



**REPUBLIC OF BULGARIA
MINISTER OF FINANCE**

Translation from Bulgarian

ZMF-244/08.03.2024

Signed by: Ministry of Finance

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ORDER

Considering that Article 13, points 6 and 7, of the Public Procurement Act (PPA) exclude from the scope of the law arbitration and conciliation services, legal services related to procedural representation in arbitration, judicial, and conciliation proceedings, as well as the provision of legal advice on issues that may become the subject of the above proceedings;

Considering that in 2018, following an open competitive procedure for the conclusion of Framework Agreements with the subject "Procedural representation and legal advice on international arbitration cases and cases before foreign jurisdictions, as well as providing legal advice and representation in negotiations and mediation related to the resolution of legal disputes", the Ministry of Finance has concluded framework agreements with a similar subject matter with two international law firms, which expired on 15.05.2023;

Considering the increasing number of international arbitration proceedings initiated against the Republic of Bulgaria, represented by the Minister of Finance, and legal disputes that are the subject of potential arbitration cases, as well as the need for highly professional legal defense in this specialized area of international law;

Considering that the Republic of Bulgaria is a respondent in international arbitration case No. ARB/24/2, filed by Nexo AG, NDS EOOD and Mirastar EOOD before the International Centre for Settlement of Investment Disputes, as well as the necessity for highly professional legal defense in the proceedings of the case;

Considering the obligation of public authorities to ensure publicity and transparency in the spending of public funds, regardless of the procedures on which these funds are spent;

In accordance with considerations 24 and 25 of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC.

I HEREBY ORDER:

1. I hereby initiate a procedure for conclusion of an Engagement Letter for the provision of Legal Advice and Procedural Representation in International Arbitration Case No. ARB/24/2, filed by Nexo AG, NDS EOOD, and Mirastar EOOD against the Republic of Bulgaria before the International Centre for Settlement of Investment Disputes".

2. I approve the templates of documents for participation in the procedure for conclusion of an Engagement Letter for the provision of Legal Advice and Procedural Representation in International Arbitration Case No. ARB/24/2, filed by Nexo AG, NDS EOOD, and Mirastar EOOD against the Republic of Bulgaria before the International Centre for Settlement of Investment Disputes".
3. Any law firm meeting each of the following requirements may participate in the procedure:

3.1. Has proper registration as a law firm according to its national legislation;

The legal form under which participants practice law depends on their national law. Participants registered outside the Republic of Bulgaria may not be law firms in the sense of Bulgarian law.

3.2. Presents from its staff a team as follows:

(a) A "Partner" attorney, who will lead the law firm's team on the specific case and will be responsible for representing Bulgaria – must have participated as a lead counsel in at least 7 (seven) successfully concluded investment cases, in 4 (four) of which must have represented a state.

(b) One partner/attorney from the proposed team with experience as a lead counsel in at least 5 (five) successfully concluded investment cases, in at least 3 (three) of these cases must have represented a state.

(c) The remaining members of the legal team, along with a brief description of their relevant experience.

Attorneys under points (a) and (b) should be members of the firm, i.e., are partners or have a contractual relationship with it, which creates a relationship of exclusivity.

Proceedings under the jurisdiction, the proceedings on the merits, and the proceedings under articles 51 and 52 of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States concerning the same arbitration case will be considered as one arbitration case.

Cases in which the proposed partners have participated as arbitrators will not be considered as experience.

3.3. Possesses a valid insurance against "Professional Liability" risk with a value of no less than 25 (twenty-five) million euros or the equivalent amount in another currency.

4. Participant offers will be evaluated based on 2 (two) indicators forming the comprehensive evaluation: 1. the price offered by the participant, formed by the sum of the fees payable for 1 hour of work performed by a partner (Partner), lawyer (Associate), and legal assistant (Legal assistant) - with a coefficient of relative weight of this indicator in the comprehensive evaluation – 60%; and 2. the binding cap of the price for the services provided for one calendar month offered by the participant - with a coefficient of relative weight of this indicator in the comprehensive evaluation – 40%. The methodology for ranking participants and detailed formulas for calculating the evaluation indicators are specified in the general standards and rules for assigning representation of the Bulgarian state in international arbitration cases.

5. Participants should submit their offers only on an electronic medium – via email to minfin@minfin.bg with a copy to litigation@minfin.bg, by 17:00 hours, Bulgarian time, on 21.03.2024. The offer should consist of two archive files (7zip or similar), each protected with a separate password. **The passwords for accessing File 1 and File 2 are not be provided when submitting the offer.** The password for accessing File 1 should be sent to abritration.mf@minfin.bg after the deadline for submitting offers, namely after 17:00 hours, Bulgarian time, on 21.03.2024, and before the date and time of opening the received offers, specified below. T
6. The received offers will be opened on 22.03.2024 at 14:00 hours, local time, in the building of the Ministry of Finance in Sofia, G.S. Rakovski St. No. 102. The opening of the received offers is public, and participants in the procedure or their authorized representatives, as well as representatives of the media, may attend.
7. All participants to be notified of the results of the procedure.
8. The documentation, as well as announcements related to the procedure, to be publicly announced on the website of the Ministry of Finance.
9. I appoint Ms. Desislava Dimitrova, holding the position of Director of the Litigation Directorate, by order of the Minister of Finance No. ZMF-289/10.04.2023, as the contact person in connection with the procedure, tel. + 359 2 9859 2811; fax + 359 2 9859 2329. Questions related to the procedure should be sent to the email address: litigation@minfin.bg.
10. I delegate the control over the execution of this order to the Chief of Staff of the Minister of Finance.
11. The procedure is to be conducted in accordance with the rules adopted by the Ministry of Finance for assigning the representation of the Bulgarian state in international arbitration cases, approved by Order No. ZMF-239/08.03.2024 of the Minister of Finance, and in compliance with the principles of publicity, transparency, equal treatment, and non-discrimination.

This order is to be made known to the persons involved in its execution.

MINISTER OF FINANCE,

ASSEN VASSILEV

(electronic signature illg.)