



Tender conditions

(Hereafter referred to as the “Tender conditions”)

Concerning over-limit public procurement of supplies awarded pursuant to Act no 134/2016 Coll., on Public Procurement, as amended (hereafter referred to as the “Act”) under the title:

“Delivery of Machinery for Waste Water Decantation and Waste Water Recycling”

in an open procedure

Contracting Authority: České štěrkopísky spol. s r.o.
Registered Office: Cukrovarská 34, 190 00 Prague 9 - Čakovice
Company ID No.: 27584534
Represented by: František Jampílek, Managing Director
(hereafter referred to as the „Contracting Authority“)

Representative of the Contracting Authority

Pursuant to the relevant provisions of Section 43 of the Act: Naviga Assistance s.r.o.

Registered Office: Voctářova 2497/18, 180 00 Prague
Company ID No.: 24244414
Acting through: Ing. David Frolík, Executive Director
(hereafter referred to as the “Representative of the Contracting Authority“)

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Identification of potential persons other than the Contracting Authority pursuant to the relevant provisions of Section 36 (4) of the Act prepared a part of the tender documentation, and identification of the relevant parts of the tender documentation:

Person 1 – Naviga Assistance s.r.o., business ID 24244414

- Tender Documentation;
- Annex No. 1 to Tender Conditions, Draft Contract for Work,
- Annex No. 3 to Tender Conditions, Affidavit Template

1. Profile of Contracting Authority, Communication in Tender Proceeding

1.1. Profile of Contracting Authority

The tender documentation is available on the profile of the contracting Authority on the relevant public procurement project tab on: <https://www.vhodne-uverejneni.cz/profil/27584534>

1.2. Method of Communication in Tender Proceeding

1.2.1. Communication between the Contracting Authority and the economic operators in the course of the tender proceeding shall be in writing in compliance with the Act, especially with the relevant provisions of Section 211 of the Act. The Contracting Authority recommends using the electronic tool of the contracting authority E-ZAK (hereafter referred to as referred to as "E-ZAK") on the relevant public procurement project tab on: <https://zakazky.navigaassistance.cz/vz00000125>.

1.2.2. Contracting Authority hereby notes that the tender submission is also considered as written communication, among others. Tender submission for this tender shall be exclusively via E-ZAK on the relevant public procurement project tab.

1.2.3. The Contracting Authority explicitly notes that requests for clarifications, amendments of and changes in the tender documentation shall only be accepted in the electronic format (the Contracting Authority recommends use of EZAK, the Electronic Instrument of the Contracting Authority, for delivery of requests for clarifications, amendments or changes of the tender documentation) and answers shall be depersonalized and published in the contracting Authority's profile as amendments to the tender documentation (see the relevant provision of Section 98 and 99 of the Act).

2. Definition of Public Procurement Subject

2.1. Subject of Public Procurement

2.1.1. The subject of this public procurement is complete delivery, installation and operationalization of the waste water decantation technology within two of the sites of the Contracting Authority: Site A and Site B (hereafter referred to as "Goods" or "Technology") pursuant to the Technical Specification, attached as Annex 2 hereto.

2.1.2. The supplied Technology must **comply with the minimum technical parameter requirements defined by these Tender Conditions and Annex 2. The Contracting Authority requires the supply of the same technology on both Sites A and B.**

2.1.3. The Contracting Authority requires the supplied Technology to be in original, new and previously unused condition.

2.2. Assumed Value of Public Procurement

The Contracting Authority has defined the expected value of the public procurement in the amount of **CZK 20.000.000 excl. VAT.**

2.3. CPV codes:

42996000-4	Machinery for the treatment of sewage
42996900-3	Sludge-processing equipment
51514110-2	Installation services of machinery and apparatus for filtering or purifying water

2.4. References in Tender Documentation

2.4.1. Where the Tender Documentation or its annexes refer to a particular supplier or product, patents for inventions, utility patterns, trademarks or goods origins, it is when technical condition specification cannot be sufficiently exact or comprehensible. The Contracting Authority permits equivalent alternative offers for every such reference.

2.4.2. Where the Contracting Authority specifies technical conditions in the tender documentation through reference to standards or technical documents then their application in this tender proceeding is governed by the relevant provisions of Section 90 and 91 of the Act.

2.5. Further Requirements Related to the Public Procurement Subject

The Economic operator agrees that they and their subeconomic operators are liable to contribute to and permit controlling of the spent funds as follows from Act No. 320/2001 Coll., on Financial Control in Public Administration, amending certain other acts, as itself amended.

2.6. Contractual Terms

2.6.1. The submitted tender shall include a filled out draft contract. The draft contract includes all applicable business and payment terms. The economic operator shall attach a filled out draft contract for each of the sites of the Contracting Authority.

2.6.2. The economic operator shall not be entitled to modify any provisions of the draft contract and its annexes apart from those requiring filling out and amendment by the economic operator and **highlighted in yellow**.

2.6.1. The draft contract attached to the tender and all other annexes to the tender need not be signed by the economic operator in the tender submission stage – the submission itself through the electronic Instrument of the Contracting Authority (E-ZAK) shall be deemed a sufficient expression of the economic operator's will to submit a tender. The public procurement contract shall be signed by the selected economic operator, or the person authorized to act in their name, if the contract is awarded to them and the economic operator shall become party to the commitment resulting from the tender.

2.7. Time and Places of Public Procurement Supply

2.7.1. The estimated completion of the delivery shall be as follows:

- (a) within 270 calendar days upon receipt of the Contracting Authority written request to commence the delivery (estimation April 2023) for the Site A: sand and gravel quarry Velká Černoc,
- (b) within 270 calendar days from the date that the contract comes into force and effect (estimation September 2023) for the Site B: sand and gravel quarry Straškov,

2.7.2. The location for the public procurement supply shall be the relevant premises of the Contracting Authority as follows:

- Site A: Pískovna Velká Černoc (i.e. sand and gravel quarry Velká Černoc), lots No. 1622/1, 1622/2 and 1645/10, all situated in the cadastral territory of Žatec,
- Site B: Pískovna Straškov (i.e. sand and gravel quarry Straškov), lot No. 264/24, in the cadastral territory Žatec,

2.8. Variant tenders

The Contracting Authority does not permit variant tenders.

3. Tender Submission Deadline, Tender Preparation Requirements,

3.1. Tender Submission deadline

3.1.1. The current deadline for tender submission is always specified in the Contracting Authority's profile and in the electronic Instrument of the Contracting Authority, E-ZAK, in the relevant field on the present public procurement tab

3.1.2. Tenders not delivered within the tender submission deadline or in the manner specified in the tender documentation shall not be considered submitted and shall be disregarded.

3.2. Tender Requirements

3.2.1. "Tender" means data or documents submitted by the economic operator to the Contracting Authority on the basis of the relevant tender conditions, including but not necessarily limited to the draft contract (including the compulsory annexes) and other documents required by the Contracting Authority (especially qualification requirement compliance proving documents).

3.2.2. The tender shall be submitted in Czech or in English based on these tender conditions, or the tender documentation.

3.2.3. The Contracting Authority requires exclusively written tender submissions, in the electronic format, via E-ZAK on: <https://zakazky.navigaassistance.cz/vz00000125>.

3.3. Tender Compilation

3.3.1. Contracting Authority recommends the following order of parts of the electronic tender and qualification requirement compliance proving documents of the economic operator:

- i. Tender content – the filled out draft purchase contract including annexes pursuant hereto;
- ii. Eligibility and qualification requirement compliance proving documents pursuant to Article 6 hereof;
- iii. The actual tender with detailed descriptions of the offered components of the set, including submission of the relevant product data sheets,
- iv. Filled out Annex 2 hereto – Technical Specification,
- v. Filled out Annex 4 hereto – Budget
- vi. Other potential papers and documents if considered useful by the economic operator or if required by law or by these tender conditions.

3.3.2. The electronic format of the tender may use any of the generally accessible formats and programs such as Microsoft Office, Adobe Reader, Open Office etc.

3.4. Further Requirements for Tender Preparation

3.4.1. If a document is required by the law of the Czech Republic, the economic operator may submit an equivalent document pursuant to the law of the country in which that document is issued, accompanied with a Czech translation. If the given document is not issued pursuant to the applicable law system then it may be replaced with an affidavit.

3.4.2. Documents in Slovak and education credentials (certificates) in Latin or English may be submitted without Czech translation.

3.4.3. The obligation to submit a document may be fulfilled by reference to the corresponding information maintained by the information system of public administration or a similar system maintained by another EU Member State permitting unlimited remote access. Such reference must include the Internet address and data for log in and retrieval of the required information, where necessary. The Contracting Authority shall not incur any costs in connection with retrieval and check of thus provided information.

3.4.4. The method of tender encoding and submission (i.e. how the tender is to be submitted), the acceptable tender formats, the issues of the economic operator registration in the Electronic Instrument of the Contracting Authority and all other information of technical nature in the sense of the relevant provisions of Section 211 (4) of the Act can be found on the web site of the provider of the electronic Instrument of the Contracting Authority, E-ZAK <https://zakazky.navigaassistance.cz/manual.html>.

In case on need for assistance in the above questions there is user technical support of the Electronic Instrument of the Contracting Authority (hotline and helpdesk) on <https://www.ezak.cz/kontakt>. In the case of the need for any clarification concerning the method of tender submission the economic operators may use the FAQ tab of the operator of the E-ZAK electronic instrument on <https://www.ezak.cz/faq>.

4. Tender Price Format

4.1. The economic operator shall specify the tender price in the relevant section of the draft Purchase Contract. The price shall be denominated in CZK or EUR in the following format:

- a) Tender price excl. of value added tax (VAT),
- b) Separate VAT rate and amounts,
- c) Tender price inclusive of VAT.

4.2. Unless otherwise specified by the contract terms, the tender price shall include all costs necessary for due implementation of the public procurement subject, including related costs.

4.3. The Contracting Authority shall only permit tender price change in response to a normative change of VAT rate corresponding to the nature of the supply, including in the case of interpretation discrepancies to the detriment of the selected economic operator, without prejudice to the provision of the previous paragraph.

5. Qualifications

The economic operator shall qualify for the contract award if they are able to prove compliance with the:

- a) Basic qualification requirements pursuant to Section 74 of the Act,
- b) Professional qualification requirements pursuant to Section 77 of The Act and Section 5.2. of the Tender Conditions,
- c) Technical qualification requirements pursuant to Section 79 (2) (b) and Section 5.3. of the Tender Conditions.

5.1. Basic Qualification Requirements

5.1.1. The economic operator shall not qualify pursuant to Section 74 of the Act if:

- a) In the past 5 years before the present tender proceeding commencement in the country of their registered office they were sentenced by convicted of an offence for a criminal act specified in Annex 3 of the Act or a similar criminal act pursuant to the legislation of the country of their registered office, spent convictions are disregarded,
- b) They are in arrears in relation to taxes mature in the Czech Republic or in the country of their registered office,
- c) They are in arrears in relation to health insurance premiums and penalty mature in the Czech Republic or in the country of their registered sea,
- d) They are in arrears in relation to social security premiums and penalty mature in the Czech Republic or in the country of their registered office,
- e) They are under liquidation, bankruptcy decision pursuant to other legislation or in a similar situation pursuant to the law of the country of their registered office.

5.1.2. The economic operator shall prove compliance with the basic qualification requirements pursuant to Section 75 (1) of the Act by providing:

- a) An excerpt from criminal record in relation to Section 74 (1) (a) of the Act,
- b) A confirmation of the competent tax office in relation to Section 74 (1) (b) of the Act,
- c) A written affidavit concerning excise tax in relation to Section 74 (1) (b) of the Act,
- d) A written affidavit in relation to Section 74 (1) (c) of the Act,
- e) A confirmation issued by the competent district social security administration in relation to Section 74 (1) (d) of the Act,
- f) Excerpt from the Commercial Register, or a written affidavit if not entered in any commercial register, in relation to Section 74 (1) (e) of the Act.

5.1.3. If the economic operator is a legal entity then the condition pursuant to paragraph 1 letter a) must be fulfilled by the legal entity and at the same time each member of the statutory body of the legal entity. If a member of the statutory body of the economic operator is a legal entity then the condition pursuant to paragraph 1 letter a) must be fulfilled by:

- a) The legal entity,
- b) Each member of the statutory body of the legal entity, and
- c) The person representing the legal entity in the statutory body of the economic operator.

5.2. Professional Qualification Requirements

5.2.1. The economic operator shall prove compliance with the professional qualification requirements by submission of an excerpt from the Commercial Register in compliance with Section 77 (1) of the Act,

5.2.2. These documents need not be submitted by the economic operator coming from a country the legislation of which does not require any similar professional qualification.

5.3. Technical Qualification Requirements

Technical qualification criteria shall be fulfilled by the economic operator who shall provide:

5.3.1. Pursuant to Section 79 (2) (b) of the Act a list of selected deliveries provided in the past 10 years before the present tender commencement, including the price and the date of the delivery and identification of the client. The Contracting Authority reserves the right to contact the identified client.

The scope of the provided list shall include at least 2 major deliveries worth at least CZK 7.000.000,- exclusive of VAT, per individual delivery (a complete technological unit), consisting of a complete delivery and installation of machinery for sewage or sludge water treatment for industrial use.

5.4. Form of Documents

The economic operator shall submit plain copies of the qualification requirement compliance proving documents. Before the contract award the Contracting Authority shall request from the selected economic operator original copies of or converted qualification documents, unless already submitted in the tendering stage. Qualification documents issued in a language other than Czech or Slovak shall be provided with a Czech translation. This does not exclude the possibility to submit the tender in another language permitted by this tender documentation. Documents in Slovak and education credentials in Latin shall be submitted without translation. Documents proving basic qualification requirement compliance pursuant to Section 74 and professional qualification requirement compliance pursuant to Section 77 (1) shall prove compliance with the required criterion in 3 months before the tender proceeding commencement at the latest.

5.5. Optional Replacement of Qualification Documents with an Affidavit

In accordance with Section 86 (2) of The Act, the Contracting Authority hereby confirms that the economic operator may replace the above required qualifications documents with an affidavit, attached to the tender. The Contracting Authority reserves the right to request the aforementioned qualification documents alongside the affidavit at any time during the course of the tender. In the case of the winning economic operator, the economic operator shall always be required to submit the qualification documents before the contract award. In case an affidavit submission replaces a subeconomic operator's or third party's qualification documents, such affidavit must be given by the subeconomic operator or the third party themselves.

5.6. Joint Tender

In case of a joint tender of multiple economic operators, the basic qualification requirement compliance pursuant to Section 74 of the Act and the professional qualification requirement compliance pursuant to Section 77 (1) of the Act shall be proven by each economic operator separately.

6. Evaluation Criteria

6.1. The tenders shall be evaluated according to their economic benefit pursuant to Section 114 (2) sentence 2 of the Act by the lowest total tender price in CZK exclusive of VAT.

6.2. The best tender shall be the tender of the economic operator offering the **lowest total tender price in CZK exclusive of VAT**. To assess this criterion the data from the "Total Tender Price" field from the E-ZAK will be used.

6.3. The tenders shall be evaluated in CZK. The conversion of tender prices denominated in EUR to CZK shall be based on the exchange rate EUR/CZK announced by the Czech National Bank as at the tender submission deadline, available at <https://www.cnb.cz/cs/platebni-styk/sluzby-pro-klienty/kurzovni-listek-cnb/>

7. Procedure before Contract Award

7.1. The selected economic operator shall be liable to submit original copies of or converted qualification documents pursuant to Art. 5 above herein, unless already provided with the tender.

The documents proving basic qualification requirement compliance pursuant to Section 74 of the Act must prove fulfillment of the required criterion at the latest in 3 months before the tender proceeding commencement date.

7.2. If the selected economic operator shall be a foreign legal entity, the Contracting Authority shall request submission of documentation evidence from the foreign register of real owners evidence. If unavailable, the submitted economic operator shall provide:

- (a) i Identification data of all persons who are their real owners pursuant to the Act on Certain Measures against Legalization of Proceeds from Criminal Activity and Financing of Terrorism,
- (b) Documents showing the relationships of all persons pursuant to letter a) to the Economic operator; these documents include but are not limited to the following:
 - (i.) Excerpt from the Commercial Register or equivalent evidence;
 - (ii.) List of shareholders;
 - (iii.) Decision of the statutory body about profit share distribution;
 - (iv.) Articles of Incorporation, Articles of Association or Statutes.

7.3. The Contracting Authority notifies the economic operators already at this stage that the above document shall be required from the selected economic operator before the contract award in the form of electronic original copies of authorised converted printed documents. Details shall be specified in the call delivered to the selected economic operator after the winning economic operator selection.

8. Inspection of the Delivery Site

8.1. Inspection of each delivery site shall be conducted independently of each other's date. Participants shall meet at the public procurement site at 10:00 AM.

- Site A: Pískovna Velká Černoc, pozemky parc.č. 1622/1, 1622/2 a 1645/10, vše k.ú. Žatec, during the dates 22/02/2023 a 01/03/2023.
- Site B: Pískovna Straškov, pozemek parc.č. 264/24, k.ú. Straškov, during the dates 23/02/2023 a 02/03/2023.

8.2. Contracting Authority's contact for inspection of the delivery site: Van Cuong Nguyen, +420 777 782 899, e-mail: timmy@ceske-sterkopisky.cz.

8.3. Inspection of the site shall be conducted to familiarise economic operators with future delivery site and its parameters. During the inspection, representatives of the economic operators may raise questions and comments. Answers to them shall only be informative and are not binding for the purposes of the public procurement.

In case there may arise any ambiguities or questions during the inspection of the site, in relation to the public procurement subject, the **economic operator** may formally raise such questions in a written request in accordance to Annex No. 1 hereto - Tender Conditions.

9. Tender Submission Deadline

In compliance with Section 40 of the Act the Contracting Authority hereby defines the period before the tender submission deadline in the length of 3 months.

10. Other Rights, Conditions and Facts Declared and Reserved by the Contracting Authority

The Contracting Authority hereby reserves the following rights and defines further conditions:

10.1. The economic operators are liable to refrain from any actions that might disturb transparency and non-discriminatory progress of the tender proceeding, including but not limited to actions as a consequence of which fair competition among the economic operators to the present tender might be disturbed.

10.2. The Contracting Authority wants to award the public procurement contract in compliance with the principles of socially responsible public procurement contract awards. Responsible public procurement is a process in the course of which the Contracting Authority purchases products, services and construction works they need, obtaining maximum value for money and working for public and economic benefit with minimization of negative environmental impacts. Details are further specified in the draft contract.

10.3. The Contracting Authority hereby notes that in the context of the tender proceeding, for the purpose of assurance of legal progress of the tender, the process includes personal data processing in the sense of the Regulation of the European Parliament and of the Council (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation – GDPR). The data controller will be Simply fin, s r.o., as the public procurement contracting authority.

10.4. The economic operators are hereby informed that the subject of the tender is co-financed from the funds of the **Czech Recovery and Resilience plan** as part of the projects titled: *“Water Saving in sand and gravel quarry Straškov, registration no. CZ.31.5.0/0.0/0.0/22_008/0005595 and Water Saving in sand and gravel quarry Velká Černoc, registration no. CZ.31.5.0/0.0/0.0/22_008/0005596”*.

11. Annexes to these Tender Conditions

The following annexes form an integral part of these Tender Conditions:

Annex No. 1, Draft Purchase Contract (Annex No. 1A – Site A, Annex No. 1B – Site B),

Annex No. 2, Technical Specification,

Annex No. 3, Affidavit Template

Annex No. 4 Budget