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### **Corrigendum to the notification**

Rectification time: 23.03.2020 09:52

Parandaja: Kalev Repp (Maanteeamet).

Parandamise põhjus: Riiklikult kehtestatud eriolukorra tõttu lükatakse pakkumuse esitamise tähtaega edasi.

### **Announcement of sovereign wealth auction**

Start of publication: 18.02.2020

End of publication: indefinite

The public Road Administration publishes a notice pursuant to [paragraph 58\(1\) of the Law on State property \(RVS\)](#).

The public Road Administration announces that it will sell one by one in a written public auction on behalf of the public Road Administration: mining rights for the Saarepeed sandy quarry (mining permit No VILM-034);

Mining usufruct rights for the Timmo sandy quarry (Mining permit No VILM-049);

Mining usufruct rights for the capasto sandy quarry (mining permit No HIIM-019);

together with the obligations and rights attached to the mining permits and without immovable property, in accordance with the terms of the auction.

#### **CONDITIONS FOR AUCTIONING TO**

1. The starting price for the bidding procedure for an authorisation to exploit the resources of the Saarepeedi sandy quarry is EUR 8400,00 (eight thousand four hundred), plus VAT in accordance with the rules laid down by law.
2. The starting price for the auction of the permit to exploit the mineral resources of the Timmo sandy quarry is EUR 17 200,00 (sixteen thousand two hundred), plus VAT in accordance with the rules laid down by law.
3. The starting price for the auction of the permit to exploit the natural resources of the capasto quarry has not been set.
4. Any person other than those referred to in paragraph 73(7) of the Landesvergabegesetz may participate in the auction.
5. The winner of the auction shall be the person who accepts the terms of the auction and offers the highest price for the purchase of the movable property and fulfils the additional conditions laid down in the contract of sale. Where two or more tenders are of an equivalent highest value, the auction winner shall be selected by drawing lots in accordance with the procedure, time and place determined by the auctioneer and in which the legal or authorised representatives of tenderers who submitted tenders of equal value shall participate. The auctioneer shall be awarded a sale contract in accordance with Annex 2 within one month of the date of notification of the outcome of the auction, subject to the conditions of the auction.

6. The auction participant declares that, as the winner of the auction and by disposing of the movable property, it will take over from the Road Administration, as the holder of the mining authorisation, all the rights and obligations attaching to the authorisation, including the obligation under paragraph 80(1) of the Mining Act to recall the extracted land.

7. If the Environment Agency refuses to register the mining permit, or if the refurbishment of the mining permit is revoked or otherwise it becomes impossible to register the mining permit, the parties shall recall the contract of sale from the outset.

8. After publication of the auction notice, any interested party may inspect the terms of the auction, the contract of sale and the movable property to be sold.

9. Access to movable property shall take place:

The Saarepeedi sandy quarry on the mountain allocation 26.02.2020 from 11:00 to 11:30;

On the massif of the Timmo sandy quarry between 12:30 and 13:00 on 26.02.2020;

At 27.02.2020 from 11:50 to 12:10 on the mountain base of the capasto sandy pasture.

Those wishing to become acquainted with the property sold must notify their intention to be silja.jaska@mnt.ee in advance at the e-mail address.

Documentation on movable property can be found: <https://pilv.mkm.ee/s/ln5COdVe8pplhk5>

10. Participation in the written auction shall be subject to payment of a deposit of 10% of the initial auction price, including VAT, on the bank accounts of the Ministry of Finance as follows:

Ministry of Finance of the beneficiary;

Bank IBAN BIC (S.W.I.F.T)

Swedbank EE932200221023778606 HABAE2X

SEB Bank EE8910220034796011 EEUHE2X

LUMINATOR E701700017001577198 NDECAE2X

Reference number 2800045496.

Explanation: "Guarantee for the transfer of State assets, authorisation number for the extraction of mineral resources and name of tenderer" if the guarantee fee has been paid by another person on behalf of the tenderer. Securities shall be deposited in that current account no later than 12:30 on 31.03.2020.

11. The written auction shall also take account of tenders secured by an irrevocable bank guarantee of 10% of the initial price, including VAT, of public funds with a validity of at least 90 days from the deadline for the submission of tenders. The auctioneer may require payment of the bank guarantee letter during the auction period and if the bidder does not maintain its offer until the conclusion of the sale contract or if the bidder refuses to conclude the sale contract at a time agreed in advance by the

.

12. Participation in the written auction shall be subject to the submission by the bidder of a bid that complies with all the conditions of the auction. Tenders must be submitted in a sealed envelope indicating the contact address of the tenderer and stating:

- 'transfer of movable property (Mining permit No VILM-034 of the Saapeed sand quarry). Not to open until 13:00 a.m. on 31.03.2020.'

or

- 'transfer of movable property (Mining permit No VILM-049 of the Timmo sand quarry). Not to open until 13:00 a.m. on 31.03.2020.'

or

- 'transfer of movable property (Mining permit No HILM-019 for the Kapasto sandy quarry). Not to be opened before 13.00 on 31.03.2020.'

13. Tenders must contain the following documents and particulars:

13.1 Declaration in Estonian (Annex 1), which States:

13.1.1 name, personal or registry code of the tenderer, postal address, e-mail and contact telephone;

13.1.2 the postal address or email address to which the bidder wishes to obtain the documents and information relating to the auction. Where there is no indication of the postal or e-mail address for the transmission of the documents and information relating to the auction, the documents or information shall be sent to the postal address indicated in accordance with point 12; the

shall:13.1.3 the amount bid, expressed in figures and words, net of cents (excluding VAT), which must not be lower than the initial price. Where the amount written in figures and words is not the same, the amount written in words shall be deemed to be valid. The price offered shall be increased by VAT in accordance with the rules laid down by law;

13.1.4 agreeing to participate in the auction under the conditions laid down in the auction and to purchase the assets to be auctioned, in accordance with the terms and conditions of the transfer decision and auction announced in the announcement;

13.1.5 statement that the tenderer does not have the circumstances referred to in paragraph 73(7) of the Subground Law;

13.1.6 details of the bank account to which the collateral is to be returned upon the occurrence of the basis for repayment;

13.1.7 date of submission of tender and signature of the bidder.

13.2 in the case of a natural person, a copy of the identity document.

13.3 document certifying the mandate of the representative (e.g. power of attorney, decision of the competent body of the legal person) if the application is signed by the authorised person (legal person only if the representative is not entered on the register card).

13.4 in the case of a legal person, the decision of the competent body under the articles of association to participate in the public written auction of public funds under the conditions laid down and to conclude a sale contract in the winning of the auction, unless the power to carry out such transactions is conferred by the articles of association on the signatory. Where the decision of the competent body is not included, a statement of reasons and a reference to the section of the statutes from which the signatory's competence to participate in the auction and to conclude the sale contract in the event of winning the auction is derived shall be included.

13.5 a bank guarantee letter referred to in point 11 if the guarantee fee referred to in point 10 is not paid.

14. The tender must be delivered in exchange for signature (working days: 9:00-16:00) or sent by express courier to the Representation of the Road Administration (address: Road 4, Tallinn, 10916). Tenders shall be registered in the document management system of the public Road Administration. At the request of the tenderer, proof of submission of the tender shall be issued to him.

15. The closing date for the submission of tenders is 31.03.2020. at 13.00. When a tender is submitted by post, the tender must be received by the closing date for submission of the tender. Tenders not received within the time limit shall not be opened and shall be returned to the tenderer's address for contact indicated on the envelope of the tender.

16. Participants in an auction shall be bound by their tender from the opening of their bids until the outcome of the auction is confirmed. The person or persons in whose favour the results of the auction are confirmed shall be bound by their tender until the conclusion of the sale contract.

17. On the day on which the tenders were submitted, 31.03.2020. at 13:05 a.m., at the Representation of the Road Administration (address: Road 4, Tallinn), in the meeting room, the committee set up by the auctioneer shall open the envelopes submitted to the auction in the order in which they are registered, the President of the committee shall sign the tenders and the content of the tenders shall be recorded in the

minutes of the opening of the auctions. The minutes shall be sent by e-mail to any person who has submitted a tender, within the day on which the tenders are submitted, to the address indicated in the application.

18. Tenders which do not meet the conditions laid down or are incomplete shall be considered irregular and shall not participate in the tendering unless it is obvious that the irregularity is not such as to affect the conduct of the tendering procedure. A record of the auction results shall be drawn up by the committee set up by the auctioneer.

19. The name of the winner and second-best bidder and the outcome of his bid or auction shall be communicated by the organiser by e-mail to all bidders within five working days of the auction to the address indicated in the request.

20. The auctioneer shall, by order, decide within 20 working days of the date of notification of the auction results, whether or not the outcome of the auction is confirmed, including in the event of a finding of failure. When the outcome of the auction is confirmed, the decision shall indicate the name and amount of the auction winner and the bidder and second-best bidder. If the outcome of the auction is not confirmed, the reason shall be indicated. The decision shall be notified to the auction participants without delay.

21. On the transfer of public assets, the decision-maker shall be entitled to declare the public auction to be unsuccessful and not to confirm the outcome of the auction if:

- 22.1 No tender or valid tender was submitted;

- 22.2 the auctioneers failed to comply with the auctioneer's instructions or violated the rules governing the auctioneering procedure;

- 22.3 the auction revealed an agreement or concerted practice between the participants which had or could have had a significant influence on the outcome of the auction.

22. The auctioneer shall also refrain from confirming the outcome of the auction where:

- 22.1. the auctioneer or the auctioneer infringed the rules governing the auctioning procedure;

- 22.2. the auctioning was in breach of the legal regime to the extent that it affected the outcome of the auction;

- 22.3. the winner of the written auction was not entitled to participate in the auction.

23. Securities paid by the auction winner shall be taken into account as part payment of the purchase price. If the offer was secured by a bank guarantee, the valid bank guarantee shall be returned to the auction winner after payment of the sale price but not before conclusion of the contract for the sale of the movable property.

24. The organiser shall return the guarantee money or a valid bank guarantee letter to the other auction participants, as well as to the auctioneer if the outcome of the auction is not confirmed due to the organiser's breach, within five working days of confirmation or non-confirmation of the auction result. If the organiser fails to repay the deposit on maturity, the participant may charge default interest of 0,1 per cent per day of the outstanding amount of the deposit.

25. The auction participant whose conduct resulted in the auction failing or failing to validate the auction results shall not be reimbursed the deposit and the bank guarantee letter shall be enforced.

26. If the auctioneer has not concluded a sale contract within the time limit, the decision-maker may conclude a sale contract with the second highest bidder within one month. The auction winner, who did not conclude the contract within the time-limit, will not be reimbursed the deposit and the bank guarantee will be enforced.

27. In order to circumvent the conclusion of a sale contract, the auctioneer may revoke the auction results.

28. The auctioneer shall decide, within one month of the date on which the outcome of the auction is not confirmed, whether to hold a new auction, to postpone the auction or to abandon the new auction.

29. The granting of land for exploitation shall be decided by the Ministry of Economic Affairs and Communications of the manager of State property or, on his behalf, by another body which arranges for the use of State property to be made available by means of a lease agreement. The lease will be concluded with the

until the expiry date of the mining permit

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Announcement of deferral of the auction of public funds

In view of the special situation, the postponement is granted for a period of time:

- the mining rights of the Saarepeedi sand quarry (Mining permit No VILM-034);

- the mining rights of the Timmo sandy quarry (Mining permit No VILM-049);

- the mining rights of the Kapasto sandy quarry (mining permit No HIIM-019);

time limits for access to chattels in connection with public auctions, the receipt of deposit funds, the submission of tenders and the opening of tenders.

Tenders cannot be submitted to the Representation of the Road Administration (address highway 4, Tallinn, 10916).

When the situation stabilises, new deadlines will be known.

Tenders may be submitted up to 13.00 on 31.03.2020. The tender must be delivered in exchange for signature (working days: 9:00-16:00) or sent by express courier to the Representation of the Road Administration (address: Road 4, Tallinn, 10916). Tenders shall be registered in the document management system of the public Road Administration. At the request of the tenderer, proof of submission of the tender shall be issued to him.

For more information: Silja Jaska, Administrator of the Road Administration's careers, tel. 53 484 146, e-mail: silja.jaska@mnt.ee

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