in the negotiations with experts and key persons with the required expertise.

## **3. ADDITIONAL NEGOTIATION MEETINGS**

The contracting authority may convene more negotiation meetings than those set out in the time-schedule in para 1 if it should prove necessary.

If the contracting authority decides to hold additional negotiation meetings, the time-limit for submission of any subsequent, revised initial tenders will be notified as soon as possible after the first negotiation round.

#### **4. MINUTES OF MEETING AND FEEDBACK**

The contracting authority will draw up minutes of meeting after each negotiation meeting. The minutes of meeting will not be made publicly available, and each minutes of meeting will therefore only be submitted to the tenderer concerned. If questions of a general nature were discussed at a negotiation meeting, the reply to such questions will be submitted via the electronic tendering system, in anonymized form, to all tenderers participating in the procedure.

The tenderers will be given the opportunity of commenting on and confirming the information in the minutes of meeting. The minutes of meeting cannot be given any independent legal significance for the submission of tenders, as the tenders must be based solely on the final tender documents.

In order to avoid unnecessary use of the tenderers' resources, the contracting authority will endeavor to notify the tenderers through the negotiation meetings and in the minutes of meeting if there are aspects of the tenderer's initial tenders or terms of agreement that do not fulfil the requirements, including minimum requirements, of the tender documents. However, absence of such notification cannot be construed to mean that there are no reservations of this nature. It is the sole responsibility of the tenderer to ensure that the final tender complies with all minimum requirements and fundamental elements in the tender documents.

During the negotiation meetings, the tenderers will be given feedback on strong and weak points in the initial tenders. The feedback is given to ensure the optimization of the tenderers' tenders in the further process.

#### **5. NOTE ON POTENTIAL AWARD OF INITIAL TENDER**

The contracting entity may award the contract on the basis of the initial tender and, hence, the tenderers cannot rely on negotiation meetings to be conducted. For further information please see the document "Instructions to the Tenderers".