



Tender Documentation

for procurement for supplies contracted within the open procedure, named

„Steam turbine with generator”

(hereinafter the “Public procurement”),

Contracting Authority

Business name: DUKOL Ostrava s.r.o.

Seat: Chemická 2039/1, 709 00 Ostrava, Czech Republic

Person authorized to

represent Contracting Authority: Ing. Kamila Pavelcová, managing director

Identification No.: 26792893

Tax Identification No.: CZ26792893

Hereinafter the “Contracting Authority”

Contractual representation of the contracting authority according to Section 43 of the Act No. 134/2016 Coll., on Public Procurement, as amended

Business name: Naviga Assistance s.r.o.

Seat: Pobřežní 249/46, 186 00 Praha, Czech Republic

Identification No.: 24244414

Tax Identification No.: CZ24244414

Person authorized to

represent Contracting Authority: Ing. David Frolík

e-mail: frolik@naviga4.cz, **phone:** +420 733 643 822

Hereinafter the “Representative”



Preamble

This Project is Co-financed by the European Union from the European Regional Development Fund / Operational Programme Enterprise and Innovation for Competitiveness, Programme „Energy savings“. This tender documentation (hereinafter as the "TD") forms a basis for submissions of tenders in this public procurement according to the Rules for selection of economic operators of OP PIK act. No. MPO 56796/18/61100/61000/501/7 and the Instructions for the successful implementation of the tender procedure established by Ministry of Industry and Trade of the Czech Republic.

Should this TD refer to specific commercial trademarks / products or solution, or other designations or visual presentations having relation to a specific supplier / manufacturer, it shall be understood as delineation of an anticipated characteristics and the participants are entitled to propose other technically or qualitatively compliant solution.

1. Definition of the Subject-matter of the Public procurement

1.1. The subject-matter of this public procurement is supply and delivery of 1 set of steam turbine with all necessary accessories (hereinafter as the "Equipment"). More detailed specification of the Equipment is provided in the annexes of this TD.

1.2. Subject matter also includes transport, assembly supervision, commissioning and start up.

Part of the Equipment and the actual realization of the supply and delivery will be:

- Equipment delivery, further defined by detailed specification of Equipment parameter requirements,
- transportation of the Equipment to the Place of Delivery, assembly supervision , commissioning and start up.
- acceptance test of the Equipment at the Place of Delivery,
- delivery of accompanying technical documentation, operating and maintenance and programming instructions (manuals) in Czech, German or English, warranty certificates, CE declaration of conformity, test reports, inspection reports, certificates and documents pursuant to Act No. 22/2997 Coll., on the Technical Requirements for Products, and on a change and addition to certain laws, as amended, the list of recommended spare parts, the prescribed protective and safety devices, all in two copies.

The Equipment includes all deliveries specified in Annexes of the TD.

2. Provision of TD and sufficient information about TD

The contracting authority provides TD including all annexes exclusively in electronic form by unlimited remote access according to Section 28 paragraph 1 point i) of the Act through the electronic tool of the contracting authority:

<https://www.profilzadavatele.cz/profil-zadavatele/DUKOL-Ostrava--s-r-o- 6844/parni-turbina-s-generatorem 29294/>



The participant is entitled to require from the tender authority sufficient information about tender conditions. The application should be in written and delivered to a contact person as amended in Article no. 8 of the TD of and delivered according to law.

3. Estimated Value

Estimated value of this public procurement is 34.400.000,- CZK excl. VAT.

4. Term and Place of Delivery

4.1. Term of Performance

Anticipated agreement conclusion: within 30 days after the Contract award notice
Time limit of the Equipment delivery: within 300 days after the agreement conclusion
Time limit of the completion of trial operation: within 180 days after the Equipment delivery

4.2. Place of Delivery

Place of Delivery shall be the seat of the Contracting Authority: Chemická 2039/1, 709 00 Ostrava.

5. Qualifications

5.1. Qualification requirements shall be met by those participants who will demonstrate:

- a) fulfilment of basic qualification,
- b) fulfilment of the professional qualification,
- c) fulfilment of the technical qualification.

5.2. Basic qualification

5.2.1. Basic qualification shall **not** be met by participant who:

- a) was convicted by final judgement in the country of its registered seat of a crime specified in Annex No. 3 to the Act or another similar crime pursuant to the law of the country of its registered office in the past five years preceding the commencement of the procurement procedure; expunged convictions are disregarded,
- b) has outstanding tax arrears registered in tax records in the Czech Republic or in the country of its registered office,
- c) has outstanding arrears in respect of payments and penalties of public health insurance in the Czech Republic or in the country of its registered office,
- d) has outstanding arrears in respect of payments and penalties of social security contributions and contribution to the national employment policy in the Czech Republic or in the country of its registered office,
- e) 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.



5.2.2. Participants shall prove fulfilment of the basic qualification in relation to the Czech Republic by submitting:

- a) a copy of an entry in the Criminal Records according to 5.2.1. a),
- b) a confirmation from a relevant tax office according to 5.2.1. b),
- c) a written affirmation regarding excise duty according to 5.2.1. b),
- d) a written affirmation according to 5.2.1. c),
- e) a confirmation from a relevant district social security administration according to 5.2.1. d),,
- f) a copy of an entry in the Commercial Register, or a written affirmation in the event that the participant is not incorporated in the Commercial Register.

5.2.3. If the participant is a legal person, both this legal person and every member of its governing body shall meet the condition specified in paragraph 5.2.1 point a). Where a legal person is a member of the governing body of the participant, the condition specified in paragraph 5.2.1 point a) shall be met by:

- a) this legal person,
- b) every member of the governing body of this legal person and
- c) the person representing this legal person in the governing body of the participant.

5.2.4. If the participant is a branch of a business of:

- a) a foreign legal person, the condition specified in paragraph 5.2.1 point a) shall be met by this legal person as well as the head of the branch,
- b) a Czech legal person, the condition specified in paragraph 5.2.1 point a) shall be met by the persons referred to in paragraph 5.2.3 as well as the head of the branch.

5.2.5. For the purpose of proving the basic qualification participants may use the pattern provided in Annex No. 2 herein.

5.3. Professional qualification

5.3.1. Participants shall prove fulfillment of the professional qualification in relation to the Czech Republic by submitting a copy of an entry in the Commercial Register or other similar records provided that registration in such records is required pursuant to another legal regulation.

5.3.2. The participant is not obliged to submit the document specified in paragraph 5.3.1 if legal regulations in the country of its registered office do not require such professional qualification.

5.4. Technical qualification

Participant shall prove fulfillment of the technical qualification submission of a list of at least 3 significant supplies (references) over the past five years before commencement of this procurement procedure, when significant supply is understood delivery of steam turbine with generator power of at least. 1MW.

5.5. Foreign participants

Except as otherwise provided in a special legal regulation, the foreign participant shall demonstrate the fulfillment of qualifications in accordance to the law applicable in the country of domicile (registered office, seat or place of residence) to the extent required by the law and by the Contracting Authority. If, under the law applicable in the country of domicile, a specific document is not provided, foreign participant shall prove fulfillment of the qualification by an affidavit. If the obligation which has to be proven in the context of



qualification is not established by the law applicable in the country of domicile, participant shall declare this fact in by an affidavit.

5.6. Authenticity and age of the documents

Unless stated otherwise in the TD, the participant submits documents for qualification in a simple copy in the Tender.

Documents of the fulfillment of basic and professional qualification may not be older than ninety calendar days on the day of the submission of tender.

6. Terms and Conditions, payment terms

The Contracting Authority requires the submission of its own proposal of the Business Terms and Conditions, which will contain the Contracting Authority's requirements specified in Annex 4 to the Tender Documentation - Terms and Conditions.

7. Warranty conditions

The Contracting Authority requires a minimum 24 months quality guarantee (Warranty period) according to Section 2113 of the Act No. 89/2012 Coll., Civil Code, as amended.

Participants may offer a longer Warranty period in the Draft Agreement then the Warranty period above.

8. Provision of explanation of the TD

8.1. Participants are entitled to request explanation of the TD in writing; request in writing shall be delivered to the above specified contact person (by email frolik@naviga4.cz). The Contracting Authority will send and publish such explanation on the Contracting Authority profile within 2 working days of receipt of the request for explanation.

The Contracting Authority is not obliged to provide an explanation if the request for explanation is not delivered in time, which means not less than 4 working days before the expiry of the time limit for the submission of tenders.

8.2. The Contracting Authority can provide explanation of the TD even without request.

8.3. The Contracting Authority will publish explanations (and requests according to par. 8.1 and 8.2) on the Contracting Authority profile above and at the same time will send such explanations to all known participants.

9. Structure of the tender price

9.1. Participants are obliged to specify the total offered price, including all required performance; the total tender price in CZK or in EUR excl. VAT, VAT rate, calculated VAT amount in CZK or in EUR separately, and the total tender price quoted in CZK or in EUR including VAT.

9.2. The Tender price must include the entire subject matter and will represent a fixed, binding amount as the maximum amount and maximum admissible price, including all fees and other costs that may be associated with the performance provided hereunder, such as transportation to the Place of Delivery,



packaging, custom duties, insurance cost and any other expenses necessary for the execution of subject matter.

9.3. The Tender price can only be changed in the case of changes to the tax rules governing the amount of VAT - in that case, the Parties are obliged to conclude an amendment to the Purchase Agreement. The Tender price also includes the expected price development in the branch until its expiry, and also includes the expected development of the CZK exchange rates to foreign currencies until the end of its validity.

10. Condition for drawing up of tenders

10.1. Tenders shall be submitted in **ONE** hardcopy original and **ONE** simple copy of the entire tender. All printed matter shall be clear and legible, with no deletions or over-writing.

10.2. Participants shall submit the tender also in **ELECTRONIC FORM** on a suitable data carrier, i.e. CD-ROM or flash disc, in MS Office or PDF compatible format. The filled-in Draft agreement shall be also saved on the CD-ROM or flash disc in a standard open & modifiable format (such as .DOC or similar) in the form as signed and bound into the hardcopy Tender, with the attached signature of the authorized person of Participant.

10.3. All sheets constituting the tender shall be numbered using a series of continuous ascending numbers and rigidly bound to each other or sewn together, so that they are adequately secured against tempering or removal from the binding. Tenders shall be clear and legible, with no deletions or over-writing.

10.4. Participant may submit only one tender at the time.

10.5. The tender may be prepared in the Czech, Slovakian or English language.

10.6. The tender must be submitted in the following structure:

1. Cover sheet – refer to Annex no. 1 herein - Cover sheet and signed by a person duly authorized to act on behalf of the participant,
2. Documents proving fulfilment of the qualification in the structure as set out in Article 5 herein:
 - *Documents proving basic qualification* – participants shall use Annex no. 2 - Affidavit on compliance with basic qualification requirements, herein,
 - *Documents proving professional qualification,*
 - *Documents proving technical qualification.*
3. The own tender – documents that contains description of tendering technology and documents proving technological requirements including fulfilled Annex no. 3 – Technical specification herein,
4. Draft agreement – Annex no. 4 hereto signed by a person duly authorized to act on behalf of the participant.
5. Other needed documents – power of attorney, etc.

11. Means of the submission and time limit for the submission of tenders

11.1. Tenders shall be submitted in writing in duly sealed envelopes bearing the name of the participant's business name, its seat (registered office) and its identification No. on the overleaf in accordance with Sections 107 paragraph 2 of the Act. The envelope must be clearly marked „**Do not open**” and with the name of this public procurement „**Steam turbine with generator**”.



11.2. Tenders shall be submitted no later than **3.7.2019 to 11:30 am** to the seat of the Contracting Authority at **DUKOL Ostrava, Chemická 2039/1, 709 00 Ostrava, Czech Republic** and addressed to the person of **Ing. Kamila Pavelcová**.

11.3. Tenders may be delivered by any suitable means (mail, courier, personally, etc.) at the above address on business days between 9:00 am and 2:00 pm until expiration of the time limit for the submission of tenders. Other methods of delivery shall not be considered to constitute a properly delivered tender. The participant is responsible for the time of submission of tender. Delay due to the mail, courier or other type of carrier will not be taken in account by Contracting Authority.

11.4. The time of the submission of tender is time stated on document (certificate) of tender submission. All received and accepted tenders will have a serial no., date and time of the submission and will be written down in the list of received and accepted tenders. Tenders received after the expiration of time limit for tender submission will not be opened.

12. Evaluation Criteria

Tenders shall be evaluated on the basis of economic advantageousness according to the amount of the tender price exclusive of VAT.

Tenders shall be evaluated in CZK. Conversion of tender price in EUR into CZK will be performed on the basis of the exchange rate between EUR and CZK announced by the Czech National Bank as of the date of the time limit for the submission of tenders according to Article no. 11 of the TD.

The tenders will be ranked in an ascending order. The tender with lowest tender price will be assessed as the best tender and the tender with the highest tender price as the less suitable tender.

Tender price will be taken from both the Cover sheet and the Draft agreement. Pay attention to compliance in tender price in both documents.

13. Opening of tenders

13.1. Public opening of the envelopes with tenders shall take place immediately after the expiry of the tender submission date referred to Article no. 11 of the TD, at the seat of the Contracting Authority at **Chemická 2039/1, 709 00 Ostrava, Czech Republic**.

13.2. Contract award notice will be published according to Sections 212 of the Act on the Contracting Authority profile.

14. Conclusion

14.1. The Contracting Authority does not allow submission of variants of tenders or tenders containing performance beyond what is required in the TD.

14.2. The selected economic operator will be obliged to cooperate with financial control authority according to Sections 2e of the Act No. 320/2001 Coll., on financial control (audit) in public administration, as amended. This obligation also relates to all subcontractors through which the chosen contractor will fulfil a certain part of contract or who will grant certain things or rights to the chosen contractor for contract implementation.

14.3. The Contracting Authority reserves the right to verify any information provided by participants using third parties, and participants shall be obliged to provide the Contracting Authority all necessary cooperation in this matter.

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14.4. Participants shall bear the cost of processing their tenders.

14.5. The Contracting Authority reserves the right to amend or modify the TD set out in the tender dossier, either on the basis of a request from participants for additional information on the tender conditions or on their own initiative

14.6. This selection procedure constitutes the assignment of a public procurement outside the scope of Act, it is not a public tender for the best tender pursuant to Section 1772 et seq. of Act No. 89/2012 Coll., the Civil Code, as amended.

14.7. The Contracting Authority reserves the right to cancel the procurement procedure anytime during its course.

In the case of the cancellation of the procurement procedure, the Contracting Authority shall inform immediately all participants who have submitted the tender in the time limit for the submission of tenders. In the case that the Contracting Authority cancels the procurement procedure during the tendering period (before the expiry of the time limit for the submission of tenders), Contracting Authority shall publish that information in the same way as contract notice.

14.8. The Contracting Authority reserves the right to submit a notice of the selection of the economic operator in accordance with Article No. 54 Rules for selection of economic operators of OP PIK act. No. MPO 56796/18/61100/61000/501/7.

14.9. The length of the award period is 90 days, which shall run from the expiry of the time limit for the submission of tenders.

List of Annexes:

- Annex No. 1 - Cover Sheet
- Annex No. 2 - Affidavit on compliance with basic qualification requirements
- Annex No. 3 - Technical specification
- Annex No. 4 - Rules and conditions

On behalf of Contracting Authority

In Ostrava date 28.5.2019

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Ing. Kamila Pavelcová
managing director