

1 General

- 1.1 Pursuant to section § 23(2) 5 of the Electricity Act 2010 (EIWOG 2010), APG shall identify congestions in transmission grids and implement measures to avoid, eliminate and overcome congestions in transmission grids and ensure security of supply. If necessary for the avoidance or elimination of a grid congestion, APG shall, in coordination with the affected distribution grid operators, conclude contracts with the producers or consumers to the required extent and for the required period of time, according to which they are obliged to secured services (increase or restriction of production or consumption). If, on the basis of a system analysis, there is also a need for the provision of additional generation capacity or reduced consumption capacity (grid reserve), this must be procured in accordance with the provisions of section § 23b EIWOG 2010.
- 1.2 In accordance with this new regulation on the tender of the grid reserve pursuant to § 23b ff EIWOG 2010 and based on the system analysis carried out by APG pursuant to § 23a (2) EIWOG 2010, APG has identified a need for grid reserve for the period specified in the enclosed call for expressions of interest.
- 1.3 In addition to the statutory provisions pursuant to sections §§ 23b to 23d EIWOG 2010, the present tender documents set out the basic principles for the tender of the grid reserve. The expression of interest and the offer are to be prepared on the basis of the following documents:
 - (a) Tender documents
 - (b) General terms and conditions for grid reserve (AB Netzreserve)
 - (c) Call for expressions of interest including forms (1st stage)
 - (d) Call for tenders including forms (2nd stage)

The general terms and conditions for grid reserve of APG (appendix I) are an integral part of the tender documents.

By legally signing or electronically signing the expression of interest and/or the tender, the provider accepts without reservation all the provisions of these tender documents. It is not a procurement under the Austrian Public Procurement Act (BVerG 2018).

- 1.4 APG procures grid reserve requirements by means of a transparent, non-discriminatory and market-oriented tender procedure. In accordance with § 23b (7) EIWOG 2010, a grid reserve contract is concluded with the successful providers after approval by the regulatory authority in accordance with § 23b (6) EIWOG 2010. The provider has no legal claim to the conclusion of a grid reserve contract. In return for the provision of the grid reserve capacity, the contracted providers receive a fee based on their offer value. Any activations of the grid reserve units are made under the terms and conditions of the agreement on the request for measures for the purpose of congestion management according to section § 23 (2) 5 EIWOG 2010 (congestion management agreements) and are compensated separately. In this regard, reference is made to the provision in the general terms and conditions for grid reserve (chapter 5).

2 Tender procedure

- 2.1 APG will procure the entire grid reserve demand by means of a transparent, non-discriminatory and market-oriented tender procedure. APG will conduct a two-stage procedure (call for expressions of interest including examination of the suitability of the units and the offer phase) in accordance with section § 23b EIWOG 2010.
- 2.2 Only providers pursuant to section § 23b (1) 1 to 4 EIWOG 2010 are eligible to participate in this tender.
- 2.3 The procedural language for the present tender procedure and the subsequent provision of services shall be German and English, nevertheless it is sufficient to submit documents in one of these languages. In the event of contradictions between the German and English versions (e.g. of the tender documents), the German version shall prevail.

3 Stage 1: Expression of interest:

All suppliers pursuant to § 23b (1) EIWOG 2010 who intend to make their installations available to the grid reserve under the terms and conditions of the tender documents may express their interest to APG until the end of the expression of interest period. The call for expressions of interest and the deadline for expressions of interest will be published on the APG website.

(<https://www.apg.at/en/markt/Netzreserve/Interessensbekundung>)

Pursuant to section § 23b (2) EIWOG 2010, the products to be procured to cover the identified grid reserve demand are grid reserve contracts with a period of one year and seasonal grid reserve contracts.

In the first stage of the procedure, APG examines the information and evidence provided by the provider in their expressions of interest for the existence and fulfilment of the participation requirements pursuant to section § 23b (1) and (2) as well as (4) EIWOG 2010 and the technical suitability criteria set out here (mandatory minimum requirements) for the provision of the grid reserve. The suitability criteria must be fulfilled by the end of the expression of interest period at the latest, with the exception of the following points:

For foreign generation units according to chapter 3.7:

- Chapter (b): The congestion management agreement between the connection TSO and APG, which must have been received by the starting date of the contract period at the latest.
- The notification of decommissioning according to chapter 3.7(c) must have been received by the end of the bidding phase at the latest.
- The commitment declaration according to chapter (d) must have been received by the end of the bidding phase at the latest.

For all providers:

- Data provision according to Chapter 3.8, which must be fulfilled by the start of the contract period at the latest.

The suitability of the provider or the unit must be fulfilled for the entire duration of the contract.

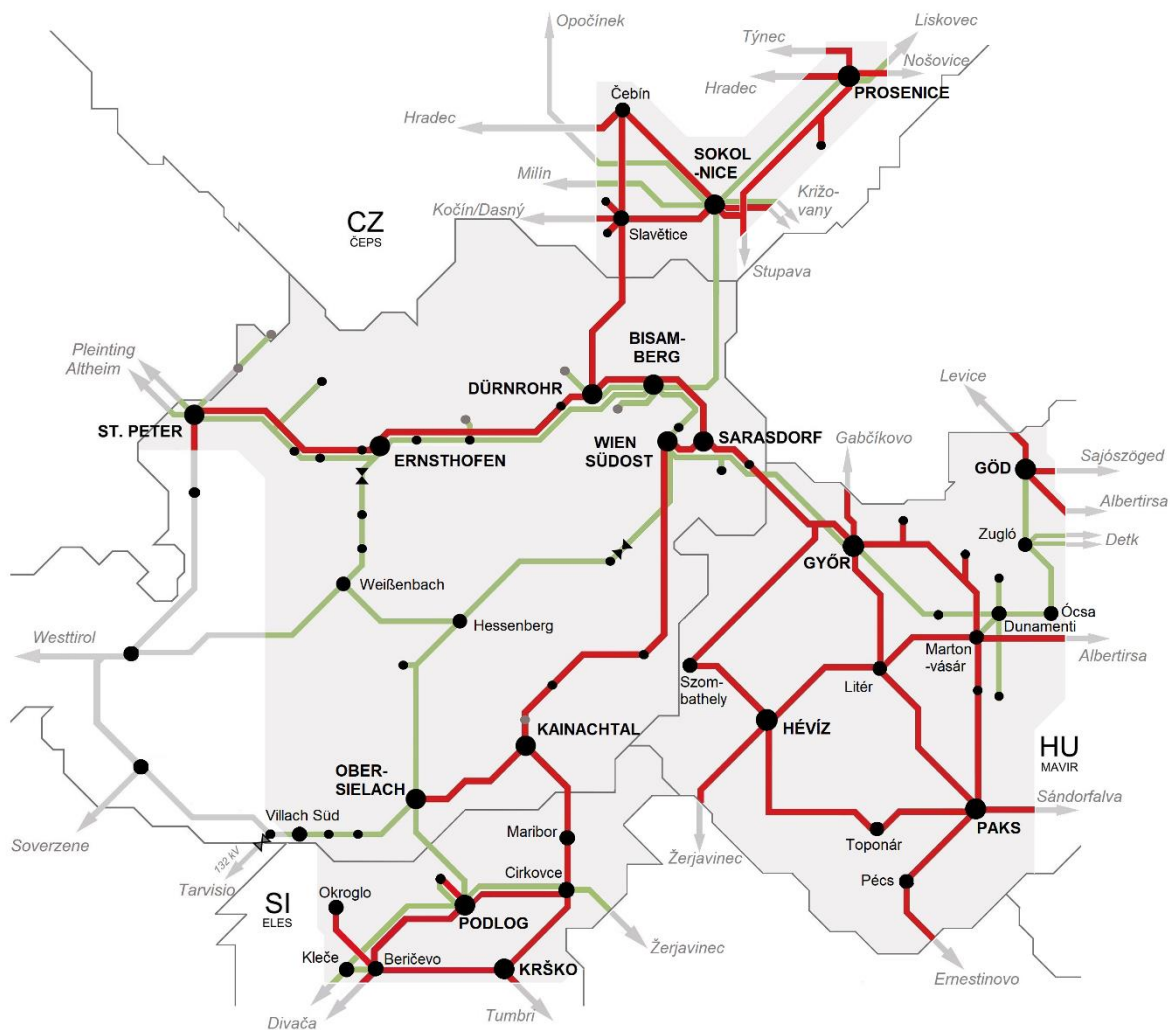
In the second stage of the procedure, only the operators of units classified as suitable will be invited to submit an offer within a four-week period. Operators of units classified as unsuitable will be informed accordingly.

The technical suitability criteria were agreed with the regulatory authority in accordance with section § 23b (2) EIWOG 2010.

For suitability for participation in the grid reserve tenders, it is mandatory to comply with the following principles and criteria:

3.1 Grid connection point of the grid reserve unit

The feed-in or withdrawal of energy of each grid reserve (sub-) unit into or from the 380/220 kV transmission grid of APG or into the 380/220 kV transmission grid that is directly galvanically connected to the APG control area must predominantly (> two thirds) take place in the grid area highlighted in the diagram below.



3.2 Minimum Size

- (a) A grid reserve unit must have a grid reserve capacity of at least 1 MW at an ambient temperature of 20°C or below.
- (b) Smaller units can be combined by an aggregator as a pool, provided they have a total grid reserve capacity of at least 1 MW at an ambient temperature of 20°C or below and the individual technical units meet all other criteria.

3.3 Technology

There is no restriction to a specific technology of the grid reserve unit. Each grid reserve unit must have all necessary permits to fulfil the grid reserve capacity.

3.4 Operational criteria for generation units in Austria

- (a) Generation units need to have the ability to continuously feed in the offered grid reserve capacity.
- (b) The lead time - time until the grid reserve capacity is reached from the time of request (e.g. cold start for thermal plants) - may be a maximum of 10 hours.
- (c) The time for a new activation (shutdown + minimum standstill time + subsequent start-up until the grid reserve capacity is reached) may be a maximum of 18 hours.
- (d) Units with limited storage capacity, e.g. a battery storage system, must be able to continuously supply the offered grid reserve capacity for at least 6h without an intermittent recharge process, also in case of repeated requests (please refer to new activation time).
- (e) Units may only be classified as suitable if their emissions do not exceed 550 g of CO₂ per kWh of electricity and do not produce radioactive waste.

- (f) Operators of generation units > 20 MW must have notified their decommissioning within the tender period in accordance with section § 23a (1) EIWOG 2010.

3.5 Operational criteria for consumption units

- (a) It must be possible to temporarily reduce or shift consumption to the full extent (offered reducible grid reserve capacity of the unit), at least for 6 hours. This also applies to repeated request (please refer to new activation time).
- (b) The lead time - time between request and reaching the maximum power reduction - must not exceed 10 hours.
- (c) The time for a new activation (time between the end of an activation and reaching the maximum power reduction again) may be a maximum of 18 hours.
- (d) The unit must have an uninterruptible power consumption at least equal to the offered grid reserve capacity, with the exception of maintenance periods. This is to ensure a reliable reduction of consumption to the full extent of the grid reserve capacity.

3.6 Operational criteria for aggregators

The following operational criteria apply to the pool:

- (a) The unit must be able to continuously supply the offered grid reserve capacity for at least 6h, also in case of repeated requests (please refer to new activation time).
- (b) The lead time - time between request and reaching the grid reserve capacity - may be a maximum of 10 hours.
- (c) The time for a new activation (time between the end of an activation and reaching the grid reserve capacity again) may be a maximum of 18 hours.

The following operational criteria apply to each individual unit of the pool

- (d) Generation units may only be classified as suitable if their emissions do not exceed 550 g of CO₂ per kWh of electricity and do not produce radioactive waste.
- (e) Operators of generation units > 20 MW must have notified their decommissioning within the tender period in accordance with section § 23a (1) EIWOG 2010.

APG reserves the right to subdivide the units within a pool into subgroups in coordination with the aggregator for optimal redispatch deployment.

3.7 Operational criteria for foreign generation units

- (a) For foreign generation units, the operational criteria for domestic generation units apply (chapter 3.4)
- (b) APG must be able to directly oblige the transmission system operator concerned to provide congestion management via a congestion management contract pursuant to section § 23b (1) 4 EIWOG 2010.
- (c) Operators of generation units > 20 MW must have notified their decommissioning in a manner comparable to § 23a (1) EIWOG 2010 to their competent transmission system operator or their regulatory authority for the respective tender period. Additionally, a notification via REMIT is required.
- (d) Operators of foreign generation units are obliged to submit a commitment declaration regarding the non-participation in the energy market to their national regulatory authority (NRA), in order to fulfil the requirements pursuant to section § 23b Abs. 7 EIWOG 2010.

3.8 Grid reserve units are obliged to transmit online metering data as well as schedules and availability data in accordance with Electricity Market Code chapter 3 (<https://www.e-control.at/en/recht/markregeln/sonstige-markregeln-strom>). Rules for consumers and aggregators corresponding with the rules for schedules and availability data in Electricity Market Code chapter 3 will be defined in the congestion management contract to be concluded.

3.9 Economic aspects

Pursuant to section § 23b (4) EIWOG 2010, remuneration for the provision of grid reserve service may not be granted to companies in difficulty within the meaning of the Guidelines on State aid to rescue and restructure non-financial companies in difficulty, OJ No C 249, 31.07.2014 p. 1.

In this regard, reference is made to appendix V (form regarding economic suitability)

- 3.10 The completed form for the expression of interest of the grid reserve unit must be duly signed and submitted. In the case of planned offers for subunits, the information about each subunit has to be filled into the form and submitted as well.
- 3.11 In addition, the following forms or documents must be attached to the expression of interest in an appropriate form:
- (a)** A declaration by the provider that the provider is not a company in difficulty within the meaning of the Commission Communication on State aid guidelines to rescue and restructure non-financial companies in difficulty (OJ No C 249, 31.07.2014 p. 1) (refer to appendix V – Economic Suitability).
 - (b)** Confirmation by the connection grid operator that the change in power can be transported during the offer period or notification of any restrictions (appendix IV, connection grid confirmation). In the event that the connection grid operator is APG, APG shall assume responsibility for verification and confirmation. Aggregators do not have to provide this confirmation. However, after clarification with the respective connection grid operator, aggregators must guarantee that the grid reserve capacity will be securely available, taking into account the possibility to transport the energy. Any restrictions must be announced.
 - (c)** Information about the amount of grid reserve capacity in megawatts in dependency on the ambient temperature in a range of -10°C to +40°C with a maximum step size of 10°C.
 - (d)** Provision of the lead time, the minimum duration of use, the minimum standstill duration, and the gradient.
 - (e)** For consumption units, evidence of the capability of load reduction at least equal to the grid reserve capacity.
 - (f)** For aggregators, a list of all subunits of the pool with the feed-in/take-off location of the individual grid reserve subunits (appendix III, expression of interest form).
 - (g)** For foreign generation units, the following additional confirmations must be submitted (refer to appendix VI):
 - Confirmation from the TSO that contracting as a grid reserve unit for APG (no participation in the market, primary access right by APG, TSO can activate the unit for redispatch purposes only via APG) can be approved.
 - Confirmation from the national regulatory authority that contracting as a grid reserve unit for APG (no participation in the market, primary access right by APG, TSO can activate the unit for redispatch purposes only via APG) can be approved.
 - Proof from operators of generation units > 20 MW of decommissioning notifications in a comparable manner to §23a (1) EIWOG 2010 from their transmission system operator or their regulatory authority for the respective tender period.
 - A copy of the commitment declaration according to chapter (d) (refer to appendix X - Commitment Declaration) and a confirmation of the national regulatory authority (NRA) that the commitment declaration was submitted on time.
 - (h)** If necessary, written assurance that the suitability criteria pursuant to Chapter 3 Paragraph 3.8 (data provision) will be implemented and fulfilled on a mandatory basis by the beginning of the contract duration. (appendix VII fulfilment of selection criteria)
 - (i)** Form for notification of balance group affiliation (appendix VIII balance group)
 - (j)** Form for the notification of important contact persons of APG and the provider (appendix IX contact form).

4 Products

4.1 The products to be procured to cover the identified grid reserve demand shall be announced in the call for expressions of interest pursuant to section § 23b (2) 3 EIWOG 2010.

4.2 The following products and product periods can be used to cover the grid reserve requirement:

(a) One-year grid reserve products:

The product period of one-year grid reserve products covers the period of one year from 01 October of the year in which the tender for grid reserve is carried out.

(b) Summer product

The maximum product period (corresponding to the contract period) of the summer product extends from April 1st to October 31st of the year following the year in which the grid reserve tender is carried out.

For the summer product there is a tolerance range of one calendar month upwards and downwards, based on the period May to September.

When submitting the offer, the provider can decide whether he wants to make an offer for the summer product for the maximum possible product period from April 1st to October 31st, or for a shortened product period. A shortening is only possible on a monthly basis, within the tolerance range according to § 7 (1) 61a EIWOG 2010. This results in the following possible product periods for the summer product:

- April 1st to August 31st
- April 1st to September 30th
- April 1st to October 31st
- May 1st to August 30th
- May 1st to September 31st
- May 1st to October 31st
- June 1st to August 31st
- June 1st to September 30th
- June 1st to October 31st

The choice of a shortened product period is only possible if the provider guarantees that his grid reserve units will be available for redispatch activation during the entire contract period from April 1st to October 31st.

After concluding a seasonal grid reserve contract for a summer product, the product period can be shortened further. Here, too, a shortening is only possible on a monthly basis, within the tolerance range according to § 7 (1) 61a EIWOG 2010. If the provider intends to shorten the selected product period after conclusion of the contract, he must notify APC of this at the latest two weeks before the tolerance month. If the product period is shortened by the provider after the conclusion of the contract, he is not entitled to receive any remuneration for those tolerance months by which the period was shortened.

If October of the following year is selected as the grid reserve contract month for the summer product and a decommissioning notification is issued in the following period from October 1st or an offer is to be made in the following tender from October 1st, then the grid reserve contract for the month of October of the summer product becomes invalid and the provider is not entitled to the related aliquot fee. If, in the following tender, a grid reserve contract is concluded with the provider from October 1st, the remuneration will be based on the new grid reserve contract.

The provisions regarding summer products apply exclusively to generation units, which submitted a notice for temporary seasonal decommissioning. For those generation units that have submitted a temporary or permanent decommissioning notification, the following requirements for the summer product apply:

- The product period is from 1st of April to 30th of September
- The use of a tolerance range is not possible

Tender Documents



(c) Winter product

The product period of the winter product extends over the period of six months from October 1st of the year in which the tender for grid reserve is carried out.

5 Stage 2: Offer phase

- 5.1 Providers classified as eligible resp. suitable are invited to submit an offer (2nd stage). The invited providers may submit an offer for the grid reserve tender to APG by the offer submission deadline. APG will publish the deadline for submission of offers on the APG website or notify all operators of the units classified as eligible in the expression of interest by e-mail.
- 5.2 Offers shall be submitted either via the software tool provided by APG or by email. The system (software tool or email) will be announced by APG in the call for offers. The system selected by APG must be used by all providers after the call for offers.
- 5.3 In the event that APG chooses the software tool for the submission of offer, APG will register the providers in the software tool, taking the following data from their expression of interest:
- (a) Name of the provider
 - (b) Units classified as eligible by APG
 - (c) Grid reserve capacity of each unit in MW

After registration, the providers will receive the access data required to use the software tool. The access data will be sent to the person specified in the contact form (appendix IX). A natural person who can legally represent the provider must be specified. An excerpt from the commercial register (or equivalent proof) must be submitted as proof of the power of representation. If a person is named in the contact form, who is not authorised to represent the provider according to the company register, a signed power of attorney from the persons authorised to represent the provider must be submitted.

For aggregators, the same criteria apply, nevertheless it can be that a power of attorney must be submitted, which is signed by the persons authorised to represent all units of the pool according to the company register.

- 5.4 In the event that APG handles the offer submission by email, APG will provide a form to that effect.
- The form must be duly signed and scanned or electronically signed by those persons who can legally represent the provider. An extract from the commercial register (or equivalent proof) must be submitted as proof of the power of representation. If the offer is not signed by the persons authorised to represent the provider according to the company register, a signed power of attorney from the persons authorised to represent the provider must be submitted for signing the offer.

For aggregators, the same criteria apply, nevertheless it can be that a power of attorney must be submitted, which is signed by the persons authorised to represent all units of the pool according to the company register.

- 5.5 Each offer must also contain the following information:
- (a) The selected product according to the possibilities defined in the call for expression of interest.
 - (b) The offer value over the entire product period in euros
 - (c) The planned maintenance period
- 5.6 The times of the planned maintenance periods are agreed with APG according to the selection procedure¹. If necessary, the maintenance must be shifted at the request of APG to cover the grid reserve demand. Justified additional costs that the provider incurs as a result of a shift ordered by APG can be compensated via congestion management in accordance with § 23 (9) and § 23 (2) 5 EIWOG 2010. APG reserves the right to exclude offers from units whose total unavailability (unavailability due to maintenance periods and/or restrictions of the distribution and transmission grid operator) or whose

¹ The above mentioned grid reserve demand is based on optimized revision planning in order to keep the grid reserve demand as low as possible. Generally, a larger revisions are possible, which can lead to a deviation of the mentioned demand of grid reserve capacity. In any case, the selection of the offers is based on the statutory requirement to cover the grid reserve demand in the first year of the period under consideration at the lowest costs (see Section 23b (6) EIWOG 2010).

maintenance cannot be shifted, from the selection procedure, if therefore the demand of the grid reserve cannot be covered continuously.

- 5.7 A provider may submit an offer for each of the possible grid reserve products for each unit deemed eligible by APG.
- 5.8 Providers, who submit an offer for an one year grid reserve product according to chapter (a), are obliged to submit, for the same unit, an offer both for the winter (chapter (c)) and the summer (chapter (b)) product.
- 5.9 If a part of a unit can be operated independently, a separate offer may be submitted for this part, provided that this subunit has been specifically classified as suitable by APG. However, the sum of the outputs of the subunits selected by APG in the selection procedure must not exceed the total output of the unit.
- 5.10 Aggregators, whose pool consists of independent units with a grid reserve capacity of minimum 1 MW, are obliged to submit individual offers for the concerned units. Chapter 5.9 is to be applied analogously. Additionally, for generation units with a grid reserve capacity greater than 20 MW, a notification of decommissioning pursuant to § 23a EIWOG 2010 shall be submitted. Units which for technical reasons can only be operated in a pool and not individually can be exempted from the obligation to submit an individual offer after providing justification to APG.
- 5.11 A provider may combine several submitted offers and submit for those an additional combination offer.
- 5.12 The offer quantity and the offer value shall be indicated uniformly for the entire offer period.
- 5.13 For combination offers only a single offer value for the entire combination of offers is submitted. The offer values for the individual offers of the combination offer are determined based on the offer value of the entire combination offer, aliquot with respect to the individual offers submitted.
- 5.14 Partial offers, alternative offers or change offers are inadmissible.
- 5.15 Offers may be amended or revoked before the end of the offer submission deadline. The date of receipt by APG shall be decisive. The risk of timely receipt of the offer shall be borne by the provider. After expiry of the selection period, the offers are binding for three months.
- 5.16 The provider undertakes to provide APG by the offer submission deadline with all documents necessary and/or required for the selection procedure without incurring any costs.
- 5.17 Enclosures to the tender as well as any proofs and certificates from official/public bodies must be enclosed in German or English or, unless they are available in German or English, as a copy and certified translation in the current version.
- 5.18 Contract duration/contract period:

The contract period shall be based on the product period pursuant to section § 23b (2) EIWOG 2010 for which an offer was submitted by the provider. For seasonal grid reserve contracts, the contract period also includes the tolerance range pursuant to § 7 (1) 61a EIWOG 2010.
- 5.19 Each provider must submit his offer in a concealed manner. Tenders may not be conditional, limited in time or connected with any other ancillary agreement.
- 5.20 APG acquires the title (under property law) to the offers including all enclosures and all other documents submitted by the providers in the course of the tender procedure. These documents will therefore not be returned to the providers. Furthermore, APG does not acquire any rights of use and exploitation - unless otherwise stipulated.
- 5.21 Offers must be submitted in full and free of arithmetical and typing errors. These errors shall be borne by the provider.

6 Reference value

- 6.1 The offers received are reviewed by APG on the basis of a reference value, which is calculated as the volume-weighted average of all offers, whereby the most expensive 10% of the capacity offered is not included in the averaging. If an offer significantly exceeds this reference value, the control area manager must report this excess to the regulatory authority. The assessment of the significance will be announced by APG at the call for offers (§ 23b (5) EIWOG 2010).
- 6.2 To ensure the greatest possible comparability, the price offered per MW and per month is used to calculate the reference value for each offer (monthly specific offer value). The time period offered is reduced by any planned maintenance when calculating the monthly specific offer value.
- 6.3 The expected maintenance shall be indicated in hours when submitting the offer and shall be taken into account when calculating the monthly specific offer value.
- 6.4 The monthly specific offer value is calculated as follows:

$$AW_{SP,M} = \frac{AW}{T_{PM} * (P_{ges} * \frac{T_{PD} - \sum_{n=1}^N T_{RD,n}}{T_{PD}} + \sum_{n=1}^N P_{res,n} * \frac{T_{RD,n}}{T_{PD}})}$$

$AW_{SP,M}$	Specific offer value in Euros per MW and per month
AW	Offer value for the total product period in Euros
T_{PM}	Offered product period in months
P_{ges}	Total grid reserve capacity of the unit
T_{PD}	Offered product period in hours
N	Number of maintenance periods during the offered product period
$T_{RD,n}$	Planned duration of maintenance number "n" in hours
$P_{res,n}$	Available grid reserve capacity during maintenance number "n" in MW

- 6.5 Under the legal requirements pursuant to section § 23b (5) EIWOG 2010, it is at most necessary for APG to invite all providers to submit new offers.
- 6.6 If an offer according to Chapter 5.9 is available for a unit and a technically associated subunit, the volume weighted average of the monthly specific offer values of all offers concerned shall be used for the calculation of the reference value.
- 6.7 If there is a combination offer for several units according to chapter 5.11, the volume weighted average of the monthly specific offer values of all affected offers shall be used for the calculation of the reference value.
- 6.8 In a second selection procedure, if any, the offer prices must be lower than those of the first selection procedure in accordance with section § 23b (5) EIWOG 2010. The offer price is the monthly specific offer value in EUR per MW and per month according to chapter 6.4.
- 6.9 In a possible second selection procedure, an offer is only permitted if it was also submitted in the first round of offers. If no reduced-price offer was submitted in the second round, the offer from the first round is still valid. Except for changing the value of the offer itself no other changes are permitted. None of the submitted offers from the first round of the offer phase may be withdrawn.

7 Selection procedure

- 7.1 The selection of offers shall be made in accordance with the principle that the grid reserve demand can be covered at the lowest cost in the first year of the period under consideration pursuant to section § 23a (2) second sentence (section § 23b (6) EIWOG 2010).
- 7.2 The products listed in Chapter 4 can be used to cover the grid reserve demand.
- 7.3 Offers contribute to meeting the demand of the grid reserve with their grid reserve capacity, in accordance with their location-dependent network-related effectiveness. The effective contribution to the coverage of demand is determined by means of the grid reserve capacity P specified in the expression of interest and the location-dependent factor k .

$$P_{effective} = P * k$$

The location-dependent factor k is 100% for the control area APG and the network nodes of the neighbouring transmission networks directly adjacent to it. For more distant locations in the network area defined in 3.1, due to their decreasing effectiveness, reduced values for the factor k must be taken into account for the relevant congestions. The specific factors to be applied will be announced to the participants before the start of the offer phase.

- 7.4 When determining the costs for each offer, in addition to the offer value submitted by the provider, the maintenance times and the available grid reserve capacity during a maintenance are taken into account. Thus, the "corrected offer value" is used to select the offers. The corrected offer value takes into account the ratio of the maintenance duration to the product duration or the ratio of the available capacity in the maintenance to the total grid reserve capacity.
- 7.5 Offers with shorter maintenance times are accordingly higher ranked than offers with longer maintenance times.
- 7.6 In the selection procedure, APG selects a combination of all the offers submitted so that the grid reserve demand can be covered in the first year of the observation period and the sum of the corrected offer values for all selected products corresponds to a minimum.
- 7.7 Several offers may be submitted for one unit. All offers shall be taken into account according to their corrected offer value. If several offers are submitted for the same physical unit, only one of these offers may be selected in the selection procedure.
- 7.8 Offers from foreign generation plants can be selected only up to the extent of the reliable available transmission capacity (according to the N-1 safety calculation) directly between APG and the respective adjacent TSO.
- 7.9 If the same annual corrected offer value was calculated for two different offers, the offer with the higher actual availability period is preferred. If the availability periods are also the same, the offer with the lower specific CO₂ emissions (in gCO₂/kWhel) is preferred.
- 7.10 A grid reserve contract or seasonal grid reserve contract shall only be concluded with the selected suppliers after approval by the regulatory authority pursuant to section § 23b (6) EIWOG 2010 and in accordance with the criteria set out in section § 23b (7) EIWOG 2010. There is no legal entitlement to the conclusion of a grid reserve contract.

8 Exclusion from the selection procedure

APG reserves the right to exclude inadmissible offers. A tender is inadmissible if:

- (a) The requirements according to chapter 5 are not fulfilled,
- (b) The provider has intentionally or grossly negligently submitted offers with false information or by submitting false evidence and declarations in this or a previous invitation to tender,
- (c) The provider has colluded with other providers or third parties on the offer values or the offer quantities of the offers submitted in this or a previous tenders or has otherwise colluded in an anti- competitive manner.

9 Publication

APG shall publish the results of the selection procedure on its website within a reasonable period of time, whereby publication shall take place no later than two months after approval of the offers by the regulatory authority. In the publication the following information is required:

- (a) The contracted capacity for the winter and the summer in the first year of the period under consideration.
- (b) The names of the providers selected by APG in the selection procedure.

10 Other correspondence

Correspondence between APG and the providers during the tender procedure will be handled exclusively by e-mail via netzreserve@apg.at.

11 Enquiries

Enquiries must be submitted in German or English by e-mail to netzreserve@apg.at within the enquiry deadline.

Any enquiries will be collected, answered anonymously and made available on the APG homepage. The provider is obliged to take into account question responses and any corrections and to base his expression of interest and the offer on them.

In the interest of equal treatment, it is requested that any questions be posed in such a way that it is not possible to draw conclusions about the questioner.

Questions that are not submitted electronically are - in order to ensure equal treatment of all applicants - inadmissible and will therefore not be considered or will be deemed not to have been submitted.

12 Remuneration for the drafting

The provider shall not receive any remuneration or reimbursement of expenses for participation in the tender procedure (1st and 2nd stage) or for the preparation of the expression of interest, including the preparation of documents and the offer, including all related requirements, irrespective of whether he is invited to submit an offer or whether the offer is accepted or not.

13 Ambiguities in the documents

APG reserves the right to make corrections and additions to the tender documents within the current deadline for the expression of interest and the offer submission deadline and to notify all interested companies/providers of these in writing. If necessary, APG will extend the respective deadlines. The providers are obliged to take these possible corrections and additions into account when submitting their expression of interest and their offer.

Should the provider discover any contradictions, other ambiguities or (suspected) violations of legal regulations when examining the tender documents, he shall notify APG immediately.

14 Significant changes

APG reserves the right to refrain from awarding the grid reserve and to revoke the procedure in the event of a significant change in the economic, technical or legal framework conditions (in particular in the event of a massive overrun of the funds release or a significant change in its organisational structure).

If the regulatory authority rejects the submitted selection and does not grant approval pursuant to § 23b (6) EWO, this constitutes a permissible ground for revocation for APG.

APG expressly reserves the right to issue another or renewed tender procedure to section 23b EWO 2010 in the event that a new or additional grid reserve demand is identified.



15 Confidentiality / Discretion

The provider undertakes to keep APG's business and trade secrets confidential during and also after the implementation or termination of the tender procedure. This obligation on the part of the provider shall apply without restriction as to place or time and also vis-à-vis companies affiliated with the provider.

Furthermore, the provider undertakes not to provide any information, even to the media, about the circumstance of its participation, the status or other circumstances of the tender procedure until the selection decision has been made. A breach of this duty of confidentiality may lead to the elimination of the provider concerned. In any event, the provider shall impose these obligations on any third parties involved. APG shall maintain the confidentiality of all information concerning the providers and their documents vis-à-vis third parties (with the exception of publications pursuant to Chapter 9).