

TENDER DOCUMENTATION

**For Negotiated Procedure With Publication Pursuant to Act No. 134/2016 Coll.,
on Public Procurement**

and

Invitation to submit a request to participate in a Negotiated Procedure With Publication

ABOVE-THRESHOLD PUBLIC SUPPLY CONTRACT

BOILER B14

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1 GENERAL INSTRUCTIONS

- 1.1.** The Contracting Authority is awarding a public supply contract in a negotiated procedure with publication, which is governed by Act No. 134/2016 Coll., on Public Procurement, as subsequently amended (hereinafter the “Law”), and related regulations. Elements of the procurement procedure that are not specified in the Tender Documentation are governed by that Law’s provisions.
- 1.2.** The Supplier will submit its preliminary bid and subsequently a bid for the whole scope of the public tender as required by this Tender Documentation. Preliminary bids / bids for the contract’s parts will not be accepted.
- 1.3.** The Contracting Authority has defined the tender conditions to the best of its knowledge and experience from the area of public tender awarding in order to provide for a transparent, non-discriminating and efficient award of the public tender. The Contracting Authority draws the Supplier’s attention to the fact that the tender conditions are a summary of the Contracting Authority’s requirements, rather than a summary of all requirements arising from generally accepted regulations and other standards that apply to the subject matter of the public tender and its implementation thereof, which have to be also complied with by the Supplier in drawing up the preliminary bid / bid.
- 1.4.** Unless otherwise provided, all requirements applicable to a preliminary bid shall also apply to a bid.
- 1.5.** Unless otherwise provided, references to an article of the relevant part of this Tender Documentation refer to both the number provided in the name of individual articles and numbers of individual paragraphs of the concerned article, e.g. Article 1, Article 1.2., etc.
- 1.6.** For the sake of clarity, the Contracting Authority hereinafter clearly indicates in the title of each article whether the concerned article applies to the qualification or tendering stage of the procurement procedure; other untitled articles apply to all phases of the procurement procedure.

2 IDENTIFICATION DATA OF THE CONTRACTING AUTHORITY; CONTACT DETAILS

Contracting Authority’s name: **Mondi Štětí a.s.**
Registered office: Litoměřická 272, 411 08 Štětí
Company ID: 26161516
State code: CZ, Czech Republic

Contracting Authority’s representation and contact details:

Name: **Deloitte Legal s.r.o., advokátní kancelář**
Address: Italská 67, 120 00 Prague
Contact person: Ondřej Chmela, Attorney-at-Law
Email: adminVZ@deloittece.com

3 PUBLIC TENDER'S NAME

3.1. The name given to the public tender by the Contracting Authority: "Boiler B14".

4 PUBLIC TENDER'S SUBJECT MATTER

4.1. The public tender's subject matter is the construction of a new source of heat with a transformation of the fuel base into a renewable energy source combined with a high-efficiency combined electricity and heat production. The public tender's purpose is to reduce CO₂ emissions by ceasing to burn coal, improving power efficiency, cutting operating costs, and enhancing the overall efficiency of production processes.

4.2. This public tender's subject matter is the supply of a boiler in the Design & Build mode (a single technological unit), respectively implementation of the "Boiler B14" project, as appropriate; the essence of this public tender is the supply of a new biomass fluidized bed boiler, which uses biomass as the primary fuel, and the execution of related construction works. It is therefore a comprehensive supply of a fluidized bed boiler, which also includes construction works, installation and connection to a sophisticated system of connections for all necessary media such as feed and cooling water, steam, flue gases, ash management, SNCR system, etc. The project also requires the construction of electrical wiring and a control system.

4.3. To avoid any doubts and to prevent any questions that may require an explanation of the Tender Documentation, the Contracting Authority draws attention to the fact that this public tender is awarded in the DESIGN & BUILD mode, and the Contracting Authority is specifying technical conditions for the work's performance by determining parameters that define performance or functional requirements.

5 ESTIMATED VALUE OF THE PUBLIC TENDER

The estimated value of the public tender is EUR 90,000,000, VAT exclusive.

6 CLASSIFICATION OF THE PUBLIC TENDER'S SUBJECT MATTER

| Name | CPV |
|--|------------|
| Steam-generating boilers | 42162000-2 |
| Electrical machinery, apparatus, equipment and consumables, lighting | 31000000-6 |
| Electromechanical equipment | 31720000-9 |
| Industrial machinery | 42000000-6 |
| Conveyors | 42417200-4 |
| Ventilation equipment | 42520000-7 |

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|--|------------|
| Miscellaneous general and special-purpose machinery | 42900000-5 |
| Construction work | 45000000-7 |
| Repair and maintenance services for pumps, valves, taps and metal containers and machinery | 50500000-0 |
| Refuse and waste related services | 90500000-2 |
| Industrial control software package | 48150000-4 |
| Installation services | 51000000-9 |

7 TECHNICAL SPECIFICATION OF THE PUBLIC TENDER; MINIMUM TECHNICAL CONDITIONS

- 7.1.** Technical specification of the public tender's subject matter is detailed in Attachment 3 of the Tender Documentation – Binding Template of the Contract on Capital Expenditures (hereinafter the "Contract"), which contains technical requirements. Minimum technical specifications pursuant to Section 61 (4) of the Law, which remain constant throughout the procurement procedure and cannot be (except for any improvements in the Contracting Authority's favour) subject to negotiations about preliminary bids, are provided in the Minimum Requirements, which are attached to the Tender Documentation as Attachment 6.
- 7.2.** The Contracting Authority draws attention to the fact that the Supplier is required to fill in relevant parts of Attachment 3 of the Tender Documentation, which are marked in yellow by the Contracting Authority for completion.
- 7.3.** In the event of any discrepancies between the Tender Documentation and Attachment 3 or among individual parts of Attachment 3, the Supplier will comply with Article 15 hereof in submitting a preliminary bid / a bid.
- 7.4.** Attachment 3 of the Tender Documentation specifies requirements for operability of the public tender's subject matter that have to be complied with. Attachment 3 also defines the maximum scope and limits of the tender's practicable technical solution. A specific technical implementation and composition of proposed facilities in an operable unit is fully at the Supplier's discretion. The Supplier is obliged to include a description of its technical solution in its preliminary bid / bid for the public tender.
- 7.5.** Bilfinger Czech Republic, s.r.o., Company ID: 44264186, registered at Prvního pluku 224/20, 186 00 Prague 8, participated in the technical specification's preparation in parts C.1 through C.4, D, E, and S. That company prepared independently the following: Annex C.1.6.1., C.1.6.2, C.1.6.3, C.1.7.1, of the building permit documentation, C.3.2, and C.3.3.
- 7.6.** Should any part of the technical specification refer, directly or indirectly, to particular Suppliers or products, patents for inventions, utility models, industrial models, trademarks or designation of origin, the Contracting Authority states, in order to avoid any doubts, that the above shall involve no preference of the Contracting Authority, and the Contracting Authority will always allow an alternative equivalent solution.

8 COURSE OF THE NEGOTIATED PROCEDURE WITH PUBLICATION

- 8.1.** The Contracting Authority is awarding this public tender as a public supply contract in a negotiated procedure with publication pursuant to Section 60 (1) (a), (b) and (c) of the Law, where the Contracting Authority's needs cannot be satisfied without modifying supplies available on the market; in addition to this, the public tender's performance will include a proposed solution or innovative solution and, as a result, this public tender cannot be awarded without a previous negotiation due to special circumstances arising from the nature and complexity of the public tender's subject matter.
- 8.2.** The negotiated procedure with publication is conducted in two stages: the qualification stage and the tendering stage.
- 8.3.** Each participant can only submit one request to participate, preliminary bid and bid in a negotiated procedure with publication (subject to complying with all requirements).
- 8.4.** In the qualification stage, participants file a request to participate and prove compliance with qualification criteria namely pursuant to Articles 17 through 21 of the Tender Documentation.
- 8.5.** After having assessed qualification, the Contracting Authority sends an invitation to submit preliminary bids to all participants who proved their compliance with the qualification criteria.
- 8.6.** In the second stage, the tendering one, a preliminary bid can only be submitted by the participant who was called by the Contracting Authority to submit a preliminary bid for the public tender.
- 8.7.** Once the deadline for preliminary bids' submission expires, the Contracting Authority will open the submitted preliminary bids and will assess compliance with participation conditions and evaluate the preliminary bids. In assessing compliance with the participation conditions and evaluating the preliminary bids, the Contracting Authority applies the procedure provided in Articles 35 and 36 of this Tender Documentation.
- 8.8.** In compliance with Section 112 of the Law, the Contracting Authority reserves the right to reduce the number of preliminary bids that will be shortlisted to the next negotiation stage based on their evaluation pursuant to Article 36 hereof. Where the Contracting Authority opts to use the right to reduce the number of preliminary bids, a maximum of three participants with the most favourable preliminary bids as resulting from the evaluation under Article 36 of this Tender Documentation will be shortlisted to the next negotiation stage. If the Contracting Authority receives three or less preliminary bids, the right to reduce the number of preliminary bids pursuant to Section 112 of the Law will not be exercised.
- 8.9.** The Contracting Authority reserves the right to not discuss preliminary bids and to award the public tender on the basis of a preliminary bid in compliance with Section 61 (8) of the Law. The Contracting Authority will only apply such procedure in a situation where it will be obvious from the content of preliminary bids, or the most favourable ones, as appropriate, (in spite of the Contracting Authority's current assumption) that it is not necessary to hold any additional negotiations because the Contracting Authority's expectations and needs have been fully met.

- 8.10.** If the Contracting Authority does not exercise its right to award the public tender on the basis of preliminary bids, it will send an invitation to selected participants to negotiate a preliminary bid. Such negotiation will be aimed at improving performance conditions in the Contracting Authority's favour.
- 8.11.** The negotiation about preliminary bids will be held on the basis of the Contracting Authority's written invitation, which will contain the negotiation's time, place, subject matter and other specifications.
- 8.12.** The Czech or English languages will be the official languages in the negotiation stage of the procurement procedure in verbally discussing preliminary bids; details will be provided by the Contracting Authority in a call to negotiate. In written communications, the Contracting Authority will communicate with Suppliers in English, and Suppliers are authorised to use both the Czech and English languages, as chosen by them, when communicating with the Contracting Authority in writing.
- 8.13.** The call to negotiate can also contain information about the currently lowest bid price or values corresponding to evaluation criteria, which were filled in by all participants in the preliminary bid's cover sheet. By submitting a preliminary bid, the participants expressly agree for this purpose that data from their preliminary bids concerning the evaluation criteria will be disclosed to other participants to the procurement procedure on an anonymous basis (i.e. without identifying the participant).
- 8.14.** Negotiations will be held in parallel during the same period with all participants who submitted the most favourable preliminary bids. Individual negotiations will take place separately with each participant on a place specified by the Contracting Authority in the invitation to submit preliminary bids.
- 8.15.** Negotiations about preliminary bids can also be conducted in several rounds. In each round, a maximum of one negotiation can be held with one participant.
- 8.16.** Negotiations about preliminary bids can also be conducted through remote communication with the use of standard tools for this type of communication (such as Microsoft Teams) as specified by the Contracting Authority in the invitation to negotiate preliminary bids.
- 8.17.** Participants will be invited to each negotiation about preliminary bids, unless the date and place of the next negotiation round had been agreed on the previous negotiation.
- 8.18.** If a change is made in the Tender Documentation or in information about the lowest bid price or values corresponding to the evaluation criteria during a negotiation, all other participants will immediately be informed thereof. By applying this procedure, the Contracting Authority will guarantee a transparent and fair procurement procedure and, at the same time, all participants will have equal conditions and will be informed about any changes within the process on a timely basis.
- 8.19.** Participants to the procurement procedure can improve their preliminary bids in the Contracting Authority's favour throughout the period of the negotiation with the Contracting Authority.
- 8.20.** A report will be produced from the negotiations. The report will include all arrangements that might result in a change in a preliminary bid. The negotiation report will be signed by

the Contracting Authority and the negotiation's participant. Upon signing the negotiation report, arrangements provided therein become binding upon the concerned participant. Subsequent arrangements provided in the negotiation report shall replace previous arrangements. If a negotiation takes the form of remote communication, the report's signature can be postponed until the negotiation's end. In such case, the Contracting Authority will prefer the report's execution with an advanced electronic signature of a person authorised to act on the participant's behalf.

- 8.21.** Negotiations about preliminary bids will primarily focus on discussing all performance conditions contained in a preliminary bid (i.e. including those that are not subject to evaluation). The negotiations' subject matter will be detailed in an invitation to a negotiation.
- 8.22.** The Contracting Authority can change or supplement the tender conditions, namely the technical conditions. The Contracting Authority will notify participants of such change or supplementation in writing and will provide them with an adequate deadline for preliminary bids' alteration. Once modified preliminary bids had been submitted, the Contracting Authority will conduct a new consideration of compliance with participation conditions in relation to the changed or supplemented tender conditions.
- 8.23.** Detailed rules applicable to the negotiations' subject matter and method as well as to the negotiations alone, including the method of finalising them, will be described by the Contracting Authority in the invitation to a negotiation.
- 8.24.** After having closed the negotiations, the Contracting Authority will call participants to the procurement procedure to submit a bid pursuant to Section 61 of the Law, that bid reflecting changes and alterations in the preliminary bid as agreed on the negotiation.
- 8.25.** A participant's bid shall not diverge from results of the negotiation about preliminary bids provided in the report under Article 8.20 hereof to the Contracting Authority's detriment (or, if the results of the negotiation about preliminary bids are not provided in the report, the participant's bid shall not diverge from preliminary bids to the Contracting Authority's detriment), i.e. the bid's overall economic value must not be lower. If a participant's bid diverges from the results of the negotiation about preliminary bids provided in the report under Article 8.20 hereof to the Contracting Authority's detriment (or, if the results of the negotiation about preliminary bids are not provided in the report, if the participant's bid diverges from the preliminary bid to the Contracting Authority's detriment), i.e. the bid's overall economic value is lower when compared to the evaluation criteria defined in Article 36 hereof, the bid will be deemed non-complying with the tender conditions and the participant will be excluded from the procurement procedure.
- 8.26.** The Contracting Authority shall not allow submission of variants of preliminary bids and bids in a negotiated procedure with publication.
- 8.27.** Any and all costs of participating in the procurement procedure, including the preparation and submission of a request to participate, a preliminary bid and a bid will be borne by each participant or Supplier, and the Contracting Authority shall not be bound by any liability for such costs irrespective of the procurement procedure's course or results.

9 TERM OF THE PUBLIC TENDER

- 9.1.** Anticipated dates of commencing and completing the public tender's performance are provided in Attachment 3: Annex E1.

10 FINANCING

- 10.1.** The tender (hereinafter also referred to as the "Project") is co-financed from the National Environmental Fund of the Czech Republic and the Contracting Authority's resources.
- 10.2.** The Contracting Authority, Mondi Štětí a.s., Litoměřická 272, 411 08 Štětí, is the recipient of the support from the Modernisation Fund.
- 10.3.** The Project's name: "Reduction of CO₂ Emissions in Heat Production", and the Project's registration number: 7220100013.

11 PLACE OF PERFORMANCE

The place of performance of this public tender shall be the Contracting Authority's registered office.

12 SOCIAL, ENVIRONMENTAL AND INNOVATIVE ASPECTS

- 12.1.** In awarding, evaluating and selecting a Supplier, the Contracting Authority takes into consideration principles of responsible procurement. Aspects of the responsible procurement are also reflected in Attachment 3 of the Tender Documentation in addition to the Tender Documentation themselves.
- 12.2.** Based on Section 6 (4) of the Law, the Contracting Authority reflected the responsible procurement principles to an extent, which is deemed possible and adequate by the Contracting Authority in view of the nature and substance of the public tender as well as considering other principles provided in Section 6 of the Law.
- 12.3.** As part of socially responsible procurement, the Contracting Authority requires that decent working conditions be provided for, and that safety and health protection requirements be complied with in performing the public tender for all individuals who are involved in the public tender's performance. The Contracting Authority decided to consider, in acquiring the subject matter of the public tender, principles of socially responsible procurement in the form of support for decent working conditions and fair terms and conditions in the supply chain, and supplemented the tender conditions to include conditions that will bring the maximum value for the bid price to both the Contracting Authority and the society when the conditions are complied with. The Contracting Authority also took into account support of small and medium-sized enterprises by minimising administrative requirements – template forms are available to Suppliers, documents to prove qualification can be replaced by an affirmation, etc.
- 12.4.** The Contracting Authority plans to support decent working conditions by setting forth a contractual duty of the selected Supplier to provide for compliance with all laws, with

emphasis put on lawful employment, fair remuneration, and compliance with work safety and health protection requirements, throughout the public tender's performance; the selected Supplier will be obliged to provide for the above compliance also in its subcontractors. In relation to the subcontractors, the selected Supplier will be obliged to provide for a comparable level of contractual terms and conditions as required by the Contracting Authority and a timely and proper payment of its financial obligations.

- 12.5.** In the context of environmentally responsible procurement, the public tender is awarded electronically. The Contracting Authority's documents will be, if practicable due to their nature, also produced electronically in order to minimise the need for printed deliverables. At the same time, the public tender's purpose is to reduce CO₂ emissions by ceasing to burn coal.
- 12.6.** Innovative aspects in the public tender are represented by stressing the employment of state-of-the-art technologies, by enhancing power efficiency, by cutting operating costs, and by increasing the overall efficiency of production processes.
- 12.7.** The Contracting Authority will reflect compliance with responsible procurement throughout the public tender's term. Should the Contracting Authority find that a supply proposed by the Supplier would result in failure to meet duties under environmental legislation, social or employment regulations applicable to the subject matter of the public tender's performance, the Contracting Authority can, pursuant to Section (48) (5) (a) of the Law, exclude a participant from the procurement procedure on grounds of incompetence.

13 PRELIMINARY MARKET CONSULTATIONS

- 13.1.** Prior to awarding this public tender, the Contracting Authority held preliminary market consultations with potential Suppliers of this public tender's subject matter in compliance with Section 33 of the Law. The opportunity to participate in a preliminary market consultation was opened for any Suppliers and parties interested in the public tender who had a chance to complete the Contracting Authority's questionnaire. Those consultations were intended to provide for production of proper documentation for the purposes of managing the public tender, the aim being maximising the opening of competition and identifying potential technical solutions.
- 13.2.** For the sake of clarity, the preliminary market consultation's results are provided separately in Attachment 4 of the Tender Documentation.
- 13.3.** The Contracting Authority made sure that the Suppliers' participation in the preliminary market consultation would not distort competition. All relevant pieces of information that were covered during the preliminary market consultation and that are relevant for bids' preparation were included in the Tender Documentation. The Contracting Authority set a deadline for the submission of preliminary bids in a way to prevent Suppliers who did not participate in the preliminary market consultation from being disadvantaged.

14 TENDER DOCUMENTATION; REIMBURSEMENT OF COSTS

- 14.1.** The Tender Documentation have been produced electronically and published at <https://tenderarena.cz/profily/MONDISTETIAS>.
- 14.2.** The Contracting Authority is not liable for errors, omissions or discrepancies in a participant's request to participate, a preliminary bid and a bid resulting from the participant's wrong interpretation of data provided in the Tender Documentation.
- 14.3.** The Contracting Authority does not require reimbursement of costs related to the provision of the Tender Documentation.

15 EXPLANATION, CHANGE IN OR COMPLETION OF THE TENDER DOCUMENTATION

- 15.1.** Pursuant to Section 98 (3) of the Law, the Supplier is authorised to request an explanation of this Tender Documentation from the Contracting Authority in writing via the Contracting Authority's data box, by an email sent to: adminVZ@deloittece.com or with the use of an electronic tool no later than eight business days prior to the expiry of a deadline for the submission of objections against qualification criteria pursuant to Article 39 of the Tender Documentation.
- 15.2.** The Contracting Authority will publish a written explanation of this Tender Documentation, including an exact text of the question without identifying the Supplier, and/or related documents, as appropriate, no later than within three business days from the delivery date of the Supplier's request on the Contracting Authority's profile / the electronic tool.
- 15.3.** The Contracting Authority can provide Suppliers with a written explanation of this Tender Documentation even without a previous request.
- 15.4.** In order to comply with the principle of equal treatment of all Suppliers, no explanations, changes in or supplements of the Tender Documentation can be provided by phone. Suppliers are recommended to regularly check the Contracting Authority's profile / the electronic tool: <https://tenderarena.cz/profily/MONDISTETIAS>.
- 15.5.** The Contracting Authority stresses the fact that a document in a communication conducted through an electronic tool is deemed delivered as soon as at the moment of a data message's receipt at the electronic address of the data message's addressee in the electronic tool in compliance with Section 4 (1) of the Regulation No. 260/2016 Coll., on Determining Detailed Conditions Relating to Electronic Tools, Electronic Actions in Public Procurement and the Certificate of Conformity.
- 15.6.** In addition to this, the Contracting Authority stresses the fact that a document in a communication conducted through a data box is deemed delivered upon delivery thereof to the addressee's data box in compliance with Section 211 (9) of the Law.

16 VISIT TO THE SITE OF PERFORMANCE

- 16.1.** Information about a visit to the site of performance will be provided in the invitation to submit preliminary bids.

- 16.2.** Participants who will be called to submit a preliminary bid will have a chance to visit the site of performance, including the vicinity thereof, so that they are able to obtain, at their own cost and responsibility, any information that may be necessary in preparing the preliminary bids / bids and in entering into a Contract, if any. The visit to the site of performance is not mandatory for participants.
- 16.3.** The exclusive purpose of the visit to the site of performance is to introduce the existing site of future performance to Suppliers. The visit is not intended to explain the Tender Documentation' content. If a request for the Tender Documentation' explanation is raised, the procedure provided in Section 98 of the Law has to be followed.
- 17 INVITATION TO SUBMIT A REQUEST TO PARTICIPATE IN A NEGOTIATED PROCEDURE WITH PUBLICATION (QUALIFICATION STAGE)**
- 17.1.** A contract notice published in compliance with Section 212 of the Law is also **an invitation to submit requests to participate in a negotiated procedure with publication and to prove compliance with qualification criteria.**
- 17.2.** The deadline for submission of a request to participate shall run from the date following the dispatch date of the contract notice pursuant to Section 212 of the Law.
- 17.3.** The deadline for submission of a request to participate shall terminate on 20 March 2025 at 10:00 AM.
- 17.4.** The deadline for submission of a request to participate is provided in the contract notice in the Public Procurement Journal (<https://vzj.nizep.cz/>) and on the Contracting Authority's profile.
- 17.5.** The Supplier will process the written request to participate electronically.
- 17.6.** The request to participate will be submitted with the use of the Tender Arena electronic tool.
- 17.7.** The Supplier can only submit one request to participate in the procurement procedure.
- 18 CONTRACTING AUTHORITY'S QUALIFICATION REQUIREMENTS (QUALIFICATION STAGE)**
- 18.1.** For the Suppliers' bids to be assessed and evaluated, compliance with qualification requirements has to be proven. A Supplier is qualified if it:
- 18.1.1.** Proves its basic qualification pursuant to Article 19 of this Tender Documentation;
 - 18.1.2.** Proves its professional qualification pursuant to Article 20 hereof; and
 - 18.1.3.** Meets technical qualification criteria pursuant to Article 21 hereof.
- 18.2.** The Supplier will submit documents demonstrating compliance with the qualification criteria in a copy, unless otherwise provided in the Tender Documentation and/or in the Law. Documents demonstrating compliance with the basic qualification criteria pursuant to Section 74 of the Law have to prove compliance with the required qualification criterion no later than three months prior to the date of the procurement procedure's start.

- 18.3.** The Supplier can prove its basic and professional qualification required by the Contracting Authority with a copy of details from the List of Qualified Suppliers in compliance with Section 228 of the Law.
- 18.4.** Subject to Section 234 of the Law, the Supplier is authorised to prove compliance with the qualification criteria by submitting a certificate issued in the System of Certified Suppliers.
- 18.5.** A foreign Supplier shall prove its qualification in compliance with Section 81 of the Law.
- 18.6.** Where the subject matter of a public tender is to be performed by several Suppliers together, and those operators file or plan to file a joint bid for this purpose, they shall prove their qualification pursuant to Section 82 of the Law.
- 18.7.** Changes in a Supplier's qualification are governed by Section 88 of the Law.
- 18.8.** Data about qualification and other information provided by a Supplier within this public tender, which were identified as confidential, will be considered confidential by the Contracting Authority, and the Contracting Authority can use them exclusively for the purposes of this public tender.

19 BASIC QUALIFICATION (QUALIFICATION STAGE)

- 19.1.** Under Section 74 of the Law, a Supplier shall not be qualified if it:

- 19.1.1.** Was convicted by final judgement in the country of its registered office of a crime specified in Appendix 3 of the Law or another similar crime pursuant to the laws of the country of its registered office in the past five years preceding the commencement of the procurement procedure; expunged convictions are disregarded; where a legal person is involved, both this legal person and every member of its statutory body shall meet this condition. Where a legal person is a member of the Supplier's statutory body, the condition specified above shall be met by this legal person and every member of its statutory body and the person representing this legal person in the Supplier's statutory body.

- If a preliminary bid / a bid or a request to participate is submitted by a branch of a business of a foreign legal person, the condition specified above shall be met by this legal person as well as the head of the branch.

- If a preliminary bid / a bid or a request to participate is submitted by a branch of a Czech legal person's business, the condition specified above shall be met by the persons referred to above as well as the head of the branch;

- 19.1.2.** Has outstanding tax arrears registered in tax records in the Czech Republic or in the country of its registered office;
 - 19.1.3.** Has outstanding arrears in respect of payments and penalties of public healthcare insurance in the Czech Republic or in the country of its registered office;
 - 19.1.4.** Has outstanding arrears in respect of payments or penalties of social security contributions and contribution to the national employment policy in the Czech Republic or in the country of its registered office;

- 19.1.5.** Is in liquidation, has been declared insolvent, in respect of whom the receivership has been imposed under another legal regulation, or it is in a similar situation pursuant to the law of the country of its registered office.
- 19.2.** Proving basic qualification of a Supplier registered in the Czech Republic
- 19.2.1.** The Supplier shall prove that it fulfils the basic qualification requirements in relation to the Czech Republic as the country of its registered office by submitting:
- (a) A copy of an entry in the Criminal Records in relation to Article 19.1.1 of this Tender Documentation;
 - (b) A confirmation from the relevant tax office in respect of Article 19.1.2 hereof;
 - (c) A written affirmation in respect of Article 19.1.2 hereof;
 - (d) A written affirmation in respect of Article 19.1.3 hereof;
 - (e) Confirmation from a relevant regional social security administration in respect of Article 19.1.4 hereof; and
 - (f) A copy of the entry in the Commercial Register, or a written affirmation in the event that the Supplier is not incorporated in the Commercial Register, in respect of Article 19.1.5 hereof.
- 19.3.** Proving basic qualification of a Supplier registered outside the Czech Republic (a foreign Supplier)
- 19.3.1.** The Supplier shall prove its basic qualification in relation to the Czech Republic by submitting:
- (a) A confirmation from the relevant Czech tax office in respect of Article 19.1.2 of this Tender Documentation;
 - (b) A written affirmation regarding excise duty in respect of Article 19.1.2 hereof;
 - (c) A written affirmation in respect of Article 19.1.3 hereof;
 - (d) Confirmation from a relevant regional social security administration in respect of Article 19.1.4 hereof; and
 - (e) A copy of the entry in the Czech Commercial Register, or a written affirmation in the event that the Supplier is not incorporated in the Commercial Register, in respect of Article 19.1.5 hereof.
- 19.3.2.** The Supplier shall prove compliance with basic qualification requirements in respect of the country of its registration by submitting documents issued under the laws of the country, in which it has been obtained, and to the extent required by the Contracting Authority in compliance with Section 81 of the Law.
- 19.3.3.** As part of basic qualification, a foreign Supplier is required to prove, with respect to the country of its registration, facts required in Section 74 (1) (a), Section 74 (1) (b); Section 74 (1) (c), and Section 74 (1) (d) of the Law.
- 19.3.4.** Where pursuant to the relevant laws the required document is not issued, it may be substituted by a written affirmation in compliance with Section 45 (3) of the Law.
- 19.3.5.** The Supplier is obliged to submit any and all documents in the language required by the Contracting Authority in this Tender Documentation.

19.4. The Supplier shall prove compliance with the basic qualification requirements in respect of the Czech Republic by submitting copies of documents in compliance with Section 75 of the Law. The Supplier can replace the basic qualification documents with a written affirmation or the European Single Procurement Document in compliance with Section 86 (2) of the Law; the written affirmation has to clearly indicate that the Supplier complies with the basic qualification requirements of the Contracting Authority. The Supplier can also prove this qualification with the use of Attachment 2 of this Tender Documentation.

20 PROFESSIONAL QUALIFICATION (QUALIFICATION STAGE)

20.1. The Supplier shall prove its professional qualification by submitting, in compliance with Section 77 (1) of the Law, a copy of an entry in the Commercial Register or other similar records provided that registration in such records is required pursuant to another law.

20.2. The Supplier shall prove its professional qualification by submitting copies of documents. The Supplier may replace the required professional qualification documents in compliance with Section 86 (2) of the Law by a written affirmation, which clearly indicates that the Supplier complies with the profession qualification requirements of the Contracting Authority, or by a European Single Procurement Document. To prove this qualification, the Supplier is also authorised to use Attachment 2 of this Tender Documentation.

21 TECHNICAL QUALIFICATION (QUALIFICATION STAGE)

21.1. To comply with Section 79 (2) (b) of the Law, the Supplier will submit a list of a minimum of:

21.1.1. Three significant completed supplies provided by the Supplier over the past ten years before the commencement of the procurement procedure, which involved supplies similar to the subject matter of this public tender, i.e. delivery of a new fluidized bed boiler of the BFB (bubbling-fluidized-bed boiler) or CFB (circulating-fluidized-bed) type designed for 100% biomass combustion (min. 130 MWt steam output), with at least one of these deliveries fulfilling BAT/BREF emission limits at the time of installation (supplied as EPS or EPC delivery excluding foundation works), and at least one of these deliveries installed in the European Union in accordance with EU rules and the issuance of a "declaration of conformity" (supplied as EPC delivery excluding foundation works). References must include experience and a complete solution for the work including the supply of technology, assembly, electrical parts, measurement and regulation, and control system.

21.1.2. One significant completed supply provided by the Supplier over the past ten years before the commencement of the procurement procedure, which involved provision of comprehensive warranty, post-warranty, or out-of-warranty service and maintenance continuously for a period of at least 12 months (i.e. a continuous commitment to provide the agreed service for 12 months) for the BFB (bubbling-fluidized-bed boiler) or CFB (circulating-fluidized-bed) as defined in the previous paragraph, located within the territory of the European Union, in accordance with its legal regulations.

- 21.2.** Due to the (i) low number of public tenders similar to this one; (ii) financially challenging nature of those tenders; and (iii) implementation time of public tenders similar to this one, it is vital to enable proving compliance with this technical qualification criterion within a period of ten years before the procurement procedure's commencement in order to maintain an adequate level of competition.
- 21.3.** In the list of significant supplies, the Supplier will primarily provide identification details, including the name of the customer, for whom those supplies were implemented, the supplies' name/identification, a detailed description of the provided supply, including the supplies' minimum parameters required by the customer as provided above, the period, in which those supplies were provided (the implementation period), and the name and contact details of the person on the side of the supplies' customer, with whom accuracy, veracity and completeness of the provided information can be verified. The Supplier can also prove this qualification with the use of Attachment 2 of this Tender Documentation.

22 ADDITIONAL REQUIREMENTS OF THE CONTRACTING AUTHORITY

- 22.1.** Pursuant to Section 44 of the Law, the Contracting Authority shall act so as no conflict of interest occurs. Under Section 4b of Act No. 159/2006 Coll., on Conflict of Interest, as amended, a corporation, in which a public official presented in Section 2 (1) (c) of that law or an entity controlled by such public official holds an investment equalling at least 25% of a partner's ownership interest in the corporation, must not, under the law regulating procurement, participate in procurement procedures as a participant or a subcontractor through whom the Supplier proves its qualification. For this reason, the Contracting Authority requires the Supplier to submit an affirmation in its bid, such affirmation being attached hereto as Attachment 7.
- 22.2.** Under Section 48a of the Law, the Contracting Authority shall not award a public tender to a participant to a procurement procedure if in contradiction with international sanctions pursuant to a law regulating implementation of international sanctions. For this reason, the Contracting Authority requires the Supplier to submit an affirmation in its bid, such affirmation being attached hereto as Attachment 8.
- 22.3.** Documents that should be submitted under the laws of the Czech Republic can be submitted by the Supplier under the laws of the state where such documents were issued. A document produced in a language other than the one required by the Contracting Authority for submission of a request to participate, a preliminary bid or a bid shall be submitted with a translation into the Czech or English language (unless otherwise provided below). In case of doubts as to the translation's accuracy, the Contracting Authority can require submission of a certified translation of the document into the Czech language by a translator or an interpreter entered in the list of translators and interpreters pursuant to Act No. 354/2019 Coll., on Sworn Translators and Interpreters, as subsequently amended. Documents in the Czech or Slovak languages and education evidence in the Latin language shall be submitted without a translation. The Contracting Authority can also waive the translation obligation in other documents.

- 22.4.** In this procurement procedure, the Contracting Authority restricts participation only to Suppliers registered in a European Union or a European Economic Area member state or in the Swiss Confederation, or in another state, which has entered into an international treaty with the Czech Republic or the European Union to guarantee access to the awarded public tender to Suppliers from those countries. If more than one person acts together on the participant's side (pursuant to Section 5 of the Law), requirements under this paragraph apply to every person who submitted a joint request to participate.

23 VARIANTS AND TENDER PERIOD (TENDERING STAGE)

- 23.1.** The Contracting Authority shall not allow variants of solutions.
- 23.2.** Pursuant to Section 40 of the Law, the Contracting Authority sets a tender period of 6 months, during which the participant is bound by their bid (preliminary bid as well as a bid) and is not entitled to modify or withdraw it. The start of the tender period is the end of the period for the submission of bids.

24 REQUIREMENTS FOR UNIFORM METHOD OF DRAWING UP THE BID PRICE; CURRENCY; PAYMENT CONDITIONS (TENDERING STAGE)

- 24.1.** In its bid, the Supplier shall specify a total bid price of the whole subject matter of the supply under this public tender as an absolute amount in EUR, VAT exclusive, in a cover sheet and Attachment 3 of this Tender Documentation.
- 24.2.** In addition to this, the Supplier will fill in the relevant boxes of price tables provided in Annex G of Attachment 3 of this Tender Documentation in the scope and structure corresponding to the structure of the public tender's subject matter. Aggregate prices of individual items presented in the price table in Annex G of Attachment 3 hereof have to equal the actual value of supplies and activities for each partial unit provided in the Contract. The Supplier is obliged to fill in all boxes of the price tables, except for a case when it states that a particular box is irrelevant for its preliminary bid / bid.
- 24.3.** Prices will include any and all costs attributable to the public tender's subject matter. The agreed price includes all pieces of work, supplies, charges and costs of the Supplier necessary for the due and complete performance of the public tender's subject matter, unless otherwise expressly provided by the tender conditions. Contractual prices of individual subunits presented by the Supplier in the Contract have to equal the actual value of supplies and activities constituting the concerned subunit's subject matter.
- 24.4.** The total price proposed by the Supplier is binding and unsurpassable and it has to include any and all costs incurred by the Supplier in performing the Contract or in connection therewith. Due to the performance deadline, the Contract does not include an inflation or any other price clause.
- 24.5.** The bid price, and/or any part thereof, presented in a bid based on the Tender Documentation needs to have a positive value, and the Contracting Authority does not allow a zero price.

24.6. Payment conditions are provided in the Contract.

25 SUBCONTRACTORS

25.1. Pursuant to Section 105 of the Law, the Contracting Authority requires that the Supplier specify in the bid the parts of the public tender that should be performed through subcontractors, or submit a list of subcontractors, if they are known to the Supplier, and state, which part of the public tender will be performed by a particular subcontractor.

25.2. The Supplier can use Annex T of Attachment 3 of this Tender Documentation to submit the subcontractors' list.

26 SUBMISSION OF THE BID; JOINT BID (TENDERING STAGE)

26.1. Each Supplier can only submit one preliminary bid / bid. A Supplier that submitted a preliminary bid / bid in the procurement procedure must not be a person through whom qualification is proven by another Supplier in the same procurement procedure.

26.2. A bid can only be submitted by a Supplier that was called by the Contracting Authority to submit a preliminary bid.

26.3. If a Supplier submits more than one preliminary bid / bid separately or together with other Suppliers, or where a Supplier submitted a preliminary bid / bid and is, at the same time, a person, through whom qualification is proven by another Supplier in the same procurement procedure, the Contracting Authority will exclude all bids submitted by such Supplier.

26.4. A joint bid can only be submitted by participants who had submitted their request to participate together. Section 61 (6) of the Law excludes submission of a joint bid by participants who submitted a separate request to participate.

27 CONTENT OF A REQUEST TO PARTICIPATE (QUALIFICATION STAGE)

27.1. A request to participate shall contain documents required by the Law or the Contracting Authority. The request to participate will include the following separate parts in the order as specified below:

27.1.1. Cover sheet of the request to participate;

27.1.2. Documents demonstrating compliance with qualification criteria in the following order:

27.1.2.1. Basic qualification;

27.1.2.2. Professional qualification; and

27.1.2.3. Technical qualification.

27.1.3. Any additional documents (affirmations, etc.), if submission thereof is required in this Tender Documentation.

27.2. The participant shall have exclusive responsibility for a complete content of the request to participate – the enumeration of documents in Article 27 hereof is provided solely for the sake of the participant's convenience in completing the request to participate; if this

enumeration does not include a document, which may be required to be attached to the request to participate under the tender conditions or the Law, the participant cannot be relieved of its responsibility for an incomplete content of the request to participate by referring to this documents' enumeration.

28 CONTENT OF A PRELIMINARY BID / A BID (TENDERING STAGE)

28.1. A preliminary bid / a bid contains a binding Contract template and other documents required by the Law or the Contracting Authority. The Supplier will fill in all documents, which have been published by the Contracting Authority in an editable format, while the Supplier is not authorised to make any intervention in documents, which have been published in a non-editable format. A preliminary bid / a bid will contain the following separate parts in the order as specified below:

28.1.1. Cover sheet of the preliminary bid / bid;

28.1.2. Contract (Attachment 3 of this Tender Documentation), including all Annexes thereof (Annex A–T) respecting any tender conditions and prepared in line with instructions provided namely in Article 29 hereof;

28.1.3. List of work, supplies and services – Contract Price Break-down (Annex G of Attachment 3 hereof);

28.1.4. List of subcontractors (Annex T of Attachment 3 hereof);

28.1.5. The Supplier's affirmation about the non-existence of a conflict of interest pursuant to Article 22.1 hereof;

28.1.6. An affirmation pursuant to Section 48a of the Law under Article 22.2 hereof; and

28.1.7. Any additional documents (affirmations, etc.), if submission thereof is required in this Tender Documentation.

28.2. The participant shall have exclusive responsibility for a complete content of the preliminary bid / bid – the enumeration of documents in Article 28 hereof is provided solely for the sake of the participant's convenience in completing the preliminary bid / bid; if this enumeration does not include a document, which may be required to be attached to the preliminary bid / bid under the tender conditions or the Law, the participant cannot be relieved of its responsibility for an incomplete content of the preliminary bid / bid by referring to this documents' enumeration.

29 INSTRUCTIONS FOR DRAFTING THE CONTRACT (TENDERING STAGE)

29.1. Participants shall draft the Contract with the use of the Contract's binding template provided in Attachment 3 of this Tender Documentation. Participants are only authorised to complete the Contract's binding template with data marked as non-completed [marked in yellow] or to modify the data where expressly required by the Contract. Participants will submit the Contract as part of their bid, including all annexes of the Contract (Annex A–T). The Contracting Authority does not require that a signed Contract be submitted as part of a bid, but draws attention to the fact that the selected Supplier will be obliged to enter into the

Contract without being able to make any changes or amendments (except for adapting identification to the legal status of the selected Supplier).

- 29.2.** The Contracting Authority draws participants' attention to the fact that any changes in the Contract are only possible on the basis of negotiations about a preliminary bid. As a result, the draft contract in a preliminary bid has to reflect the text of the Contract's binding template, and the tender conditions, which have to be complied with as required by the Contracting Authority and which are binding upon the participants, cannot be changed or modified.
- 29.3.** In the Contract, participants will fill in data about the Contracting Authority in the Contract's heading, the total bid price and additional data, which should be filled in in the Contract as instructed by the Tender Documentation.

30 SIGNING THE BID; ADDITIONAL CONDITIONS AND REQUIREMENTS IN DRAWING UP THE BID

- 30.1.** The Contracting Authority does not require participants to have all documents or affirmations signed by the participant's statutory body or a person authorised to act in the participant's name or on its behalf.
- 30.2.** By signing the bid through an electronic tool, the participant confirms that the preliminary bid / bid was submitted by a person authorised to perform those acts and agrees with the tender conditions set forth by the Contracting Authority and the Law.
- 30.3.** The Contracting Authority draws the Supplier's attention to the fact that preliminary bids / bids must not be submitted in a materialised form, and that the Contracting Authority will only accept preliminary bids / bids in the electronic form.
- 30.4.** A preliminary bid / bid will be submitted in the Czech or English language. If any part of a preliminary bid / bid is written in a language other than Czech or English, it has to be translated into Czech or English (non-certified translation). Documents in the Slovak language and evidence of education in the Latin language shall be submitted by the Supplier without a translation into Czech or English.

31 RESERVED CHANGES IN OBLIGATION

- 31.1.** The Contracting Authority does not reserve a change in the obligation under the Contract pursuant to Section 100 (1) of the Law.

32 SUBMISSION OF A PRELIMINARY BID AND A FINAL BID (TENDERING STAGE)

- 32.1.** The deadline for the submission of preliminary bids / final bids will be determined in the Contracting Authority's invitation to submit a preliminary bid / final bid.
- 32.2.** The Supplier shall draw up the preliminary bid / bid electronically in writing.
- 32.3.** Submission of preliminary bids / bids in the electronic form:
- 32.3.1.** The preliminary bid / bid will be submitted through the Tender Arena electronic tool at <https://tenderarena.cz/profily/MONDISTETIAS>.

- 32.3.2.** All parts of the preliminary bid / bid have to be clearly legible. No part of the preliminary bid / bid shall contain corrections and rewrites, which could misguide the Contracting Authority.
- 32.3.3.** For the purpose of submitting the preliminary bid / bid, the Supplier is required to register in the electronic tool. An electronic signature may be required during the Supplier's registration.
- 32.3.4.** Detailed instructions for the electronic tool are provided in the "Help" section at <https://tenderarena.cz/dodavatel/faq-dodavatele>.
- 32.3.5.** To avoid any doubts, the Contracting Authority states that it does not require an electronic signature in the preliminary bid / bid.

33 PARTICIPANT'S COSTS ATTRIBUTABLE TO THE BID'S SUBMISSION

- 33.1.** All costs attributable to the request to participate, and to drawing up and submitting a preliminary bid / bid shall be borne exclusively by the concerned participant.
- 33.2.** The Contracting Authority shall not be liable for any expenses or losses of any kind (and, as a consequence, shall not reimburse any such expenses or losses), which might be incurred by a participant in connection with it participating in the procurement procedure.

34 OPENING OF PRELIMINARY BIDS AND BIDS SUBMITTED ELECTRONICALLY (TENDERING STAGE)

- 34.1.** Preliminary bids / bids submitted after the expiry of the deadline for the submission of preliminary bids / bids are considered not submitted.
- 34.2.** Opening of a preliminary bid / bid in the electronic form shall be understood as granting access to the content thereof.
- 34.3.** Opening of preliminary bids / bids in the electronic form is non-public.
- 34.4.** The Contracting Authority shall not grant access to any electronic preliminary bid / bid before the expiry of the deadline for the submission of preliminary bids / bids.

35 ASSESSMENT OF BIDS AND PRELIMINARY BIDS (TENDERING STAGE)

- 35.1.** The Contracting Authority shall assess participants' preliminary bids / bids in compliance with Section 39 of the Law. A preliminary bid / bid, which fails to meet the requirements provided in Section 39, will be excluded.
- 35.2.** In case of any ambiguities, the Contracting Authority can ask a participant to provide a written clarification of the submitted data, documents, samples or models, or to supplement additional or missing data, documents, samples or models pursuant to Section 46 of the Law.
- 35.3.** Pursuant to Section 39 (4), the Contracting Authority may assess the fulfilment of the tender conditions before or after the evaluation of bids. In respect of the selected Supplier, the Contracting Authority shall carry out an evaluation of fulfilment of the conditions for participation in the procurement procedure in any case.

- 35.4.** The Contracting Authority shall immediately exclude from the procurement procedure those participants whose preliminary bid / bid was excluded by the Contracting Authority upon preliminary bids' / bids' assessment. The Contracting Authority shall immediately notify the participant of the exclusion in writing, including the reasons therefor.

36 EVALUATION CRITERIA; EVALUATION METHOD

- 36.1.** Preliminary bids / bids will be evaluated against economic advantageousness of the preliminary bids / bids in compliance with Section 114 of the Law.
- 36.2.** A preliminary bid's / bid's economic advantageousness will be assessed against the evaluation criteria provided below:

| Evaluation criterion | Criterion's weight in the overall evaluation [%] |
|---|---|
| Bid Price (Wy) | 75 |
| Operating costs (Yy) | 12.5 |
| Thermal efficiency (Zy) | 10 |
| Guaranteed Mechanical Availability (Uy) | 2 |
| Min. boiler load without co-firing of NG/LFO (Vy) | 0.5 |

A scoring scale of 0 through 100 will be used to evaluate bids against individual evaluation criteria. A value reflecting the concerned bid's success rate within the concerned evaluation criterion will be assigned to each bid within the individual evaluation criteria.

- 36.3.** The evaluation will be performed as follows:

36.3.1. Evaluation Criterion: Bid Price

In case of the evaluation criterion "Bid Price" (referred to as "Contract Price" in Article 6 of the Contract), the lower the bid price, the better scoring of the bid. When evaluated, all bids will be sorted from the lowest bid price to the highest one. The lowest bid price will receive the maximum score, i.e. 100 points, and other bids will be awarded an average score calculated as follows:

$$Wy = (Nmin/Ny) * 100$$

Where:

- Wy is the score awarded to the bid of the yth Supplier in relation to the evaluation criterion "Bid Price";
- Nmin is the lowest submitted bid price, i.e. the bid price of the bid that was awarded the maximum score of 100 within the evaluation criterion "Bid Price"; and
- Ny is the bid price of the yth Supplier's tender.

An example of the calculation in the case of three Suppliers' bids:

| Supplier | Bid price | Wy score | Note |
|-----------------|------------------|-----------------|-----------------------------|
| Supplier 1 | EUR 10,500,000 | 90.48 | |
| Supplier 2 | EUR 9,500,000 | 100.00 | Nmin = the lowest bid price |
| Supplier 3 | EUR 10,000,000 | 95.00 | |

The "Bid Price" provided by the Supplier in Article 6 of the submitted Contract included in Attachment 3 prepared in compliance with Article 24 of the Tender Documentation in EUR, VAT exclusive, will be relevant in evaluating the bids.

The resulting score of each bid in this criterion will be calculated as follows: the bid's relevant score (Wy) will be multiplied by this criterion's weight, i.e. 75.0 %. The resulting score of each bid in this evaluation criterion will subsequently be rounded to two decimal points.

36.3.2. Evaluation Criterion: Operating Costs

The key item for the evaluation criterion "Operating Costs" is the technical specification, which is detailed in Annex A.2 of Attachment 3 of the Tender Documentation.

In Annex A.2 of Attachment 3 of the Tender Documentation, the Supplier will provide the values of fuels, additives, and electricity consumed in a one-hour operation of the boiler B14 at MCR load (GP1), as defined in Annex A.2.1, chapter 1.1.

Template table for the purposes of the evaluation criterion "Operating Costs":

| Operating cost | Unit | Supplier's value | Operating Costs [EUR/oph] |
|--|-------------|---------------------------------|---|
| G8 - Power consumption | kWh/h | (To be defined by the Supplier) | = the Supplier's value * price per unit |
| G14 - Hydrated lime consumption | kg / h | (To be defined by the Supplier) | = the Supplier's value * price per unit |
| G15 - Limestone consumption | kg / h | (To be defined by the Supplier) | = the Supplier's value * price per unit |
| G12 - Urea consumption for SNCR | kg / h | (To be defined by the Supplier) | = the Supplier's value * price per unit |
| G11 - Make up sand consumption | kg / h | (To be defined by the Supplier) | = the Supplier's value * price per unit |
| G13 - Sodium bicarbonate consumption | kg / h | (To be defined by the Supplier) | = the Supplier's value * price per unit |
| G9 - Auxiliary steam consumption | tph | (To be defined by the Supplier) | = the Supplier's value * price per unit |
| Suppliers Operating Costs for evaluation | | | = sum of Suppliers individual Operating Costs |

Unit prices of individual parameters used in calculating costs for the purposes of evaluating bids are shown in the below table:

| Price per unit | | |
|--------------------------------|-------|---------|
| Price of Power consumption | 0.110 | EUR/kWh |
| Hydrated lime consumption | 0.300 | EUR/kg |
| Limestone consumption | 0.045 | EUR/kg |
| Urea consumption | 0.280 | EUR/kg |
| Make up sand consumption | 0.040 | EUR/kg |
| Sodium bicarbonate consumption | 0.540 | EUR/kg |
| Auxiliary steam consumption | 12 | EUR/tph |

Evaluated operating parameters will be provided by the Supplier in its bid in Annex A.2 of Attachment 3 of the Tender Documentation.

With respect to the evaluation criterion “Operating Costs”, the lower the sum of operating costs, the higher score is awarded to the bid. When evaluated, all bids will be sorted from bids with the lowest operating costs to the highest ones. The bid with the lowest operating costs will receive the maximum score, i.e. 100 points, and other bids will be awarded an average score calculated as follows:

$$Yy = (Nmin/Ny) * 100$$

Where:

Yy is the score received by the bid of the y^{th} Supplier in relation to the evaluation criterion “Operating Costs”;

$Nmin$ are the lowest operating costs of the bid, i.e. the operating costs of the bid that was awarded the maximum score of 100 within the evaluation criterion “Operating Costs”; and

Ny are the operating costs of the y^{th} Supplier’s bid.

An example of the calculation in the case of three Suppliers’ bids:

| Supplier | Operating costs | Yy score | Note |
|-----------------|------------------------|------------------------------|-------------------------------------|
| Supplier 1 | EUR 220 /oph | 100.00 | $Nmin$ = the lowest operating costs |
| Supplier 2 | EUR 230 /oph | 95.65 | |
| Supplier 3 | EUR 225 /oph | 97.78 | |

The resulting score of each bid in this criterion will be calculated as follows: the bid’s relevant score (Yy) will be multiplied by this criterion’s weight, i.e. 12.5 %. The resulting score of each bid in this evaluation criterion will subsequently be rounded to two decimal points.

36.3.3. Evaluation Criterion: Thermal efficiency

The key item in the case of the evaluation criterion “Thermal efficiency” is the technical specification, which is detailed in Annex A.2 of Attachment 3 of the Tender Documentation.

Template table for the purposes of the evaluation criterion “Thermal efficiency”:

| Thermal efficiency | Unit | Supplier’s value |
|--------------------|------|---------------------------------|
| Thermal efficiency | % | (To be defined by the Supplier) |

With respect to the evaluation criterion “Thermal efficiency”, the higher thermal efficiency, the higher score is awarded to the bid. When evaluated, all bids will be sorted from bids with the higher thermal efficiency to the lowest ones. The bid with the highest thermal efficiency will receive the maximum score, i.e. 100 points, and other bids will be awarded an average score calculated as follows:

$$Zy = ((Ny - 89)/(Nmax - 89)) * 100$$

Where:

Zy is the score received by the bid of the y^{th} Supplier in relation to the evaluation criterion “Thermal efficiency”;

Nmax are the highest thermal efficiency of the bid, i.e. the thermal efficiency of the bid that was awarded the maximum score of 100 within the evaluation criterion “Thermal efficiency”; and

Ny is thermal efficiency of the y^{th} Supplier’s bid.

An example of the calculation in the case of three Suppliers’ bids:

| Supplier | Thermal efficiency | Zy score | Note |
|------------|--------------------|----------|---------------------------------------|
| Supplier 1 | 90,2 % | 40,00 | |
| Supplier 2 | 92,0 % | 100,00 | Nmax = the highest thermal efficiency |
| Supplier 3 | 89,0 % | 0,00 | |

The resulting score of each bid in this criterion will be calculated as follows: the bid’s relevant score (Zy) will be multiplied by this criterion’s weight, i.e. 10.0 %. The resulting score of each bid in this evaluation criterion will subsequently be rounded to two decimal points.

36.3.4. Evaluation Criterion: Guaranteed Mechanical Availability

The key item in the case of the evaluation criterion “Guaranteed Mechanical Availability” is the technical specification, which is detailed in Annex A.1 of Attachment 3 of the Tender Documentation.

Template table for the purposes of the evaluation criterion “Guaranteed Mechanical Availability”:

| Guaranteed Mechanical Availability | Unit | Supplier’s value |
|------------------------------------|------|---------------------------------|
| Guaranteed Mechanical Availability | % | (To be defined by the Supplier) |

With respect to the evaluation criterion “Guaranteed Mechanical Availability”, the higher Guaranteed Mechanical Availability, the higher score is awarded to the bid. When

evaluated, all bids will be sorted from bids with the higher Guaranteed Mechanical Availability to the lowest ones. The bid with the highest Guaranteed Mechanical Availability will receive the maximum score, i.e. 100 points, and other bids will be awarded an average score calculated as follows:

$$Uy = ((Ny - 95)/(Nmax - 95)) * 100$$

Where:

Uy is the score received by the bid of the y^{th} Supplier in relation to the evaluation criterion "Guaranteed Mechanical Availability";

$Nmax$ are the highest Guaranteed Mechanical Availability of the bid, i.e. the Guaranteed Mechanical Availability of the bid that was awarded the maximum score of 100 within the evaluation criterion "Guaranteed Mechanical Availability"; and

Ny is Guaranteed Mechanical Availability of the y^{th} Supplier's bid.

An example of the calculation in the case of three Suppliers' bids:

| Supplier | Guaranteed Mechanical Availability | Uy score | Note |
|------------|------------------------------------|------------|---|
| Supplier 1 | 96,0 % | 25,00 | |
| Supplier 2 | 99,0 % | 100,00 | $Nmax$ = the highest Guaranteed Mechanical Availability |
| Supplier 3 | 95,0 % | 0,00 | |

The resulting score of each bid in this criterion will be calculated as follows: the bid's relevant score (Uy) will be multiplied by this criterion's weight, i.e. 2.0 %. The resulting score of each bid in this evaluation criterion will subsequently be rounded to two decimal points.

36.3.5. Evaluation Criterion: Min. boiler load without co-firing of NG/LFO

The key item in the case of the evaluation criterion "Min. boiler load without co-firing of NG/LFO" is the technical specification, which is detailed in Annex A.2 of Attachment 3 of the Tender Documentation.

Template table for the purposes of the evaluation criterion "Min. boiler load without co-firing of NG/LFO":

| Min. boiler load without co-firing of NG/LFO | Unit | Supplier's value |
|--|------|---------------------------------|
| Min. boiler load without co-firing of NG/LFO | % | (To be defined by the Supplier) |

With respect to the evaluation criterion "Min. boiler load without co-firing of NG/LFO", the lower Min. boiler load without co-firing of NG/LFO, the higher score is awarded to the bid. When evaluated, all bids will be sorted from bids with the lowest Min. boiler load without co-firing of NG/LFO to the highest ones. The bid with the lowest Min. boiler load without

co-firing of NG/LFO will receive the maximum score, i.e. 100 points, and other bids will be awarded an average score calculated as follows:

$$V_y = ((40 - N_y) / (40 - N_{min})) * 100$$

Where:

V_y is the score received by the bid of the y^{th} Supplier in relation to the evaluation criterion "Min. boiler load without co-firing of NG/LFO";

N_{min} are the lowest Min. boiler load without co-firing of NG/LFO of the bid, i.e. the Min. boiler load without co-firing of NG/LFO of the bid that was awarded the maximum score of 100 within the evaluation criterion "Guaranteed Mechanical Availability"; and

N_y is Min. boiler load without co-firing of NG/LFO of the y^{th} Supplier's bid.

An example of the calculation in the case of three Suppliers' bids:

| Supplier | Min. boiler load without co-firing of NG/LFO | V_y score | Note |
|------------|--|-------------|---|
| Supplier 1 | 40,0 % | 0,00 | |
| Supplier 2 | 30,0 % | 100,00 | N_{min} = the lowest Min. boiler load without co-firing of NG/LFO |
| Supplier 3 | 38,0 % | 20,00 | |

The resulting score of each bid in this criterion will be calculated as follows: the bid's relevant score (V_y) will be multiplied by this criterion's weight, i.e. 0,5 %. The resulting score of each bid in this evaluation criterion will subsequently be rounded to two decimal points.

36.4. Overall Evaluation of Bids

36.4.1. The Contracting Authority set the above-specified evaluation criteria for the evaluation purposes, based on which a score will be assigned to bids in the way described above. For the purposes of comparing the bids and calculating the final value to be received by individual bids, the Contracting Authority defined the maximum score for each evaluation criterion and the relevant weight of the concerned evaluation criterion.

36.4.2. The bid's resulting value (X_y) equals the sum of the score assigned within the evaluation criteria "Bid Price", "Operating Costs", "Thermal efficiency", "Guaranteed Mechanical Availability" and "Min. boiler load without co-firing of NG/LFO" outweighed by the concerned evaluation criterion's weight as shown in the following formula:

$$X_y = (0.75 * W_y) + (0.125 * Y_y) + (0.10 * Z_y) + (0.02 * U_y) + (0.005 * V_y)$$

36.4.3. An example of the overall evaluation in the case of three Suppliers' bids:

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| Supplier | Score (Wy) | Score (Yy) | Score (Zy) | Score (Uy) | Score (Vy) | Total awarded score (Xy) | Ranking |
|------------|------------|------------|------------|------------|------------|--|-----------------|
| Supplier 1 | 90.48 | 100.00 | 40 | 25 | 0 | $(0.75*90.48)+(0.125*100)+(0.10*40)+(0.02*20)+(0.005*0)=84,86$ | 2 rd |
| Supplier 2 | 100.00 | 95.65 | 100.00 | 100.00 | 100.00 | $(0.75*100)+(0.125*95.65)+(0.10*100)+(0.02*100)+(0.005*100)=99.46$ | 1 st |
| Supplier 3 | 95.00 | 97.78 | 0 | 0 | 20 | $(0.75*95)+(0.125*97.78)+(0.10*0)+(0.02*0)+(0.005*20)=83,57$ | 3 nd |

36.4.4. In the event of the resulting value's equality in two or more bids, such bids' ranking would be determined with reference to the highest score awarded within the evaluation criterion "Bid Price".

36.4.5. The Supplier is not authorised to make the values (figures) proposed by it, which are subject to evaluation, conditional upon another condition. Conditioning or provision of several different values that are subject to evaluation will be a reason for a bid's exclusion and subsequent exclusion of the Supplier from the procurement procedure. The Contracting Authority will apply an analogical procedure in the case that the value, which is subject to evaluation, is provided in a variable or form other than required by the Contracting Authority.

36.4.6. The Contracting Authority will not evaluate the bids, should it only evaluate a bid of one Supplier.

36.4.7. The Contracting Authority will produce a written report on the bids' evaluation pursuant to Section 119 of the Law.

36.4.8. To avoid any doubts, the Contracting Authority states that the following values will be deemed material if there is a discrepancy between the proposed values, which are subject to the evaluation criteria, within the Supplier's bid:

- (a) The value provided in Article 6 of the Contract in the case of the Bid Price;
- (b) The values provided in Annex A.2.1, Chapter 1.2.8 of the Contract in the case of power consumption.
- (c) The values provided in Annex A.2.1, Chapter 1.2.4 of the Contract in the case of Thermal efficiency
- (d) The values provided in Annex A.1, Chapter 1.2.4 of the Contract in the case of Guaranteed Mechanical Availability
- (e) The values provided in Annex A.2.1, Chapter 1.1 of the Contract in the case of Min. boiler load without co-firing of NG/LFO

37 SELECTION OF THE MOST ADVATAGEOUS PRELIMINARY BID AND BID (TENDERING STAGE)

37.1. The Contracting Authority will decide on the selection of the most advantageous preliminary bid / bid of the participant, whose preliminary bid / bid was considered the most economically advantageous based on the outcome of the bids' evaluation.

- 37.2.** The Contracting Authority will send a notice to the selected Supplier in compliance with Section 122 (3) of the Law.
- 37.3.** If the selected Supplier is a Czech legal person, the Contracting Authority will obtain data, in compliance with Section 122 (5) of the Law, about the Supplier's beneficial owner under the law regulating registration of beneficial owners from the beneficial owner register.
- 37.4.** The Contracting Authority will call the selected Supplier, if a foreign legal person, to submit a copy of details held in a foreign register of beneficial owners or, where no such register is available:
- (a) To provide identification data of all persons who are the Supplier's beneficial owners; and
 - (b) To submit documents indicating the relationship of all persons under (a) above to the Supplier; such documents will primarily include:
 - (1) Copy of details held in a foreign register similar to a public register;
 - (2) List of shareholders;
 - (3) Decision of the statutory body on the payment of a share of profit; and
 - (4) Memorandum of association, deed of incorporation, or articles of association.
- 37.5.** The Contracting Authority will send a notice of the selection of the Supplier immediately in compliance with Section 123 of the Law after having finalised preliminary bids' / bids' evaluation.

38 FORMATION OF THE CONTRACT

The Contracting Authority will enter into the contract with the selected Supplier in compliance with Section 124 of the Law.

39 OBJECTIONS AGAINST QUALIFICATION REQUIREMENTS

- 39.1.** The scope and method of filing objections are detailed in Section 241 *et seq.* of the Law.
- 39.2.** The Contracting Authority requires in compliance with Section 242 (5) that objections against qualification requirements pursuant to Section 242 (3) of the Law be delivered to the Contracting Authority no later than within 72 hours before the deadline for the submission of a request to participate expires.

40 ADDITIONAL PARTS OF THE TENDER DOCUMENTATION: ATTACHMENTS TO THE TENDER DOCUMENTATION

- (1) Cover Sheet of the Request to Participate: Identification Details of the Participant
- (2) Affirmation about Capacity and Qualification Compliance (Template)
- (3) Binding Contract Template
- (4) Outcome of the Preliminary Market Consultation
- (5) Not applicable

- (6) Minimum Requirements
- (7) Affirmation to Avoid Conflict of Interest
- (8) Affirmation in Relation to Russian/Belarusian Entities

In Štětí, on 17 February 2025

For Mondi Štětí a.s.:

Miroslav Zítka

Member of the Board of Directors

David Semorád

Member of the Board of Directors