

This project is co-financed by the EU Emissions Trading Scheme through the Modernisation Fund.



Ministerstvo životního prostředí



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



Qualification Documentation

ALFAGEN - BUILDING FOR MELTING AND CASTING - STAGE I

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 „Act“ or „ZZVZ“).

CONTENT

1 CONTRACTING AUTHORITY'S IDENTIFICATION DATA.....	3
2 GENERAL INFORMATION ABOUT THE PUBLIC CONTRACT AND PROOF OF QUALIFICATIONS.....	3
2.1 The deadline for proving compliance with the qualification requirements	3
2.2 Authenticity and applicability of documents proving compliance with the Qualification Requirements.....	4
2.3 Changes in qualifications	4
3 BASIC COMPETENCE.....	5
3.1 Scope of the basic competence	5
3.2 Method of proving compliance with the basic competence requirements	5
3.2.1 <i>Criminal record certificate – a clean criminal record in accordance with sec. 3.1 a) of the QD</i>	6
3.2.2 <i>Confirmation from the relevant Revenue Office – No tax debts in accordance with art. 3.1 b) of the QD</i>	7
3.2.3 <i>No health insurance debts in accordance with art. 3.1 c) of the QD</i>	7
3.2.4 <i>Confirmation of the relevant authority or institution – No social security debts in accordance with art. 3.1 d) of the QD</i>	7
3.2.5 <i>A statutory declaration of compliance with the basic competence requirements – Liquidation and bankruptcy in accordance with point 3.1 e) of the QD</i>	8
4 PROFESSIONAL COMPETENCE	8
4.1 Scope of professional competence	8
4.2 Method of proving professional competence	8
5 ECONOMIC QUALIFICATIONS.....	8
6 TECHNICAL QUALIFICATIONS.....	9
6.1 Scope of the technical qualifications	9
6.2 Method of proving compliance with the technical qualification requirements.....	9
7 SPECIAL METHODS OF PROVING QUALIFICATIONS.....	14
7.1 Proving qualifications via third parties in accordance with sec. 83 of the Act	14
7.2 Proving qualifications when a tender is submitted by several persons jointly.....	15
7.3 Proving qualifications in case of foreign entities.....	15
7.4 Proving qualifications by means of an extract from the list of approved Suppliers	15
7.5 Proving qualifications by means of a certificate from the system of certified Suppliers	16
7.6 Proving qualifications by other equivalent documents.....	16
ANNEXES TO THE QUALIFICATION DOCUMENTATION	16

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://profily.proebiz.com/profile/27376184
Contracting Authority's web site	https://alinvest.cz/
Data box ID	xcbcpxk

Contact person for the procurement procedure	Ing. Lucie Lukášová
Phone	+420 727 874 343
Email	lucie.lukasova@alinvest.cz

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

2 GENERAL INFORMATION ABOUT THE PUBLIC CONTRACT AND PROOF OF QUALIFICATIONS

The Contracting Authority published a Public Contract in an open procedure in accordance with sec. 56 of the Act.

The Contracting Authority has processed this Qualification Documentation (hereinafter as the “QD”) 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.

This Qualification Documentation contains a summary of the required Qualifications. Compliance with the Qualification Requirements shall mean proving:

- compliance with the basic competence requirements in accordance with chapter 3 of this Qualification Documentation,
- compliance with the professional competence requirements in accordance with chapter 4 of this Qualification Documentation,
- compliance with the economic qualification requirements in accordance with chapter 5 of this Qualification Documentation,
- compliance with the technical qualification requirements in accordance with chapter 6 of this Qualification Documentation.

The Supplier is obliged to prove compliance with the Qualification Requirements in accordance with sec. 73 to 79 of the Act. This Qualification Documentation provides detailed information about qualifications and competences and about how to prove them.

2.1 The deadline for proving compliance with the qualification requirements

The Supplier shall be obliged to prove compliance with the Qualification Requirements within the deadline for the submission of Tenders.

2.2 Authenticity and applicability of documents proving compliance with the Qualification Requirements

In accordance with sec. 45 of the Act, all documents required to prove compliance with the Qualifications may be presented as a copy.

In accordance with sec. 45, par. 4, of the Act, the Contracting Authority may meet the obligation to present a document by a link to the relevant information kept in the public administration information system or in a similar system maintained in another member country that allows unlimited remote access. Such link must contain the website address, login data to search for the required information where such information is necessary.

Documents proving the basic competence pursuant to sec. 74 of the Act and professional competence – extract from the Commercial Register pursuant to sec. 77, par. 1, of the Act shall prove compliance with the required competence criterion **no later than 3 months before the commencement of the procurement procedure.**

If the Contracting Authority requires a statutory declaration, it needs to be signed by the person authorized to act on behalf of or in the name of the Supplier. If it is signed by a representative under a power of attorney, such power of attorney must form part of the documents used by the Supplier to prove compliance with the Qualification Requirements.

If the Supplier proves its Qualifications by a document issued in a language other than Czech, Slovak or English, the Supplier needs to attach its translation into Czech or English unless otherwise stipulated in international contracts. An exception to this is a university diploma that can be presented in Latin. Should the Contracting Authority have any doubts as to the correctness of the translation, they may ask for an officially certified translation of the document into Czech or English in accordance with sec. 45, par. 3, of the Act.

In accordance with sec. 86, par. 2, of the Act, the Supplier may replace the required documents in the tender with the European single procurement document (<https://ec.europa.eu/tools/espd>).

The Contracting Authority explicitly states that it is possible to replace documents proving compliance with the Qualification Requirements with a written statutory declaration (in accordance with the provision of sec. 86, par. 2, of the Act).

Qualifications acquired abroad, i.e. basic and professional competence in relation to the country of the registered office for a foreign Supplier, shall be proved by the Supplier in accordance with sec. 81 of the Act **by documents issued in accordance with the legal system of the country where the qualifications were obtained, to the extent required by the Contracting Authority. If no such requested document is issued in accordance with the relevant legal system, it shall be replaced with the Supplier's statutory declaration within the meaning of sec. 45, par. 3 of the Act.**

2.3 Changes in qualifications

If following the submission of the documents or declaration of Qualifications there are any changes in the Participant's Qualifications during the procurement procedure, the Participant shall be obliged to notify the Contracting Authority thereof within 5 working days and to present

new documents or declaration of Qualifications within 10 working days of the notice of the change; the Contracting Authority may extend the deadlines, or waive the obligation to meet them.

The Participant shall not be bound by the obligation set out in the first sentence provided that the Qualification is changed in such a way that the Qualification conditions remain fulfilled and the criteria for the tender evaluation have not been affected thereby.

If the Contracting Authority discovers that the Supplier has failed to meet the obligation set out in the preceding paragraph, the Contracting Authority shall exclude the Supplier from the procurement procedure forthwith.

3 BASIC COMPETENCE

3.1 Scope of the basic competence

Competent Supplier is a Supplier that:

- a) in the last 5 years before the commencement of the procurement procedure was not convicted in **the country of its registered office** of a crime listed in Annex No. 3 to Act No. 134/2016 Coll. or of a similar crime in accordance with the legal system of the country of the Supplier's registered office; spent convictions shall not be taken into account,
- b) does not have any tax arrears recorded in the tax records in **the Czech Republic and in the country of its registered office**,
- c) does not have any arrears on insurance premiums or penalties for public health insurance due in **the Czech Republic and in the country of its registered office**,
- d) does not have any arrears on insurance premiums or penalties for social security and state employment policy contribution due in **the Czech Republic and in the country of its registered office**,
- e) is not in liquidation, has not been declared bankrupt, has not gone into receivership under any other legal regulation and is not in **any other similar situation in accordance with the legal system of the country of the Supplier's registered office**.

The Contracting Authority wishes to point out for foreign Suppliers that **compliance with the requirements set out in points a) and e) shall be proved only in relation to the country of the Supplier's registered office; the requirements set out in points b), c), d) shall be proved both in relation to the Czech Republic and in relation to the country of the Supplier's registered office, by presenting the documents specified in art. 3.2 of the QD below. If no such requested document is issued in accordance with the relevant legal system, it shall be replaced with the Supplier's statutory declaration.**

3.2 Method of proving compliance with the basic competence requirements

The Supplier shall prove compliance with the basic competence requirements **in relation to the Czech Republic** by presenting

- a) criminal record certificate in relation to sec. 74, par. 1 a) of the Act,
- b) confirmation from the relevant Revenue Office in relation to sec. 74, par. 1 b) of the Act,
- c) written statutory declaration concerning consumption tax in relation to sec. 74, par. 1 b) of the Act (sample statutory declaration – Annex No. 1.1 of the QD),
- d) written statutory declaration in relation to sec. 74, par. 1 c) of the Act (sample statutory declaration – Annex No. 1.1 of the QD),
- e) confirmation from the relevant Territorial Social Security Administration in relation to sec. 74, par. 1 d) of the Act,
- f) extract from the Commercial Register, or presentation of a written statutory declaration if the Participant is not registered in the Commercial Register, in relation to sec. 74, par. 1 e) of the Act.

In relation to the country of the Supplier's registered office – Suppliers with their registered office abroad (see 3.1 a), b), c), d), e) of the QD) shall prove compliance with the basic competence requirements also by documents issued in accordance with the legal system of the country of their registered office. Where no such document is issued in accordance with the legal system of the country of their registered office, it shall be replaced with a statutory declaration confirming compliance with the basic competence requirements to the extent required by the Act and the Contracting Authority (see 3.1 of the QD).

3.2.1 Criminal record certificate – a clean criminal record in accordance with sec. 3.1 a) of the QD

A Supplier with its registered office in the Czech Republic shall present a criminal record certificate to prove its competence in accordance with art. 3.1 a) of the QD.

A foreign Supplier shall present documents issued in accordance with the legal system of the country of its registered office.

Where no such document proving the qualification criteria is issued in the country of the Supplier's registered office, the Supplier shall replace it with a statutory declaration.

If the Supplier is a legal person, the competence requirement pursuant to art. 3.1 a) of the QD shall be met both by the legal person and by each member of the statutory body.

If a member of the Supplier's statutory body is a legal person, the requirement pursuant to art. 3.1 a) of the QD shall be met by:

- a) the legal person,
- b) each member of the statutory body of the legal person, and
- c) the legal person's representative in the Supplier's statutory body.

Where the procurement procedure is participated by a branch plant

- a) of a foreign legal person, the requirement pursuant to art. 3.1 a) of the QD shall be met by the legal person and by the head of the branch plant,

b) of a Czech legal person, the requirement pursuant to art. 3.1 a) of the QD shall be met by the persons listed art. 3.2.1 above and by the head of the branch plant.

3.2.2 Confirmation from the relevant Revenue Office – No tax debts in accordance with art. 3.1 b) of the QD

The Supplier shall present in accordance with art. 3.1 b) of the QD in relation to the Czech Republic a confirmation from the relevant **Revenue Office** proving its competence in accordance with sec. 74, par. 1 b) of the Act. in relation to consumption tax in accordance with sec. 74. 1 b) of the Act (sample statutory declaration – Annex No. 1.1 of the QD).

A foreign Supplier shall be obliged to prove its competence both in relation to the territory of the Czech Republic in accordance with the preceding paragraph and in relation to the country of its registered office by presenting documents issued in accordance with the legal system of the country of its registered office.

Where no such document proving the qualification criteria is issued in the country of the Supplier's registered office, the Supplier shall replace it with a statutory declaration.

3.2.3 No health insurance debts in accordance with art. 3.1 c) of the QD

The Supplier shall present in accordance with art. 3.1 c) of the QD in relation to the Czech Republic a statutory declaration (sample statutory declaration – Annex No. 1.1 of the QD), in relation to sec. 74, par. 1 c) of the Act.

A foreign Supplier shall be obliged to prove its competence both in relation to the territory of the Czech Republic by the declaration in accordance with the preceding paragraph and in relation to the country of its registered office by presenting documents issued in accordance with the legal system of the country of its registered office.

Where no such document proving the qualification criteria is issued in the country of the Supplier's registered office, the Supplier shall replace it with a statutory declaration.

3.2.4 Confirmation of the relevant authority or institution – No social security debts in accordance with art. 3.1 d) of the QD

The Supplier shall present in accordance with art. 3.1 d) of the QD in relation to the Czech Republic a confirmation from the relevant **Territorial Social Security Administration** proving its competence in accordance with sec. 74, par. 1 d) of the Act.

A foreign Supplier shall be obliged to prove its competence both in relation to the territory of the Czech Republic by the confirmation in accordance with the preceding paragraph and in relation to the country of its registered office by presenting documents issued in accordance with the legal system of the country of its registered office.

Where no such document proving the qualification criteria is issued in the country of the Supplier's registered office, the Supplier shall replace it with a statutory declaration.

3.2.5 A statutory declaration of compliance with the basic competence requirements – Liquidation and bankruptcy in accordance with point 3.1 e) of the QD

If a Supplier has its registered office in the Czech Republic, it shall present in accordance with art. 3.1 e) of the QD in relation to the Czech Republic an extract from the Commercial Register, or – if not registered in the Commercial Register – a written statutory declaration to prove its competence in accordance with sec. 74, par. 1 e) of the Act.

A foreign Supplier is obliged to prove its compliance with the competence criterion by documents issued in accordance with the legal system of the country of its registered office proving that the Supplier is not in a similar situation in accordance with the legal system of the country of the Supplier's registered office.

Where no such document proving the qualification criteria is issued in the country of the Supplier's registered office, the Supplier shall replace it with a statutory declaration.

4 PROFESSIONAL COMPETENCE

4.1 Scope of professional competence

The Contracting Authority requires compliance with the professional competence requirements set out in sec. 77, par. 1 and par. 2 a) of the Act.

4.2 Method of proving professional competence

The Supplier shall prove compliance with the professional competence requirements by presenting:

- a) in relation to the Czech Republic – an extract from the Commercial Register or any other similar register where another legal regulation requires such other registration;
- b) certificate of authorisation to do business in accordance with special legal regulations, particularly a document confirming the respective trade certificate or licence (extract from the Trade Register or trade certificate), with the following scope of business:
 - Construction execution, conversions and removal
 - Business in the field of hazardous waste management

In accordance with Act No. 455/1991 Coll., on trades, as amended, the Supplier may prove its trade certificate by an extract from the Trade Register, or – until the extract is issued – by a notification with proof of delivery to the Trade Office (in case of notifiable trade licences).

The documents in accordance with par. a) or b) specified above in chap. 4.2 Qualification Documentation do not need to be presented by the Supplier unless the legal regulations in the country of its registered office require a similar professional competence.

5 ECONOMIC QUALIFICATIONS

The Supplier shall prove in accordance with sec. 78, par. 1, of the Act its economic qualifications – the Supplier's minimum annual turnover for 3 immediately preceding accounting periods.

The Supplier shall prove that:

- a) **in each of the three closed accounting periods** (for which it is required by other legal regulations to have drawn up and approved financial statements) **immediately preceding the opening of the procurement procedure**, it has achieved **an annual turnover of at least CZK 200 000 000** (two hundred million Czech crowns); or
- b) **cumulatively for the three closed accounting periods** (for which it is required by other legal regulations to have drawn up and approved financial statements) **immediately preceding the commencement of the procurement procedure**, it has achieved **a turnover of at least CZK 600 000 000** (six hundred million Czech crowns) in the aggregate for all three closed accounting periods.

The Supplier shall prove its turnover by its profit and loss statement or a similar document in accordance with the legal system of the country of its registered office.

If the Supplier was established later, it just needs to present the data about its turnover in the required amount for all the closed accounting periods following its establishment. In that case, the condition will be met by proving an annual turnover of at least CZK 200,000,000 (two hundred million Czech crowns) for each closed accounting period or by proving a cumulative turnover of at least CZK 400,000,000 (four hundred million Czech crowns) if the Supplier has two closed accounting periods since its establishment. If the supplier has only one closed accounting period since its establishment, it will be sufficient to provide evidence of an annual turnover of at least CZK 200,000,000 (two hundred million Czech crowns) for the closed accounting period

In accordance with sec. 83, par. 3, of the Act, the Contracting Authority requires that if the Supplier proves its economic qualifications via a third party, the Supplier and the third party shall be jointly and severally liable for the performance of the Public Contract.

6 TECHNICAL QUALIFICATIONS

6.1 Scope of the technical qualifications

The Contracting Authority requires compliance with the technical qualifications in accordance with sec. 79, par. 2 b) of the Act specified in chapter 6.2 of the Qualification Documentation.

6.2 Method of proving compliance with the technical qualification requirements

a) List of construction works

In accordance with sec. 79, par. 2 a) of the Act, the Supplier shall prove its compliance with the technical qualification requirements by submitting a list of construction works provided by the Supplier within the past 5 years before the commencement of the procurement procedure, including the confirmation by the clients pertaining to the proper execution and completion of the construction works.

The Contracting Authority requires that the list of works should include at least 5 completed contracts that could demonstrate compliance with the following parameters:

- i. The contracts consisting in the construction or reconstruction of an industrial production hall:

1. at least 1 completed contract, whose subject concerns the construction works involving the implementation of construction or reconstruction of a industrial production hall with a crane track (the Supplier's scope of delivery does not need to include the very crane track), having a financial volume of the construction costs of at least 180 mil. CZK without VAT;
 2. at least 3 completed contracts, whose subject concerns the construction works involving the implementation of construction or reconstruction of an industrial production hall having a financial volume of at least 60 mil. CZK exclusive of VAT / each of these contracts, where at least 1 completed contract involved the construction work carried out on the client's premises simultaneously with active operations (industrial production).
- ii. at least 1 completed contract consisting in the implementation of construction with a steel load-bearing structure, at a minimum volume of 1,000 t.

The financial volume shall mean the price exclusive of VAT paid for the delivery of a contract which was accepted by the client; where the scope of the contract shall represent the actual delivery by the Supplier of the completed contracts.

The submitted list must indicate the data about the price (exclusive of VAT), term of delivery (the completion of the significant construction works must take place at least 5 years before the commencement of the procurement procedure), identification of the Client. **The list of construction works must include, in the form of annex, a certificate issued by the Client confirming the provision and completion of the similar contracts.**

The Supplier is only entitled to list similar contracts which have been implemented in a due and timely manner.

In accordance with sec. 79, par. 4 of the Act, the Supplier may prove its compliance with the technical qualification requirements as per sec. 79, par. 2 a) of the Act by submitting a list of construction works which it provided (i) along with other Suppliers within a scope in which it actually participated in a contract, or (ii) as a subeconomic operator in a scope to which it actually participated in the implementation of the construction works.

If the Supplier intends to prove its compliance with this part of qualification through a third party, the Supplier shall be obliged to provide the Contracting Authority also with the documents set out in par. 7.1 of the Qualification Documentation.

b) List of technicians / technical departments

Pursuant to Section 79(2)(c) and (d) of the Act, the Participant shall submit a list of technicians or technical departments that will participate in the performance of the Public Contract, regardless of whether they are employees of the Participant or persons in any other relationship with the Participant (**if they are not employees of the Participant, it is necessary to submit documents pursuant to paragraph 7.1 of this QD!**) and certificates of education and professional qualifications pertaining to the required subject matter, both for natural persons who may provide the services and for their managers.

To demonstrate the compliance with the technical qualification criterion, the Contracting Authority requires the submission of a list of the Supplier's technicians or other documents

required below to demonstrate the technicians' professional qualifications, including the evidence of their personal participation in the reference projects.

To demonstrate compliance with this requirement, the Contracting Authority requires the Participant to submit a list of technicians (= implementation team) who will participate in the performance of the Public Contract. These persons must meet at least the following requirements, the compliance with which will be clearly implied by the submitted list of the Supplier's technicians and/or other required documents:

1. Project leader / Project manager:

- a. a university degree of engineer/master of the 'civil engineering' type (the evidence of university education shall be submitted as part of the tender);
- b. authorized engineer according to Act No. 360/1992 Coll., on the performance of the profession of authorized engineers and technicians active in construction, in the field of "civil engineering" (No. IP00), as amended (the relevant certificate of authorization or an equivalent document shall be submitted as part of the tender);
- c. at least 5 years of practical experience in the construction or reconstruction of industrial buildings (= halls or buildings);
- d. the list of similar implemented deliveries corresponding to the subject of the Public Contract (= construction or reconstruction of industrial buildings (= halls or buildings)) within the last 5 years prior to the start of the procurement procedure, indicating the client, the name of the contract, the date of commencement/completion of the contract, the investment cost of the contract in CZK excluding VAT (at least one properly completed similar contract, worth at least CZK 180 million without VAT), contact persons of clients, where the person in question worked as a "Project Leader / Project Manager" or in a position similar to "Project Leader / Project Manager".
- e. active command of the Czech language (to be proved by the statutory declaration).
- f. active command of the English language (to be proved by the statutory declaration).

2. Chief Construction Manager:

- a. at least a secondary-school education in "the field of construction" (the evidence of secondary-school education will be provided as part of the tender);
- b. at least 5 years of practical experience in the construction or reconstruction of industrial buildings (= halls or buildings);
- c. the list of similar implemented deliveries corresponding to the subject of the Public Contract (= construction or reconstruction of industrial buildings (= halls or buildings)) within the last 5 years prior to the start of the procurement procedure, indicating the client, the name of the contract, the date of commencement/completion of the contract, the investment cost of the contract

in CZK excluding VAT (at least one properly completed similar contract, worth at least CZK 60 million without VAT), contact persons of clients, where the person in question worked as a "Construction Manager" or in a position similar to "Construction Manager".

- d. active command of the Czech language (to be proved by the statutory declaration).

3. Deputy Construction Manager:

- a. at least a secondary-school education in "the field of construction" (the evidence of secondary-school education will be provided as part of the tender);
- b. at least 5 years of practical experience in the construction or reconstruction of industrial buildings (= halls or buildings);
- c. the list of similar implemented deliveries corresponding to the subject of the Public Contract (= construction or reconstruction of industrial buildings (= halls or buildings)) within the last 5 years prior to the start of the procurement procedure, indicating the client, the name of the contract, the date of commencement/completion of the contract, the investment cost of the contract in CZK excluding VAT (at least one properly completed similar contract, worth at least CZK 60 million without VAT), contact persons of clients, where the person in question worked as a "Construction Manager" (or Deputy Construction Manager) or in a position similar to a "Construction Manager" (or Deputy Construction Manager).
- d. active command of the Czech language (to be proved by the statutory declaration).

4. Geologist (remediation engineer, supervision during the implementation of the remediation work within the contract):

- a. at least 3 years of practical experience in the field of remediation work;
- b. a holder of the certificate of the Ministry of the Environment on professional competence for geological works - certifying professional competence to design, perform and evaluate geological works, issued according to the Decree No. 206/2001 Coll. on the certificate of professional competence to design, perform and evaluate geological works, for the field of hydrogeology according to Section 2(2)(c) of the Decree, and remediation geology as per section 2(2)(f) of the Decree, in relation to Act 62/1988 Coll. on geological works, as amended (the relevant certificate or an equivalent document shall be submitted as part of the tender).
- c. active command of the Czech language (to be proved by the statutory declaration).

5. Geotechnical engineer (supervision during the construction of the foundation):

- a. at least 5 years of practical experience in the construction or reconstruction of industrial buildings (halls or buildings);

- b. authorized engineer or technician according to Act No. 360/1992 Coll., on the performance of the profession of authorized engineers and technicians active in construction, in the field of "geotechnology" (= No. IG00 or TG00), as amended (the relevant certificate or an equivalent document shall be submitted as part of the tender);
- c. the list of similar implemented deliveries corresponding to the subject of the Public Contract (= construction or reconstruction of industrial buildings (= halls or buildings)) within the last 5 years prior to the start of the procurement procedure, indicating the client, the name of the contract, the date of commencement/completion of the contract, the investment cost of the contract in CZK excluding VAT (at least one properly completed similar contract, worth at least CZK 60 million without VAT), contact persons of clients, where the person in question worked as a "Geotechnical engineer (supervision during the construction of the foundation)" or in a position similar to a "Geotechnical engineer (supervision during the construction of the foundation)".
- d. active command of the Czech language (to be proved by the statutory declaration).

The contracting authority requires a different person to demonstrate compliance with the requirements for the aforementioned positions. Therefore, the Participant may only demonstrate 1 of the aforementioned positions through one person. Consequently, the demonstration of two or more of the aforementioned positions by one (same) person is not allowed.

The tender submitted by the Supplier must indicate whether the natural person by whom the Supplier demonstrates compliance with the qualification in question is an employee or in a similar relationship with the Supplier (similar relationships being understood in particular: agreements for work performed outside the employment relationship) or whether it is another person through whom the Supplier demonstrates the qualification.

If the Supplier intends to prove its compliance with this part of qualification through a third party, the Supplier shall be obliged to provide the Contracting Authority also with the documents set out in par. 7.1 of the Qualification Documentation.

c) List of tools or equipment, operating or technical devices

Based on Section 79(2)(j) of the Act, the Supplier shall submit a list of tools or equipment, operating or technical devices which will be available during the performance of the Public Contract.

In order to meet this qualification criterion, the Contracting Authority requires that the Supplier has at least the following means of mechanization in good technical condition for the performance of the Public Contract:

- Drilling rigs - minimum of two (2) drilling rigs with sufficient weight (fully equipped drilling rig over 100 t) and a torque of min. 280 kN/m.

The Supplier is entitled to prove compliance with this qualification criterion by submitting an extract from the property register (extract from tangible assets), proof of acquisition of these drilling rigs or other relevant document.

If the Supplier intends to prove its compliance with this part of qualification through a third party, the Supplier shall be obliged to provide the Contracting Authority also with the documents set out in par. 7.1 of the Qualification Documentation.

7 SPECIAL METHODS OF PROVING QUALIFICATIONS

7.1 Proving qualifications via third parties in accordance with sec. 83 of the Act

In accordance with sec. 83, par. 1, of the Act, the Supplier may prove its economic qualifications, technical qualifications or professional qualifications with the exception of the criterion according to sec. 77, par. 1, of the Act required by the Contracting Authority via third parties (note: a third party within the meaning of the Act shall mean not only a subeconomic operator, but also the parent or subsidiary company from the concern – holding).

In such a case, the Participant shall be obliged to present to the Contracting Authority:

- a) documents proving compliance with the professional competence requirements according to chap. 4.2 a) Qualification Documentation (= extract from the Commercial Register),
- b) documents proving compliance with a missing part of the qualifications via a third party,
- c) documents proving compliance with the basic competence requirements according to chap. 3 Qualification Documentation,
- d) contract or a confirmation of its existence, signed by the third party, which contains an obligation of the third party to provide performance in connection with the performance of the Public Contract or to provide items or rights, which the Supplier will be authorized to use when performing the Public Contract, at least to the extent in which the third party proved the qualifications on behalf of the Supplier.

If the Supplier is proving its qualifications via a third party and presents documents in accordance with sec. 79, par. 2 b) of the Act concerning that third party, the contract or confirmation of its existence pursuant to point d) shall stipulate an obligation that the third party shall carry out the construction work or services to which the qualification criterion being proven pertains.

The requirement pursuant to point d) shall be deemed fulfilled if the content of the contract or confirmation of its existence pursuant to point d) stipulate the third party's obligation to perform the Public Contract jointly and severally with the Supplier (applies to the economic qualifications as per chap. 5 Qualification Documentation); this shall not apply if the contract or confirmation of its existence pursuant to point d) have to meet the requirements pursuant to the preceding paragraph.

The Supplier shall not be entitled to prove compliance with the basic competence requirements and submit an extract from the Commercial Register via a subeconomic operator.

A Participant who has submitted a tender in this procurement procedure must not be the same person as the subeconomic operator used by another Supplier to prove its qualifications in the same procurement procedure.

7.2 Proving qualifications when a tender is submitted by several persons jointly

If the subject of the Public Contract is to be performed by several Suppliers jointly and they intend to submit a joint Tender for that purpose, each of the Suppliers is obliged to prove compliance with the basic competence requirements (pursuant to sec. 74 and sec. 75 of the Act – chap. 3 Qualification Documentation) and professional competence requirements pursuant to sec. 77, par. 1, of the Act (point 4.2 a) of the Qualification Documentation).

If the subject of the Public Contract is to be performed by several Suppliers jointly, they are obliged to present to the Contracting Authority, in addition to the documents proving compliance with the qualification requirements according to this QD, a contract which contains an obligation that all these Suppliers shall be jointly and severally bound in relation to the Contracting Authority and third parties from any legal relations that arise in connection with the Public Contract throughout the performance of the Public Contract, as well as throughout the duration of any other obligations arising from the Public Contract. The requirement for the obligation according to the first sentence of this paragraph that all the Suppliers shall be bound jointly and severally shall apply unless a special legal regulation or the Contracting Authority stipulate otherwise.

7.3 Proving qualifications in case of foreign entities

In case that the qualifications were acquired abroad, they shall be proved by documents issued according to the legal system of the country where they were acquired, to the extent required by the Contracting Authority.

If a certain document is not issued according to the legal system applicable in the country of the foreign Supplier's registered office, place of business or residence, the foreign Supplier shall be obliged to prove compliance with such part of the Qualifications by a statutory declaration. If an obligation, the fulfilment of which must be proven within the Qualifications, is not imposed in the foreign Supplier's country of registered office, place of business or residence, the Supplier shall make a statutory declaration about the fact.

In case of the submission of a document according to the legal system of the Czech Republic, the Supplier may submit a similar document according to the legal system of the country where the document is issued and provide its translation into Czech or English. Should the Contracting Authority have any doubts as to the correctness of the translation, they may ask for an officially certified translation of the document into Czech or English done by an interpreter registered in a list of experts and interpreters. A document in the Slovak language and a certificate of education in Latin shall be presented without a translation. If no such requested document is issued in accordance with the relevant legal system, it may be replaced with a statutory declaration.

7.4 Proving qualifications by means of an extract from the list of approved Suppliers

When proving its qualifications, the Supplier shall be entitled to present the Contracting Authority with an extract from the list of approved Suppliers (in accordance with sec. 228 of

the Act) within the deadline for proving compliance with the Qualification Requirements, while such extract shall substitute for proving compliance with:

- the basic competence requirements (in accordance with chapter 3 of this QD) and
- the professional competence requirements (in accordance with chapter 4 of this QD) to the extent to which the documents proving compliance with the professional competence requirements cover the Contracting Authority's requirements for proving compliance with the professional competence requirements for the performance of the Public Contract.

The Contracting Authority shall accept an extract from the list of approved Suppliers if on the last day of the deadline for proving compliance with the Qualification Requirements, the extract from the list is not older than 3 months.

The Contracting Authority is not obliged to accept the extract from the list of approved Suppliers in which the commencement of the procedure is marked pursuant to sec. 231, par. 4, of the Act.

Just like with the extract from the list of approved Suppliers, the Supplier may prove its Qualifications by a certificate from another member state, where the Supplier has its registered office, which is an equivalent of the extract from the list of approved Suppliers.

7.5 Proving qualifications by means of a certificate from the system of certified Suppliers

The Supplier may prove its qualifications in the procurement procedure by a valid certificate issued within the approved system of certified Suppliers in accordance with sec. 234 of the Act. The Supplier shall be deemed to be qualified to the extent listed in the certificate.

Just like with the certificate, the Supplier may prove its Qualifications by a certificate from another member state, where the Supplier has its registered office, which is an equivalent of the certificate issued within the system of certified Suppliers.

7.6 Proving qualifications by other equivalent documents

If the Contracting Authority requires submission of a document and the Supplier is not able to present it for reasons not attributable to the Supplier, the Supplier shall be entitled to submit another equivalent document.

ANNEXES TO THE QUALIFICATION DOCUMENTATION

Annex No. 1: Statutory declaration – Basic competence

V Břidličná on 9 January 2025



Ing. Lucie Lukášová
under a power of attorney
AL INVEST Břidličná, a.s.