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STÁTNÍ FOND
ŽIVOTNÍHO PROSTŘEDÍ
ČESKÉ REPUBLIKY

AL INVEST Břidličná, a.s.
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Annex No. 1 to the Tender Documentation –
Qualification Documentation

**ALFAGEN – ALLUMINIUM ALLOY FURNACE FOR VERTICAL DIRECT CHILL
ROLLING SLAB INGOT CASTING FACILITY**

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
Client'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. Helena Strušková
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(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:

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

The Participant 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 Participant 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 Participant. 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 Participant to prove compliance with the Qualification Requirements.

If the Participant proves its Qualifications by a document issued in a language other than Czech, English or Slovak, the Participant 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 Participant 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 Participant, shall be proved by the Participant 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 Participant'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 Participant has failed to meet the obligation set out in the preceding paragraph, the Contracting Authority shall exclude the Participant from the procurement procedure forthwith.

3 BASIC COMPETENCE

3.1 Scope of the basic competence

Competent Participant is a Participant 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 Participant'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 Participant's registered office**.

The Contracting Authority wishes to point out for foreign Participants that compliance with the **requirements set out in points a) and e) shall be proved only in relation to the country of the Participant'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 Participant'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 Participant's statutory declaration.**

3.2 Method of proving compliance with the basic competence requirements

The Participant 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 Participant's registered office – Participants 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 Participant 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 Participant 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 Participant's registered office, the Participant shall replace it with a statutory declaration.

If the Participant 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 Participant'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 Participant'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 Participant 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).

In relation to the Czech Republic, a foreign Participant shall present a confirmation from the relevant Revenue Office of the non-existence of tax arrears – for foreign Participants, such confirmation is issued by the Revenue Office for the capital city of Prague – office for Prague 1 (Finanční úřad pro hlavní město Praha – Územní pracoviště pro Prahu 1) (<http://www.statnisprava.cz/rstsp/adresar.nsf/i/10486>). One of the ways to obtain a confirmation of the non-existence of tax arrears in relation to the Czech Republic is to send a request for the issuance of the confirmation by e-mail to podatelna2001@fs.mfcr.cz.

A foreign Participant 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 Participant's registered office, the Participant 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 Participant 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 Participant 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 Participant's registered office, the Participant 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 Participant 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.

In relation to the Czech Republic, a foreign Participant shall present a confirmation from the relevant Social Security Administration of the non-existence of arrears on payments and penalties for social security insurance and state employment policy contribution – for foreign Participants, this confirmation is issued by the Prague Social Security Administration – Pražská správa sociálního zabezpečení

(<https://www.cssz.cz/web/cz/kontakty/region/ossz/praha#obsah>). One of the ways to obtain a confirmation of the non-existence of arrears on social security in relation to the Czech Republic is to send a request for the issuance of the confirmation by e-mail to posta.xa@cssz.cz.

A foreign Participant 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 Participant's registered office, the Participant 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 Participant 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 Participant 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 Participant is not in a similar situation in accordance with the legal system of the country of the Participant's registered office.

Where no such document proving the qualification criteria is issued in the country of the Participant's registered office, the Participant 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 Participant 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:
 - Project work in construction
 - Manufacture of machinery and equipment
 - Assembly, repairs, revisions and tests of electrical equipment

In accordance with Act No. 455/1991 Coll., on trades, as amended, the Participant 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 Participant unless the legal regulations in the country of its registered office require a similar professional competence.

5 ECONOMIC QUALIFICATIONS

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

The Participant shall prove the minimum annual turnover in the amount of at least EUR 5,000,000 (five million euro) for each accounting period (= continuous consecutive twelve calendar months - calendar or financial year) for the 3 immediately preceding accounting periods. (for which it is obliged to have a profit and loss statement in accordance with applicable legal regulations).

The Participant 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 Participant was established later, it just needs to present the data about its turnover in the required amount for all the accounting periods following its establishment.

In accordance with sec. 83, par. 4, of the Act, the Contracting Authority requires that if the Participant 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 basic technical qualification requirements

List of significant deliveries

In accordance with sec. 79, par. 2 b) of the Act, the Participant shall prove its compliance with the technical qualification requirements by submitting a list of significant deliveries, the character and scope of which are similar to those of the Public Contract subject to the procurement procedure, which were implemented by the Participant within the past 15 years before the commencement of the procurement procedure.

The Participant shall be deemed to meet the Contracting Authority's technical qualification requirements:

If in the last 15 years before commencement of the procurement procedure it implemented at least two (2) significant deliveries that consisted in the delivery of single chamber melting and holding furnaces with tilting system for aluminium and its alloys with capacity 25 tonnes or higher. At least one (1) of these at least two (2) significant deliveries must have been with continuous casting process and at the same time at least one (1) or these at least two (2) significant deliveries having a financial volume or at least EUR 4,000,000 exclusive of VAT per one such significant delivery. The financial volume shall mean the price exclusive of VAT paid for the delivery which was implemented and accepted by the client.

The Participant shall present a list of significant deliveries, indicating for each of the significant deliveries at least the following information:

- a) Identification of the person to whom the significant delivery was provided (including the contact person),
- b) Name and subject of the significant delivery,
- c) Place of implementation of the significant delivery,
- d) Financial value of the significant delivery,
- e) Period of implementation of the significant delivery,

The Participant shall be entitled to indicate only significant deliveries that have been properly completed.

In accordance with sec. 79, par. 4, of the Act, to prove compliance with the qualification criterion in accordance with sec. 79, par. 2 b) of the Act, the Participant may use deliveries it provided (i) together with other Participants, to the extent to which it participated in the performance of the contract, or (ii) as a subcontractor, to the extent to which it participated in the performance of the delivery.

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 Participant 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 subcontractor, 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 Participant 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 Participant.

If the Participant 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 Participant; 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 Participant shall not be entitled to prove compliance with the basic competence requirements and submit an extract from the Commercial Register via a Subcontractor.

A participant who has submitted a tender in this procurement procedure must not be the same person as the Subcontractor used by another Participant 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 Participants jointly and they intend to submit a joint Tender for that purpose, each of the Participants 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 Participants 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 Participants 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 Participants 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 obtained, 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 Participant's registered office, place of business or residence, the foreign

Participant 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 Participant's country of registered office, place of business or residence, the Participant 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 Participant 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 economic operators

When proving its qualifications, the Participant shall be entitled to present the Contracting Authority with an extract from the list of approved economic operators (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 economic operators 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 economic operators 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 economic operators, the Participant may prove its Qualifications by a certificate from another member state, where the Participant has its registered office, which is an equivalent of the extract from the list of approved economic operators.

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

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

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

7.6 Proving qualifications by other equivalent documents

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

ANNEXES TO THE QUALIFICATION DOCUMENTATION

Annex No. 1.1: Affidavit – Basic competence (template)

In Břidličná on

.....
Ing. Helena Strušková
under the power
of attorney

AL INVEST Břidličná, a.s.