



REF. NO.....LOM/2024/ÚS-15498

TENDER DOCUMENTATION

for an above-the-limit public contract

COOPERATIVE REPAIRS AND SUPPLIES OF SPARE PARTS FOR BELL 206B3 HELICOPTERS

awarded in an open procedure under Section 56 of Act No. 134/2016 Coll. on public
procurement, as amended (hereinafter the “AoPP”)

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Name of public contract:	COOPERATIVE REPAIRS AND SUPPLIES OF SPARE PARTS FOR BELL 206B3 HELICOPTERS
CONTRACTING AUTHORITY	
Trade Name:	LOM PRAHA s.p.
Registered office:	Tiskařská 270/8, Praha 10, Malešice, Postcode 108 00
Business ID number:	00000515
Tax ID number:	CZ00000515
Person authorised to act on behalf of the Contracting Authority:	Petra Zachařová, Head of Purchasing Department
Contracting authority's contact person for procurement procedure:	Alice Cukrová, Public Procurement Specialist
Telephone, mobile phone no.:	+420 296 505 435/ +420 601 576 983
E-mail address:	alice.cukrova@lompraha.cz

1. Basic Details of Public Contract

Public contract type:	Services
Public contract mode:	over-the-limit
Procurement procedure type:	open procedure
CPV code:	50210000-0 Repair, maintenance and related services relating to aircraft and other equipment 34730000-3 Parts for aircraft, spacecraft and helicopters.
Estimated value:	CZK 62,500,000 excluding VAT 1 part - cooperative maintenance of BELL helicopter 2 part - supply of batteries and battery units 3 part - supply of tension torsion straps 4 part - supply of sealants and cements??? 5 part - supply of filters 6 part - supply of washers 7 part - supply of gasket and o-rings 8 part - supply of oils and lubricants
Subject of the public contract:	The overhaul of engines and hydraulic pumps with tank and supplies of spare parts for Bell helicopters. An overview of the repairs which are the subject of the part 1 of the public contract is given in Annex 7 to this tender documentation (hereinafter the "TD"). An overview of

the spare parts which are the subject of parts 2 through 8 of the public contract is provided in Annex 8 to this TD.

Performance period:	48 months
Division of public contract into parts:	yes
Obligation changes reserved:	no
Admissibility of bid variant:	no
Socially responsible procurement:	yes
Procurement procedure result:	the conclusion of Framework Agreements (hereinafter "FA") with multiple Contractors for each part of the public contract

2. Subject of Public Contract

2.1. The public contract is divided into the following eight parts:

- 1 part - cooperative maintenance of BELL helicopter
- 2 part - supply of batteries and battery units
- 3 part - supply of tension torsion straps
- 4 part - supply of sealants and cements???
- 5 part - supply of filters
- 6 part - supply of washers
- 7 part - supply of gasket and o-rings
- 8 part - supply of oils and lubricants

2.2. The subject-matter of the public contract is the execution of overhaul and repairs of engines and hydraulic pumps with tanks, maintenance services (hereinafter "Services"), and supplies of spare parts (hereinafter "Goods") for Bell 206B3 helicopters. An overview of the Services which are the subject-matter of part 1 of the public contract is provided in Annex 7 to this TD, and an overview of the spare parts which are the subject-matter of parts 2 through 8 of the public contract is provided on pages 8a through 8g of Annex 8 to this TD. The Contracting Authority will select the Contractors for the purpose of concluding the FA.

2.3. **The subject of the public contract includes:**

- a) The provision of maintenance of Bell 206B3 helicopters, their component parts, and components, such as regular inspections, repairs, and the overhaul of component parts according to Annex 7 to this TD for part 1 of the public contract.
- b) The provision of unplanned maintenance for Bell 206B3 helicopters, their component parts, and components, such as the removal of defects, the repair of damage, the execution of instructions to maintain airworthiness according to Annex 7 to this TD for part 1 of the public contract
- c) Inspecting condition, evaluating condition, prolonging the calendar and technical lifespan of component parts and of components of Bell 206B3 helicopters, according to the requirements of the Contracting Authority for part 1 of the public contract.
- d) The supply of spare parts, materials, and equipment required for maintenance and related Services for parts 2 through 8 of the public contract.

Conclusion of a FA does not entitle the parties thereto to any performance.

The Contracting Authority will conclude a FA with all bidders in the procurement procedure that satisfy the required qualifications in accordance with Article 3 of this TD, the business terms and conditions and other terms and conditions required by the Contracting Authority in this TD.

The Contracting Authority shall, based on the FA and according to actual needs, assign mini-tenders for Services according to Article 2 of this TD to the parties to the FA. Based on the evaluation of a mini-tender, a Subcontract will be concluded with the party to an FA whose offer is evaluated as the best value for money for the Contracting Authority in the mini-tender. A Subcontract is annexed to the FA. The bid price of a party to the FA submitted within the bounds of a mini-tender shall be an annex to each Subcontract.

The FA will be for a fixed term of four (4) years from the effective date.

The terms and conditions of the procedure for the award of a mini-tender for individual sub-projects (the procedure leading to the conclusion of a Subcontract for Services and supplies for parts 1 through 8 of the public contract according to Article 2 of this TD and the basic conditions are set out in Article III of the draft FA.

Other rules and conditions of this tender, including technical conditions, are presented in detail in the draft FA, which constitutes Annex 5 to this TD, for part 1 of the public contract, and Annex 6 of this TD, for parts 2 through 8 of the public contract.

The Contracting Authority is not obliged to award any mini-tender on the basis of an FA.

2.4. Mini-tender

A mini-tender is launched by the sending of an invitation by the Contracting Authority to all Contractors with whom the FA has been concluded.

The Contracting Authority shall request in the invitation for part 1 of the public contract:

- a) the scope of the execution of Cooperation in accordance with the known state and in accordance with the scope of the diagnostics that it is able to perform.
- b) if the Contracting Authority is unable to carry out diagnostics, it may invite the Contractor to carry out only diagnostics instead of carrying out a repair.

The Contracting Authority shall request in the invitation for parts 2 through 8 of the public contract:

- a) supplies of spare parts and consumables.

Requisites of an invitation:

- the Contracting Authority's identification data;
- identification designation (hereinafter "ID") of the mini-tender – determined by the Contracting Authority;
- the type, quantity, and scope of a Service/the supply of Goods;

- specifying technical and quality requirements;
- delivery date, maximum delivery time required, if the delivery time is not specified in a mini-tender, the delivery time specified in the FA will apply;
- DDP delivery term in accordance with INCOTERMS® 2020;
- place of performance; if the place of performance is not specified in a mini-tender, the place of performance specified in the agreement will apply;
- required warranty term and preservation period in months. If a warranty term and preservation period are not specified in a mini-tender, the warranty term and preservation period specified in the FA will apply;
- evaluation criteria and weight;
- deadline and place of submission of bids;
- other requirements in accordance with the FA.

Bids for a mini-tender can only be submitted electronically to the address: <https://nen.nipez.cz/> so that they are received by the deadline for submission of bids. A bid is considered submitted once delivered to the Contracting Authority at the address of the Contracting Authority's profile. Bids not received electronically at the aforementioned address or not received by the deadline will not be included.

2.5. The place of performance is:

- LOM Praha s. p., Toužimská 1058/22b, 108 00 Praha 10.

2.6. Socially Responsible Procurement

The Contracting Authority is interested in awarding a public contract in accordance with the principles of socially responsible procurement (hereinafter "SRP"). In addition to an emphasis on purely economic parameters, SRP also takes into account the related impacts of public procurement, particularly in the areas of employment, social and labour rights and the environment.

The Contracting Authority will require the selected Contractor to ensure, during the performance of the public contract, fair conditions in the supply chain, specifically timely payments to its subcontractors, and proper and timely performance of financial liabilities to its subcontractors, where proper and timely performance is considered to be full payment of invoices issued and delivered by a subcontractor for the performance provided for the public contract, always within a maximum of 30 business days from receipt of payment from the Contracting Authority for specific performance.

3. Qualification Requirements for Bidders in Procurement Procedure

3.1. The qualification requirements are fulfilled by a bidder in the procurement procedure that:

- ❖ proves basic eligibility in accordance with Article 74 of the AoPP;
- ❖ proves professional eligibility in accordance with Article 77 of the AoPP.

3.2. Basic eligibility

A bidder in the procurement procedure is disqualified if:

- b) it has been convicted in its country of registered office of any crime listed in Annex 3 to the AoPP or a similar offence under the law of the bidder's country of registered office within the last five years prior to the commencement of the procurement procedure; annulled convictions will be disregarded;
- c) it has outstanding tax arrears recorded in the tax records of the Czech Republic or in the country of its registered office;

- d) it has arrears on insurance premiums or public health insurance penalties in the Czech Republic or in the country of its registered office;
- e) it has arrears on insurance premiums or penalties relating to social security contributions or state employment policy contributions in the Czech Republic or in the country of its registered office;
- f) it is in liquidation, a bankruptcy order was issued against it, compulsory administration was ordered for it under different legislation or it is in a similar situation under the legal order of the country of registered office of the bidder in the procurement procedure.

If the bidder in the procurement procedure is a legal entity, the condition specified under subparagraph a) above must be fulfilled by the legal entity itself and every member of its statutory body. If a legal entity is a member of a bidder's statutory body, the condition under subparagraph a) above must be fulfilled by this legal entity, every member of the statutory body of this legal entity, and the person representing this legal entity in the bidder's statutory body.

If a **branch of a foreign legal entity** is involved in the procurement procedure, the condition under subparagraph a) must be met by this legal entity and the branch manager. If a **branch of a Czech legal entity** is involved in the procurement procedure, the condition under subparagraph a) must be met by the persons specified in the paragraph above and the branch manager.

A bidder in the procurement procedure demonstrates compliance with the basic competence conditions in the Czech Republic and the country of its registered office by submitting:

- a) an excerpt from the criminal records [Section 74(1)(a) of the AoPP];
- b) confirmation issued by the relevant tax authority [Section 74(1)(b) of the AoPP];
- c) a written affidavit in relation to excise duty [Section 74(1)(b) of the AoPP];
- d) a written affidavit in relation to insurance premiums and public health insurance [Section 74(1)(c) of the AoPP];
- e) confirmation of the relevant District Social Security Administration [Section 74(1)(d) of the AoPP];
- f) an excerpt from the Commercial Register, or by submitting a written affidavit if it is not registered in the Commercial Register [Section 74(1)(e) of the AoPP].

3.3. Professional eligibility

A bidder in the procurement procedure will demonstrate compliance with the professional competence conditions in the Czech Republic and the country of its registered office by submitting:

- a) an excerpt from the Commercial Register or other similar register if another legal regulation requires such registration;
- b) proof that it is authorised to do business in accordance with special legal regulations to the extent relevant to the subject of the public contract, in particular proof of the relevant trading or other licence.

A bidder in the procurement procedure does not have to submit documents under subparagraph a) or b) if the legal regulations in the country of its registered office do not require similar professional qualifications.

3.4. **Submission of Documents**

Documents for proving the qualification requirements are submitted by the bidders in the procurement procedure in a simple copy. A bidder in the procurement procedure may substitute the submission of documents in its bid with a written affidavit, in accordance with Section 86(2) of the AoPP. A bidder in the procurement procedure can always replace the required documents with a single European public procurement certificate. Prior to the conclusion of a Contract, the Contracting Authority may require the selected Contractor to submit originals or certified copies of qualification documents pursuant to Section 45(1) of the AoPP based on an invitation made pursuant to Section 46(1) of the AoPP and in accordance with Section 122(3) and (4) of the AoPP. **Documents proving basic competence under Section 74 of the AoPP must prove compliance with the required competence criteria no later than 3 months before the start of the procurement procedure.**

- 3.5. A bidder in the procurement procedure may submit a similar document in accordance with the law of the country in which the document is issued; such document must be accompanied by a translation into **the Czech or English language**. This condition does not apply to documents issued in the Slovak language. If the Contracting Authority has doubts regarding translation accuracy, it may request the submission of the document's certified translation into the Czech language by an interpreter registered in the list of experts and interpreters. Documents issued in the Slovak language and achieved education documents issued in the Latin language are submitted without translation. If a required document is not issued under the applicable legal order, it may be replaced by a written affidavit.
- 3.6. A bidder in the procurement procedure can fulfil its duty to submit a document with a **reference** to the relevant information kept in the public administration information system or in a similar system operated in another Member State that allows unrestricted remote access. Such reference **must include the internet address and the login and retrieval data for the requested information**, if such information is necessary.
- 3.7. In accordance with Section 228 of the AoPP, a bidder in the procurement procedure may prove basic and professional competence by means of **an extract from the list of qualified Contractors**, which must not be more than 3 months old before the start of the procurement procedure.
- 3.8. **The Contracting Authority draws attention to the fact that it is bound by Section 211(5) of the AoPP, stipulating the obligation of written electronic communication between a Contracting Authority and a bidder in procurement procedure, which applies to all documents submitted, including those submitted by a bidder in procurement procedure based on an invitation pursuant to Section 122(3) and (6) of the AoPP. In the cases when the AoPP requires or the Contracting Authority requires in the procurement conditions that the selected Contractor submits original documents and these only exist on paper, they will need to be converted into electronic form in accordance with Article 22 of Act No. 300/2008 Coll., on electronic actions and authorised conversions of documents, as amended.**
- 3.9. **Demonstrating Qualification via Other Persons or Entities**
A bidder in the procurement procedure may, with the exception of the criteria under Section 77(1) of the AoPP, prove a certain part of its professional competence required by the Contracting Authority through other persons or entities. In such case, a bidder in

the procurement procedure submits the following documents to the Contracting Authority:

- a) documents proving compliance with the required professional competence under Section 77(1) of the AoPP by the other person or entity;
- b) documents proving that the missing part of the qualification is fulfilled through the other person or entity;
- c) documents proving compliance with basic competence under Section 74 of the AoPP by the other person; and
- d) a contract or confirmation of its existence signed by the other person or entity where the content is a written commitment of the other person or entity to provide performance for the fulfilment of the public contract or to provide Goods or rights which the bidder in the procurement procedure would be entitled to utilise as a part of the public contract, at least to the extent that the other person proved his/her/its qualification on behalf of the bidder in the procurement procedure.

The requirement under paragraph 3.9(d) above is deemed to have been met if the content of the contract or confirmation of its existence under paragraph 3.9(d) above implies the obligation of another person or entity to perform the public contract jointly and severally with the Contractor; this does not apply if the contract or the confirmation of its existence under paragraph 3.9(d) above must meet the requirements under Section 83(2) of the AoPP.

3.10. **Joint Demonstration of Qualifications**

If the subject of the public contract is performed jointly by several Contractors and they submit a joint bid to this end, each of the Contractors will prove its basic and professional competence in accordance with Section Article 77(1) of the AoPP separately. Other qualifications will be demonstrated jointly by the Contractors. The Contractors are also required to submit a contract containing the commitment that all such Contractors will be jointly and severally liable to the Contracting Authority and third parties within any legal relationship arising out of this public contract throughout the term of the public contract.

3.11. **Changes in Qualification of Bidder in Procurement Procedure**

If, following the submission of documents or a qualification declaration, a change in the qualification of a bidder in the procurement procedure occurs during the procurement procedure, the bidder in the procurement procedure is required to notify the Contracting Authority within 5 business days of such change and submit new documents or a qualification declaration within 10 business days of notification of such change. A bidder in the procurement procedure is exempt from the duty if the qualifications change in such a way that:

- a) the qualification requirements are still met;
- b) the criteria for reducing the number of bidders in the procurement procedure or bids are not affected; and
- c) there is no impact on the bid evaluation criteria.

3.12. **If, in response to an invitation made in accordance with Section 46(1) of the AoPP by the Contracting Authority, the selected Contractor does not submit documents in electronic form proving fulfilment of the qualification criteria, or other documents or information requested by the Contracting Authority in accordance with Section 122(3) or (5) of the AoPP, it will be excluded from participation in the procurement procedure by the Contracting Authority in accordance with Section 122(8) of the AoPP.**

4. Subcontracting

- 4.1. If a bidder in the procurement procedure intends to use a subcontractor for the performance of the public contract, it **is obliged** in its bid to:
 - a) **identify the parts of the public contract** which it intends to perform through subcontractors; or
 - b) **submit a list of subcontractors**, if they are known to the bidder in the procurement procedure, and identify which part of the public contract will be fulfilled by individual subcontractors.
- 4.2. The selected Contractor will submit identification details for all subcontractors to the Contracting Authority within 10 days of delivery of the Contractor selection notice at the latest, if known to it and if not otherwise specified in its bid.
- 4.3. The selected Contractor must identify all subcontractors not identified in the bid from the selected Contractor and/or those identified after delivery of the Contractor selection notice per the previous subsection and that are to be engaged in the performance of the public contract (agreement) to the Contracting Authority at least 5 business days prior to performance of the public contract by the given subcontractor.
- 4.4. If international sanctions in accordance with Section 48a(1) of the AoPP apply to a subcontractor of the bidder in the procurement procedure, the Contracting Authority may demand the replacement of the subcontractor in accordance with Section 48a(3)(a) of the AoPP, or if international sanctions in accordance with Section 48a(1) of the AoPP apply to a subcontractor of the selected Contractor, the Contracting Authority must demand the subcontractor's replacement. In such case, a bidder in the procurement procedure will replace the subcontractor by the end of an appropriate period stipulated by the Contracting Authority at the latest. If such subcontractor is not replaced, the bidder in the procurement procedure is considered subject to a ban on award of the public contract.
- 4.5. The selected Contractor is entitled to change its subcontractors only with the Contracting Authority's prior written consent.
- 4.6. The above rules for identifying a subcontractor also apply to subcontractors at other levels of the supply chain.

5. Requirements for Method of Submission of Bid

- 5.1. The bidder in the procurement procedure shall enter a bid price for each relevant part of the public contract for which it is submitting a bid.
 - For part 1- cooperative repairs and maintenance of BELL helicopter - Annex 7 TD;
 - For part 2 - supply of batteries and battery units – Annex 8 (page 8a) TD;
 - For part 3 - supply of tension torsion straps – Annex 8 (page 8b) TD;
 - For part 4 - supply of sealants and cements – Annex 8 (page 8c) TD;
 - For part 5 - supply of filters – Annex 8 (page 8d) TD;
 - For part 6 - supply of supply of washers – Annex 8 (page 8e) TD;
 - For part 7- supply of gasket and o-rings – Annex 8 (page 8f) TD;
 - For part 8 - supply and lubricants – Annex 8 (page 8g) TD.

The bidder in the procurement procedure shall enter the price and term of delivery in the bid price **for each item specified in the bid price table**. Failure to complete even one item may result in the exclusion of a bidder from procurement procedure.

- 5.2. A bidder in the procurement procedure may submit a bid for a single part, multiple parts, or all parts of the public contract. Each part of the public contract will be evaluated separately.
- 5.3. The **bid price** quoted by the bidder **must include all costs and expenses necessary for the delivery of the Goods** (including transport, packaging etc.) or for carrying out a Service.
- 5.4. **The bid price** of a bidder in the procurement procedure **is set as the maximum permissible price which may not be exceeded for the whole term of validity and effectiveness of the FA.**
- 5.5. The Contracting Authority allows the submission of a price offer in the Czech currency (CZK) or in the European currency (EUR). A bidder in the procurement procedure may choose either of the above currencies. For the purposes of evaluation, foreign currency will be converted to Czech koruna (CZK) using the exchange rate published by the Czech National Bank on the date of disclosing bids.

6. Bid Evaluation Criteria and Method

- 6.1. Bids will be evaluated in accordance with their value for money in accordance with set partial criteria and their weight as a percentage (%).
- 6.2. The partial evaluation criteria are:
 - a) **Bid price - the sum of the prices of all Services or supplies of Goods specified in the price offerweight 80%**
As a part of this sub-criterion, bids will be evaluated in accordance with the total bid price for the items stated in the price offer in Annex 6 and 7 to this TD in CZK or Euro excluding VAT.
 - b) **average period of execution - repairs or supplies of Goodsweight 20 %**
This sub-criterion evaluates the average offered period of execution of repairs or supplies of Goods in calendar days.
- 6.3. For the purposes of evaluating bids, the bidder in the procurement procedure enters price offers for the relevant parts of the public contract for which the bidder in the procurement procedure is submitting a bid, which constitute Annex 7 and 8 TD. Bid prices may be quoted in CZK or EUR. The Contracting Authority's bid evaluation committee will convert the individual currencies into CZK in accordance with the Czech National Bank exchange rate on the date the bids are made available.
- 6.4. For the purposes of evaluation, 4.5% customs duty will be added to the total price for Contractors that have their registered office outside the European Union.
- 6.5. For the purposes of evaluation, 60 calendar days shall be added to the average time limit for carrying out repairs or supplying Goods for Contractors that have their registered

office outside the European Union for the arrangement of the necessary permits, certificates, or licences by the Client. For evaluation needs, a calendar month will mean 30 calendar days.

- 6.6. Bid evaluation will be based on a points method. The bids will be evaluated on a 0 to 100 points scale.

Each individual bid is assigned a points value under the sub-criterion “**Bid price**”; this reflects the bid’s success under the sub-criterion. The most advantageous bid, i.e. the bid with the lowest bid price, will be awarded 100 points. Every other evaluated bid is assigned a points value, calculated by multiplying the ratio of the most advantageous bid and the bid being evaluated by 100.

Each individual bid is assigned a points value under the sub-criterion “**average time of execution**”; this reflects the bid’s success under the sub-criterion. The bid containing the lowest number of calendar days will be awarded a points value of 100 points. Every other evaluated bid is assigned a points value, calculated by multiplying the ratio of the most advantageous bid and the bid being evaluated by 100.

Evaluation in accordance with the points method will then be carried out by multiplying the points values of the bids obtained under the evaluation sub-criteria by the relevant percentage weight of the sub-criterion. The ranking of the individual bids under the individual evaluation sub-criteria will be determined based on the sums of the final values of the individual bids in such a manner that the most successful bid will be the one with the highest total evaluation index value.

6.7. **Procedure for Handling Bids Receiving Identical Points Values**

If the points values of the bids that placed first are identical, the Contracting Authority will make a random draw to determine the winning bid. A draw will be carried out in accordance with the principles specified in Section 6(1) and (2) of the AoPP. Bidders in the procurement whose bids are in such draw have the right to attend the draw. The Contracting Authority will announce the date and time of the draw at least 3 business days before the draw takes place.

7. Business and Payment Terms and Conditions

- 7.1. By submitting a draft FA, a bidder in the procurement procedure commits to the commercial, delivery, and payment terms required by the Contracting Authority, as set out in the draft FA, in accordance with this TD.
- 7.2. **The bid prices and the time limit for the execution of a Service or the supply of Goods**, as specified in the price offer, which constitute Annex 7 and 8 to the TD, **are final and cannot be exceeded for the entire period of force and effect of the FA**. The bid price will include all the bidder’s costs and expenses, including those of its subcontractors, if any, associated with the performance of a Service or the supply of Goods, including transport to the place of performance or delivery and compliance with warranty conditions. The time limit for executing individual Services invariably commences at such time as the bidder in the procurement procedure receives a helicopter, irrespective of the duration of customs procedure and transport. The time limit for the delivery of Goods to the place of performance commences on the date of conclusion of a Subcontract for the supply of Goods.
- 7.3. The business and payment terms and conditions are detailed in the draft FA.

- 7.4. A bidder in the procurement procedure is entitled to offer the Contracting Authority business and payment terms and conditions that are more favourable for the Contracting Authority. The Contracting Authority will decide whether the terms and conditions proposed by a Contractor are more advantageous to the Contracting Authority.

8. Instructions for Preparing Bids

8.1. Contracting Authority's Bid Preparation Requirements

- A bid must not contain any overwriting and corrections that could mislead the Contracting Authority.
- Bids must be compiled in **Czech or in English**.
- A bid must be in **electronic form** and **easily legible**.
- A bid and all the documents included therein required by the AoPP and this TD must be **signed** by the bidder in the procurement procedure, its statutory body or authorised agent. The above does not apply to a draft FA. If a bid is signed by a different person, the bid must include the person's authorisation to represent the bidder in the procurement procedure with the officially verified signature of the bidder in the procurement procedure or its statutory body.
- A bid must include a completed **draft FA** in .doc format.
- The appropriate box on the bid cover sheet must contain a contact e-mail address, to which the Contracting Authority may send correspondence to the bidder in the procurement procedure during the procurement procedure.
- A bidder in the procurement procedure will indicate in its bid under this Invitation whether it is an **SME**, as defined in Commission Recommendation 2003/361/EC. The Contracting Authority requires this information only for the statistical data of the Public Procurement Bulletin or the Official Journal of the European Union.

8.2. The Contracting Authority recommends that the content of a bid be structured as follows:

Bid Cover Sheet

A binding cover sheet template is provided in *Annex 1* to this TD.

Demonstration of Compliance with Qualifications

A bidder in the procurement procedure may prove the qualification requirements in accordance with Article 3 of this TD required by the AoPP in its bid using the following options:

- copies of documents;
- an extract from the list of qualified Contractors;
- a written affidavit;
- a European single procurement document.

A specimen affidavit on compliance with the qualification requirements to meet basic and professional competence is annexed as Annex 2 to this TD.

Affidavit of Socially Responsible Performance, a specimen of which is appended as Annex 3 to this TD.

Affidavit on International Sanctions, a specimen of which is attached as Annex 4 to this TD.

Draft FA, a binding specimen of which is appended as Annex 5 and 6 to this TD.

Additional Information required by this TD or information that is relevant for the implementation of the public contract.

- 8.3. The Contracting Authority will exclude any bidder in the procurement procedure that submits more than one bid individually or jointly with the other bidders in the procurement procedure or submits a bid and at the same time is a person or entity through whom another bidder in the procurement procedure proves its qualification in the same procurement procedure.
- 8.4. **The Contracting Authority does not allow variant bids.**
- 8.5. **The Contracting Authority recommends that bidders in the procurement procedure properly study the TD before submitting a bid and follow the instructions given in the TD precisely when preparing their bid. Any bid with contents that do not correspond to the required structure or that fail to meet any of the other conditions defined in this TD will be disqualified from the procurement procedure in accordance with the AoPP.**

9. Bid Submission Deadline and Method

- 9.1. Bidders in the procurement procedure may submit their bids until **02. 12. 2024, 10:00 a.m.**
- 9.2. The opening of the bids is not a public process in order allow the receipt of bids exclusively in electronic form. The opening of bids will take place in accordance with Section 109 of the AoPP.
- 9.3. Bids can be submitted exclusively in electronic form via the Contracting Authority's profile at <https://nen.nipez.cz/verejne-zakazky>. The manual for bidders in the procurement procedure can be found on the Internet, at: <https://nen.nipez.cz/prirucky-vse>.
- 9.4. **A bid must be encrypted by means of a public key certificate ("encryption certificate"), which is annexed as Annex 12 to the TD.**
- 9.5. In the event that a certificate other than the one provided by the Contracting Authority in accordance with the above paragraph is used to encrypt a bid, the bid will be excluded from the procurement procedure.
- 9.6. **Bids that are not delivered via the electronic tool and by the set deadline will not be included in the procurement procedure.** A bid is considered submitted once delivered via the Contracting Authority's profile specified above. Bids received in a different manner, other than via the Contracting Authority's profile, or after the specified deadline will not be taken into account.
- 9.7. By submitting a bid, a bidder in the procurement procedure confirms that it is entitled to disclose all the information contained therein to the Contracting Authority and is responsible for any consequences if this assertion should prove untrue.

10. Terms and Conditions for Contractors

- 10.1. If the selected Contractor is a legal entity under Section 122(5) of the AoPP and its beneficial owner(s) cannot be identified from the Records of Beneficial Owners, the Contractor will be disqualified from the procurement procedure in accordance with the AoPP. If the selected Contractor is a legal entity in accordance with Section 122(6) of the AoPP, the Contracting Authority will call on the Contractor to submit an excerpt from records similar to the Records of Beneficial Owners; if no such records exist,
- a) then to communicate the identification details of all persons and entities that are beneficial owners and
 - b) to submit documents showing the relationship of all the persons and entities in accordance with subparagraph a) to the Contractor; such documents are, in particular:
 1. an extract from a foreign register similar to a public register;
 2. a list of shareholders;
 3. a decision of the statutory body on the payment of a share in profit;
 4. the memorandum of association, founder's deed, or articles of association.
- 10.2. This TD is only provided for the purpose of preparing a bid with the aim of awarding the contract; a bidder in the procurement procedure will not use it for any other purposes.
- 10.3. The terms and conditions specified in the TD, as well as in all the documentation related to the procurement procedure, are binding on the bidders in the procurement procedure.
- 10.4. A bidder in the procurement procedure submits its bid free of charge; the Contracting Authority is exempt from any claims related to the submission of a bid.

11. Clarification, Change or Modification of Tender Documentation

- 11.1. A bidder in the procurement procedure may request that the Contracting Authority provide written **clarifications of the TD**, in a manner in accordance with Section 98 of the AoPP.
- 11.2. A request for clarification of the TD may be delivered in writing in electronic form, by means of the electronic tool, data box, or via an e-mail to the contact person, no later than 8 business days before the bid submission deadline.
- 11.3. A clarification of the TD regarding procurement conditions, and the exact wording of the request, will be published not later than 3 business days after the date of delivery of a request of a bidder in the procurement procedure in accordance with Section 98(3) of the AoPP.
- 11.4. The Contracting Authority will publish a TD explanation through its profile, at least 5 business days before the bid submission deadline. The Contracting Authority may explain its TD even without a prior request.

12. Contracting Authority's Rights and Duties

- 12.1. The Contracting Authority does not return the bids submitted and retains them as proof of the procurement procedure.
- 12.2. In accordance with Section 48(9) of the AoPP, the Contracting Authority verifies fulfilment of grounds for disqualification **of the selected Contractor** (the Contracting Authority disqualifies a bidder in the procurement procedure that is a joint stock company (akciová společnost) or that has a legal form similar to a joint stock company and that does not have exclusively dematerialised shares) based on information in the Commercial Register.

A selected Contractor with its registered office abroad that is a joint stock company or has a legal form similar to a joint stock company will be asked by the Contracting Authority to submit, within a reasonable period of time, a written affidavit as to which persons are the owners of shares whose aggregate nominal value exceeds 10% of the registered capital of the bidder in the procurement procedure, indicating the source from which the data on the size of the stake of the shareholder is derived.
- 12.3. In accordance with Section 39(4) of the AoPP, the Contracting Authority may **evaluate compliance with the eligibility conditions for participation** in the procurement procedure before or **after bid evaluation**. For the selected Contractor, it is always necessary to evaluate compliance with the eligibility conditions for participation in the procurement procedure and evaluate its bid.
- 12.4. The Contracting Authority **will publish the agreement concluded**, including any amendments and addenda thereto, in accordance with Section 219 of the AoPP. The selected Contractor is entitled to explicitly indicate in the agreement information that requires **protection of information and data** under special legal regulations and that should not be disclosed; the Contracting Authority will not disclose such information, provided this is permitted by the AoPP.
- 12.5. The Contracting Authority **publishes the amount actually paid** for performance of the agreement in accordance with Section 219(3) of the AoPP.
- 12.6. The Contracting Authority verifies the grounds for prohibition of the award of a public contract in relation to a bidder in the procurement procedure or the selected Contractor in accordance with Section 48a of the AoPP.

13. Tender Documentation Annexes

- Annex 1 – Cover Sheet
- Annex 2 – Specimen Affidavit on Compliance with Qualifications
- Annex 3 – Specimen Affidavit on Socially Responsible Performance
- Annex 4 – Specimen Affidavit on International Sanctions
- Annex 5 – Binding Specimen for Framework Service Level Agreement
- Annex 6 - Binding Specimen for Framework Supply Agreement
- Annex 7 - Overview of cooperation - bid price for part 1
- Annex 8 - Overview of spare parts - price offer for parts 2 through 8, Annex 8a -8g
- Annex 9 – A2 to FA Specimen Subcontract Services
- Annex 10 – A2 to FA Specimen Subcontract supplies
- Annex 11 – A4 to FA Handover document
- Annex 12 – Encryption Certificate

LOM PRAHA s.p.
Petra Zacharová
Head of Purchasing Department