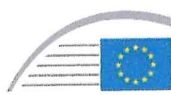


Evropská
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Ministerstvo životního prostředí



STÁTNÍ FOND
ŽIVOTNÍHO PROSTŘEDÍ
ČESKÉ REPUBLIKY

AL INVEST Břidličná, a.s.
Bruntálská 167
793 51 Břidličná



Tender Documentation

ALFAGEN – EQUIPMENT FOR CASTING BILLETS FROM ALUMINUM AND ITS ALLOYS

Procurement procedure

Above-the-Threshold Public Supply Contract published in an open procedure in accordance with sec. 56 of Act No. 134/2016 Coll., on public procurement, as amended (hereinafter as the “Act” or “PPA”).

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1 CONTRACTING AUTHORITY'S IDENTIFICATION DATA:

Contracting Authority's name	AL INVEST Břidličná, a.s.
Registered office	Bruntálská 167, 793 51 Břidličná
Company ID No.	27376184
VAT Reg. No.	CZ27376184
File no.	B 3040 administered by the Regional Court in Ostrava
Contracting Authority's profile	https://profil.y.proebiz.com/profile/27376184
Contracting Authority's web site	https://alinvest.cz/
Data box ID	xcbcpxk

Contact person for the procurement procedure	Jan Machara
Tel.	+420 724 164 102
E-mail	jan.machara@alinvest.cz

(hereinafter as the “**Contracting Authority**”)

2 GENERAL PROVISIONS

The procurement procedure for this Public Contract “ALFAGEN – EQUIPMENT FOR CASTING BILLETS FROM ALUMINUM AND ITS ALLOYS” (hereinafter as the “**Public Contract**”) and all related legal relations shall be governed by the laws of the Czech Republic, particularly by Act No. 134/2016 Coll., on Public Procurement, as and other legal regulations. By submitting a tender, the participant accepts the tender conditions of this Public Contract in full and without reservation.

The Contracting Authority has processed these Tender Documentation (hereinafter as the “**TD**” or “**Tender Documentation**”) to the best of its knowledge and experience in the area of public contract procurement procedure with the aim to award the Public Contract in accordance with the principles set out in sec. 6 of the Act.

The fulfilment of this Public Contract is part of the implementation phase of the project “ALFAGEN – Modernisation of Melting and Casting Technology”, project registration number 7222200001 (hereinafter as the “**Project**”), implemented under the Modernisation Fund programme. For this Public Contract, financial support from the Modernisation Fund programme is expected. The participant is obliged to abide by all the rules and conditions of the Modernisation Fund.

2.1 Position of the Contracting Authority and type of the Public Contract

This is an above-the-threshold public supply contract pursuant to sec. 14, par. 1, of the Act.

The Contracting Authority shall award the Public Contract in accordance with sec. 56 of the Act, in an open procedure.

Any communication between the Contracting Authority and the individual economic operators (hereinafter referred to as “**Participants**” after the submission of the tenders) shall be made explicitly in accordance with the provisions of sec. 211 of the Act, as amended – for details, see chap. 2.2 of the Tender Documentation.

2.2 Electronic tool

The Public Contract is awarded electronically via the electronic tool **JOSEPHINE**.

All tasks within this procurement procedure as well as all communication between the Contracting Authority and the Participant shall be conducted electronically via the electronic tool. All documents sent via the electronic tool shall be deemed to be properly delivered on the date of their delivery to the addressee's user account in the electronic tool. Whether or not a document has been read by the addressee, or whether or not the electronic tool sent a notice to the addressee's contact e-mail informing the addressee that their user account in the electronic tool has received a new message, shall be without prejudice to the delivery of the document.

The Participant shall be responsible for proper and timely familiarization with the documents sent by the Contracting Authority via the electronic tool, as well as for the accuracy of the Participant's contact details.

The conditions and information concerning the electronic tool, including information about the use of electronic signatures, can be found at: <http://josephine.proebiz.com/>; [https://store.proebiz.com/docs/josephine/cs/Manual registrace CZ.pdf](https://store.proebiz.com/docs/josephine/cs/Manual%20registrace%20CZ.pdf). The Contracting Authority wishes to point out that in order to submit a tender in electronic form, the participant needs to be registered in the electronic tool JOSEPHINE (<http://josephine.proebiz.com>). Approval of registration in the Josephine system may take up to 3 days from submitting the registration. For that reason, it is recommended that registration in the Josephine system should be done well in advance before the expiry of the deadline for submitting tenders.

For more information about communication via the JOSEPHINE tool, see Annex No. 7. For more information about registration, see Annex. No. 8.

The Public Contract system number in Josephine is: 50655

Any communication between the Contracting Authority and the individual economic operators (Participants upon submitting a Tender) shall be made explicitly in accordance with the provisions of sec. 211 of the Act, as amended. Throughout the procurement procedure, communication with the Participants shall be made exclusively via the electronic tool <http://josephine.proebiz.com/> – Public Contract system number in Josephine: 50655

In case of any questions on how to use of the electronic tool, contact the electronic tool user support:

<https://josephine.proebiz.com/cs/support>

Telephone +420 255 707 010; +420 597 587 111

E-mail: houston@proebiz.com

2.3 Preliminary market consultations

Under the tender conditions, no preliminary market consultations were held.

2.4 Entities engaged in the processing of the Tender Documentation

Entities' identification	Part of the Tender Documentation compiled by an entity other than the Contracting Authority
EUFC CZ s.r.o. Údolní 66, 602 00 Brno Company ID No. 26942364	Consultant in the procurement procedure that participated in the compilation of the Tender Documentation except for the subject of the Public Contract and the business terms and conditions.
ICE Industrial Services a.s. Štěpánská 621/34, Nové Město, 110 00 Praha 1 Company ID No. 29158541	Compilation of parts of the Tender Documentation, particularly the technical and qualification parts, and the work schedule.
PROEBIZ s.r.o., Masarykovo nám. 33/52, 702 00 Ostrava – Moravská Ostrava Company ID No. 64616398	Compilation of Annex No. 7 to the Tender Documentation – Josephine communication (setting out the requirements for electronic communication) and Annex No. 8 to the Tender Documentation – Registration Manual
Oculatus Consulting PO Box 891 Greenacres, WA 99016 US +1 5097233707	Compilation of parts of the technical documentation and particularly the quality products.
HAVEL & PARTNERS s.r.o., advokátní kancelář Na Florenci 2116/15, Nové Město, 110 00 Praha 1 Company ID No. 26454807	Compilation of Annex No. 2 to the Tender Documentation - Draft Contract for Work

3 SUBJECT OF THE CONTRACT

The Contracting Authority has published a public supply contract notice in an above-the-threshold open procedure titled “**ALFAGEN – EQUIPMENT FOR CASTING BILLETS FROM ALUMINIUM AND ITS ALLOYS**”, the subject of which is the supply of equipment for horizontal casting of aluminium billets, including supervision of assembly.

The subject of the Public Contract shall also include all tasks connected with the work completion.

Detailed technical specifications of the subject of the Public Contract are provided in Annex No. 3 to the Tender Documentation – Technical Specifications.

3.1 Classification of the subject of the procurement procedure (CPV codes)

43700000-0 Machinery for metallurgy and associated parts

43720000-6 Casting machines

71320000-7 Engineering design services

3.2 Method of securing the subject of the contract

The economic operator shall be fully responsible for the proposed solution and implementation of the subject of the contract in accordance with the Draft Contract for Work (hereinafter "Contract for Work") and its Annexes and TD, coordination of activities of its subcontractors, cooperation with other contractors engaged or appointed by the Contracting Authority in connection with the implementation of the Project and for ensuring safety during the contract performance.

3.3 Responsibility of the Participant for the contract performance

All products used shall comply with the provisions of Act No. 22/1997 Coll., on the Technical Requirements for Products and on Changes and Amendments to some Acts, as amended.

The Tender Documentation is a summary of the Contracting Authority's requirements for the scope and function of the contract, not a summary of all requirements arising from generally binding legal regulations and standards. When compiling a tender, the participant shall comply not only with the requirements set out in the Tender Documentation, but also with the provisions of the relevant binding legal regulations and standards applicable in the Czech Republic.

4 TIME AND PLACE OF THE CONTRACT PERFORMANCE

4.1 Time of the Public Contract performance

Performance commencement: Estimated date 08/2024.

Performance completion: The entire subject of the work shall be completed by 02/2027.

The contract shall be performed in accordance with the Project Time Schedule (Annex No. 1 to the Contract for Work). The preliminary schedule is provided in Annex No. 4 Estimated Schedule. Binding milestones are set in Annex No. 1 of the draft Contract for Work. Interim terms shall be filled by the Participant.

4.2 Place of the contract performance

The premises of AL INVEST Břidličná, a.s., Bruntálská 167, 793 51 Břidličná

NUTS 3: CZ080

5 CONTRACTING AUTHORITY'S REQUIREMENTS FOR THE PARTICIPANTS' QUALIFICATIONS

The Participant shall be obliged to prove compliance with the qualification requirements in accordance with sec. 73 to sec. 79 of the Act.

Compliance with the qualification requirements shall mean:

- a) compliance with the basic competence requirements,
- b) compliance with the professional competence requirements,

- c) compliance with the economic qualification requirements,
- d) compliance with the technical qualification requirements.

The detailed specifications of the scope and method of proving the Participants' compliance with the competence and qualification requirements can be found in the Qualification Documentation (Annex No. 1 – Qualification Documentation), which forms an integral part of the Tender Documentation.

6 REQUIREMENT FOR THE METHOD OF PROCESSING THE TENDER PRICE

6.1 Tender Price

For the purposes of this Public Contract, the “**Tender Price**” shall mean the price for the performance of the subject of the Public Contract in accordance with chapter 3 of the Tender Documentation exclusive of value added tax (VAT).

The Tender Price shall be quoted in **EUR**.

The Tender Price shall be set as a final lump sum and may not be exceeded throughout the performance of the contract. Modifications are only permissible pursuant to Art. 6.2 of the TD or in accordance with the Act.

The Tender Price, with the relevant breakdown, shall be specified in the electronic tool Josephine, in the draft Contract for Work (Annex No. 2 to the Tender Documentation) and in the Itemized Budget (Annex No. 6 to the Tender Documentation).

The Tender Price shall be processed in accordance with the tender conditions and shall contain the pricing of all items necessary for the proper performance of the Public Contract – see Annex No. 2 to the Tender Documentation – Draft Contract for Work including Annexes. The price for the performance of the subject of the Public Contract shall also include any negotiations connected with the work preparation and performance.

For the purposes of setting the Tender Price, the economic operator shall fill out Annex No. 6 to the Tender Documentation – Itemized Budget, which shall be part of the economic operator's tender.

6.2 Possibility of modifications of the total price for the performance of the Public Contract

Throughout the duration of the Contract for Work, the total price (i.e. Tender Price including VAT) may be modified in the event of a change in tax regulations that have a provable influence on the total price, particularly in the event of a change in the VAT rate. The increase in the total price shall not exceed the amount corresponding to the change in the tax regulations. Should the VAT rate decrease, the total price for the performance of the Public Contract shall be decreased by amount corresponding to the change in the tax regulations.

7 BUSINESS AND PAYMENT TERMS AND CONDITIONS

The Business and Payment Terms and Conditions are set out in the draft Contract for Work, which forms part of the Tender Documentation as Annex No. 2.

Guarantees – the Contracting Authority requires a minimum total guarantee for the subject of the Public Contract of **24 months**.

The draft Contract for Work is binding and cannot be changed, amended or supplemented in any way by the Participant. In the draft Contract for Work, the Participant shall only fill in their data in the indicated places (highlighted in yellow). The Participant shall include the completed Contract for Work, including annexes thereto, stipulated by the Contracting Authority for the procurement procedure, as part of its tender submitted in the procurement procedure. Submission of a signed Contract for Work is not required in the Participant's tender.

8 CONTRACTING AUTHORITY'S REQUIREMENT FOR INSURANCE OF LIABILITY FOR DAMAGE CAUSED BY THE ECONOMIC OPERATOR

Throughout the duration of the Work performance, the selected economic operator, with whom the Contract for Work will be concluded, shall be obliged to have liability insurance to cover any damage caused to a third party during the work performance. The Contracting Authority's requirement is specified in detail in article 8. of the draft Contract for Work.

The selected economic operator shall prove the existence of the insurance by presenting the applicable insurance policy or insurance certificate. The Contracting Authority requires that the selected economic operator has a liability insurance taken out to cover any damage caused to a third party during the work performance with insurance coverage of at least EUR 10,000,000.

If the Participant has already taken out insurance policy according to the article 8. of the draft Contract for Work, the Participant shall include in its tender a copy of the insurance policy or insurance certificate that proves compliance with the Contracting Authority's tender requirements. If the Participant has not taken out insurance policy in the requested amount, it shall include in its tender a statutory declaration confirming that it shall take out insurance policy according to the requirement above if it is awarded the Public Contract. In such a case, the winning Participant (selected economic operator) will be asked to present a copy of the insurance policy or insurance certificate in the term of 30 days after the Contract for Work is signed.

9 TECHNICAL SPECIFICATIONS OF THE CONTRACT

The technical specifications of the Public Contract are provided in Annex No. 3 to the Tender Documentation – Technical Specifications.

Where the Tender Documentation or annexes thereto indicate specific requirements for or references to trading companies, titles, names or surnames, specific designation of goods and services that are characteristic of a particular entity or its organizational component, patents for inventions, utility models, industrial designs, trademarks or designation of origin, these merely specify the required standard and the Contracting Authority allows also other solutions, similar in terms of technology and quality. Such deviation must be of an equivalent level in terms of safety and applicability.

10 TENDER VARIANT

The Contracting Authority does not authorise any tender variants.

11 OTHER REQUIREMENTS OF THE CONTRACTING AUTHORITY FOR THE CONTRACT PERFORMANCE

The Contracting Authority reserves the right not to return the tenders submitted.

The Contracting Authority reserves the right not to reimburse the Participants for the costs connected with their participation in the Public Contract procurement procedure, including if the Public Contract is cancelled.

12 SUBMISSION OF TENDERS, OPENING OF TENDERS AND EVALUATION

12.1 Submission of tenders

The deadline for the submission of tenders is **11. 6. 2024, 10:00 a.m.**

Tenders shall be submitted within the deadline for the submission of tenders, exclusively via the electronic tool. In view of the provisions of sec. 107, par. 1, and the provisions of sec. 211, par. 4 a 5, of the Act, the Contracting Authority shall not accept any tenders in paper form or electronic form not submitted via the electronic tool.

If a tender is not submitted within the deadline or in the manner specified in the Tender Documentation, such tender shall not be deemed to be submitted and shall not be considered in the procurement procedure in accordance with sec. 28, par. 2, of the Act. The Contracting Authority shall notify the economic operator without undue delay if their tender was submitted after the deadline for the submission of tenders.

The Contracting Authority reserves the right to verify and check the data indicated in a tender submitted by a Participant. The Contracting Authority shall exclude from the procurement procedure any Participant who has provided false data.

12.2 Opening of tenders

The Contracting Authority shall open the tenders in accordance with the provisions of sec. 109 of the Act upon expiry of the deadline for the submission of tenders.

Opening of a tender in electronic form shall mean the making of the contents accessible to the Contracting Authority. A tender shall be opened in accordance with the above provision of the Act without the presence of the Participants.

12.3 Evaluation of tenders

The Contracting Authority shall evaluate the tenders in accordance with sec. 114 et seq. of the PPA according to the evaluation criteria specified hereinbelow.

In accordance with sec. 114 of the Act, the Contracting Authority shall specify that the tenders will be evaluated based on their economic advantageousness on the basis of the most favourable price and quality ratio.

The data that are proposed by the Participant and are the subject of the evaluation must not be subjected to any other condition on the part of the Participant. Any such condition or

specification of several different data values that are the subject of the evaluation may be a reason for excluding the tender and the Participant from the procurement procedure.

The ranking of the Participants shall be determined based on the below evaluation sub-criteria. The tender that scores the highest number of points shall be the winner of the contest. The maximum number of points is 100.

The evaluation sub-criteria for the award of the Public Contract are as follows:

Sub-criterion:	Weighting in %
A) Tender price (in EUR exclusive of VAT) The tender shall be evaluated in favour of the lowest tender price offered.	65%
B) Technical parameters The tender shall be evaluated in favour of the highest number of points obtained in accordance with Annex No. 5 Technical Conditions.	30%
C) Warranty period (in months) The tender shall be evaluated in favour of the longest warranty period.	5%

Method of evaluation of the tenders:

A) Tender price (in EUR exclusive of VAT)

The Tender Price for the performance of the Public Contract in EUR exclusive of VAT shall be evaluated. The most favourable tender within the given criterion shall mean the tender with the lowest Tender Price.

The calculation formula of the evaluation sub-criterion "Tender Price", where the most favourable tender has the lowest value:

$100 * (\text{most favourable tender} / \text{evaluated tender}) * \text{weighting expressed as a decimal number}$
The results shall be rounded to two decimal places.

The Tender Price shall be specified in EUR exclusive of VAT. The Tender Price offered by a Participant shall include all the costs connected with the performance of the Public Contract. The Tender Price in EUR exclusive of VAT as the evaluation criterion shall be specified in the electronic tool Josephine, in the draft Contract for Work and in the Annex No. 6 – Itemized Budget. In the event of differences in the Tender Price, the Tender Price set out in Annex 6 of the TD shall prevail and be binding for evaluation and for fulfilment of the Contract for Work.

B) Technical parameters

The total number of points out of the scored criteria as per the data specified in Annex No. 5 shall be evaluated.

Under this evaluation criterion, the Contracting Authority shall assess the following sub-criteria:

1. The deadline for providing the documentation of construction readiness from the contract conclusion
2. Guaranteed technical support for discontinued components (alternatives to obsolete components)
3. Guaranteed availability of spare parts for all components

The values offered by the Participant for individual sub-criteria no. 2. and 3. shall also be specified in the draft Service Contract to be prepared and submitted by the Participant as part of the tender.

The total score for the evaluation sub-criterion "Technical parameters" is given by the sum of the points obtained under the individual sub-criteria no. 1. - 3. The max. total score that can be achieved by a Participant under the evaluation sub-criterion "Technical Parameters" is 100. The Participant shall fill out the offered values of the aforementioned sub-criteria no. 1. - 3. in Annex No. 5 to the Tender Documentation – Technical Conditions.

The tender being evaluated will receive the score that is obtained by multiplying 100 by the ratio of the value of the most favourable tender to the evaluated tender (under the given criterion, the most favourable tender shall mean the tender with the highest number of points obtained under the evaluation sub-criterion "Technical parameters").

The calculation formula of the evaluation sub-criterion "Technical parameters", where the most favourable tender has the highest value:

$100 * (\text{evaluated tender} / \text{most favourable tender}) * \text{weighting expressed as a decimal number}$

The results shall be rounded to two decimal places.

C) Warranty period

The warranty period expressed in months from the date of issue by the Customer (Contracting Authority) of the Project Closing Certificate of the complete Equipment shall be evaluated. **The minimum acceptable warranty period shall be 24 months. The maximum acceptable warranty period shall be 60 months.**

The warranty period may be extended under the Contract for Work terms and conditions for up to an additional 24 months (the minimum prolonged warranty period is 48 months, maximum 84 months).

The Participant shall complete the draft Contract for Work with its offered warranty period.

The calculation formula of the evaluation sub-criterion "Warranty Period", where the most favourable tender has the highest value (in months):

$100 * (\text{evaluated tender} / \text{most favourable tender}) * \text{weighting expressed as a decimal number}$

The results shall be rounded to two decimal places.

Overall evaluation:

The overall ranking of the tenders shall be based on the total number of points obtained by the individual tenders, i.e. the sum of the points achieved under the individual evaluation sub-criteria. The tender that obtains the highest number of points shall be deemed to be the most

economically advantageous tender. The other tenders shall be ranked based on the number of points achieved in descending order after the most favourable tender and shall be numbered accordingly.

The overall score achieved by the individual tenders will be based on the following formula:

Total score = Σ number of points obtained by the Participant for the individual evaluation sub-criterion

If two or more tenders take the first place, i.e. obtain the same total score in the overall evaluation, evaluation criterion A) – the Tender Price in EUR exclusive of VAT – shall be decisive in establishing the final ranking of the tenders. In such a case, the most favourable tender shall be the one with the lowest Tender Price exclusive of VAT under evaluation criterion A); the other tenders with the same overall score shall be ranked according to the amount of the Tender Price in EUR exclusive of VAT under evaluation criterion A) from the lowest to the highest one. Should two or more tenders still be deemed to be the most economically advantageous ones when this rule is applied, the most favourable tender shall be decided by drawing lots in the presence of a notary and representatives of the Participants in question.

12.4 Conditions for the conclusion of the contract

Before the contract for the performance of the Public Contract is concluded, the selected economic operator shall be obliged to present, upon written request:

- In accordance with sec. 122, par. 3 a) of the Act – certificates of its qualifications if not already available to the Contracting Authority (a copy of the certificates shall be sufficient).

If the selected economic operator is a Czech legal entity, the Contracting Authority shall in accordance with sec. 122, par. 5, of the PPA determine information about the beneficial owner pursuant to the act providing for the registration of beneficial owners (hereinafter as the “beneficial owner”) from the register of beneficial owners pursuant to the same act (hereinafter as the “Register of Beneficial Owners”). The Contracting Authority shall indicate the data found in the procurement procedure documentation. For these purposes, the Ministry of Justice shall allow the Contracting Authority remote access to the Register of Beneficial Owners in order to obtain a full copy of the applicable data as well as data that have been erased without replacement or data that have been replaced with new ones in accordance with the act providing for the registration of beneficial owners.

If the selected economic operator is a foreign legal entity, the Contracting Authority shall in accordance with sec. 122, par. 6, of the PPA ask the economic operator to present an extract from a foreign register similar to the Register of Beneficial Owners, or in the absence of such register,

- a) to provide identification data of all persons who are the beneficial owner, and
- b) to provide documents proving the relationship between all the persons listed under point a) and the economic operator; such documents shall mean particularly an extract from a foreign register similar to a public register, a list of shareholders, decision of the

statutory body to pay out a share in the profit, memorandum of association, charter of incorporation or articles of association.

If the selected economic operator is a joint-stock company, the Contracting Authority shall in accordance with sec. 48, par. 7 and 9 of the Act verify that the Participant has issued registered shares only (this will be specified in the extract from the Commercial Register). If the Participant who is a joint-stock company does not have exclusively registered shares, the Participant shall be excluded from the procurement procedure.

If the selected economic operator, who is a joint-stock company or whose legal form is similar to that of a joint-stock company, is based abroad, the Contracting Authority shall ask the economic operator to present within a reasonable period of time a written statutory declaration confirming the owners of shares the total nominal value of which exceeds 10% of the registered capital, indicating the source of the data concerning the size of the shares owned by the shareholders; this request shall be deemed to be a request pursuant to sec. 46 of the PPA.

13 FORM AND CONTENT OF TENDERS

13.1 Form of tenders

Tenders shall be submitted in writing, in electronic form, upon the economic operator's prior registration, via the electronic tool (JOSEPHINE) at <https://josephine.proebiz.com/>.

A tender including the draft contract in electronic form shall be:

- **submitted via the electronic tool – <https://josephine.proebiz.com/>**

A tender shall not contain any rewrites and corrections that could mislead the Contracting Authority.

The Contracting Authority lays down that the economic operator shall only use generally available data file formats, i.e. PDF, JPG, DOCX, XLSX, ZIP, etc.

The tender and all parts thereof shall be written in Czech or in English; if any document is not available in Czech or in English, its translation into the Czech or English language shall be presented; documents in the Slovak language and certificates of education in Latin shall be presented without a translation.

13.2 Content of tenders

The tender shall contain the following documents and data in the bellow recommended order:

- 1) Certificates and documents proving qualifications
- 2) Completed draft Contract for Work, including annexes (Annex No. 2 to the Tender Documentation – Draft Contract for Work)
- 3) Technical offer based on the requirements set out in Annex No. 3 (If any part of the Participant's technical offer is inconsistent with the draft Contract for Work or this TD

including their annexes, the inconsistent part of the Participant's offer shall not apply in the performance of the Public Contract)

- 4) Technical conditions, completed Annex No. 5
- 5) Itemized budget, completed Annex No. 6 in *.xls
- 6) Copy of the insurance policy or insurance certificate, or statutory declaration (according to chap. 8 of the Tender Documentation)
- 7) Completed and signed statutory declaration confirming the exclusion of conflict of interest and statutory declaration in relation to entities from Russia/Belarus (Annex No. 9)
- 8) Draft Service Contract (it is a non-binding draft prepared by the Participant)

14 CLARIFICATION OF THE TENDER DOCUMENTATION

The economic operator is entitled to ask the Contracting Authority for clarification of the Tender Documentation in accordance with the provision of sec. 98, par. 3 of the Act. The Contracting Authority shall publish, send or hand over the clarification including the exact wording without identifying the economic operator. The Contracting Authority shall not be obliged to provide such clarification if the request for clarification is not delivered in time, i.e. at least 8 working days before the expiry of the deadline for the submission of tenders.

Clarification of the Tender Documentation shall be published by the Contracting Authority on the Contracting Authority's profile no later than within 5 working days before the expiry of the deadline for the submission of tenders.

The Contracting Authority wishes to point out that in order to maintain the principles of transparency, equal treatment and non-discrimination under the Public Contract procurement procedure, all communication with the Contracting Authority shall be made exclusively in written electronic form. Any other method, e.g. personal negotiations, shall be excluded.

Any request for clarification of the Tender Documentation must be made in writing (in electronic form only) and submitted in electronic form to the Contracting Authority's contact person in accordance with chap. 1 of the Tender Documentation. Recommended submission is particularly via the electronic tool <http://josephine.proebiz.com/> – the system number of the Public Contract in Josephine: 50655. The request for clarification of the Tender Documentation shall include all the economic operator's identification and contact details and indicate which public contract the request relates to.

15 CHANGE OR AMENDMENT OF THE TENDER DOCUMENTATION

The Contracting Authority reserves the right to additionally change or amend the tender conditions of the Public Contract.

Each amendment / each change of the Tender Documentation pertaining to this Public Contract shall be published on the Contracting Authority's profile in accordance with sec. 99 of the Act.

16 INSPECTION OF THE PLACE OF PERFORMANCE

The Contracting Authority makes it possible to inspect the place of performance located at: AL INVEST Břidličná, a.s., Bruntálská 167, 793 51 Břidličná. The exact date of the inspection shall be agreed in advance. Such inspection must be requested in writing by the Participant in advance, in electronic form via the Contracting Authority's contact person as per chap. 1 of the Tender Documentation. Recommended submission of the notice is particularly via the electronic tool <http://josephine.proebiz.com/> – the system number of the Public Contract in Josephine: 50655. However, the Contracting Authority reserves the right not to comply with the request unless there are objective reasons for it. The party interested (including its subcontractors) may only inspect the place once, for no more than 4 hours.

In accordance with the provisions of sec. 97 a) of the PPA, such inspection of the place of performance shall be made no later than within 10 working days before the expiry of the deadline for the submission of tenders.

Participation in an inspection of the place of future performance shall be at the economic operator's representatives' risk.

The sole purpose of the inspection of the place of future performance is for the economic operators to get familiarized with the current place of the future performance and its technical and operating parameters. During the inspection of the place of future performance, the economic operators' representatives may ask questions and make comments, but any answers to them are of informative nature only and are not relevant to the award of the Public Contract. If following the inspection of the place of future performance something is not clear or any questions arise as to the content of the Tender Documentation, the economic operator shall be obliged to submit the query in writing to the contact person responsible for this procurement procedure and only a written reply shall be binding. The Contracting Authority shall publish the queries and the answers to the queries on the Contracting Authority's profile.

17 OTHER CONDITIONS

In accordance with sec. 40 of the Act, the Contracting Authority set the **Award Period** at 6 months from the date of expiry of the time limit for the submission of the tenders. The Award Period shall mean a period during which the participants in the procurement procedure must not withdraw from the procurement procedure. The start date of the Award Period shall be the end of the deadline for the submission of tenders.

In accordance with sec. 2 e) of Act No. 320/2001 Coll., on Financial Control in Public Administration, the selected Participant shall be deemed to be a person obliged to cooperate in the performance of financial control.

Czech and English are the official languages for all communication between the Economic operator and the Contracting Authority in all legal acts concerning the procurement procedure. The Contracting Authority shall not provide any translation or interpreting services in favour of the economic operators.

In accordance with sec. 127 of the Act, the Contracting Authority may cancel the procurement procedure.

The Contracting Authority shall not reimburse the Participants' costs connected with their participation in the procurement procedure.

Tenders delivered after the deadline for the submission of tenders shall not be opened, shall not be deemed to have been submitted and shall not be considered in accordance with sec. 28, par. 2., of the Act.

The Contracting Authority reserves the right to verify and check the data indicated in a tender. The Contracting Authority shall exclude from the procurement procedure any Participant who has provided false data in its tender.

Each participant may submit one tender only. If a Participant submits several tenders separately or together with other participants, the Contracting Authority shall exclude all such tenders.

A participant who has submitted a tender in this procurement procedure must not be the same person as that used by another participant to prove their qualifications in the same procurement procedure.

All parts of a submitted tender must be consistent. Should there be any discrepancy between the tender text and the draft Contract, the data provided in the draft Contract shall prevail (with the exception of Tender Price for which Annex No. 6 of the TD is binding).

By submitting a tender, the Participant confirms its consent to the terms of the Tender Documentation and undertakes to perform the subject of the Public Contract if its tender is successful.

The Participants shall bear sole responsibility for proper inspection of Tender Documentation and for obtaining reliable information about all the conditions and obligations that may in any way influence the value or character of the tender or the performance of the contract. If a Participant is not successful, no requests for a change of the amount specified in the tender shall be accepted on account of its errors or omissions in relation to the afore mentioned obligations.

The Contracting Authority expects that the subject of the Public Contract shall be co-financed from funds from the European Union.

18 ANNEXES

- Annex No. 1: Qualification Documentation
- Annex No. 2: Draft Contract for Work
- Annex No. 3: Technical Specifications
- Annex No. 4: Estimated Schedule
- Annex No. 5: Technical Conditions
- Annex No. 6 Itemized Budget
- Annex No. 7: Josephine Communication
- Annex No. 8: Registration Manual

Annex No. 9: Conflict of interest

In Břidličná on 10. 05.2024

ALINVEST

Ing. David Bečvář

Chairman of the Board

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