**Call for Offers** (hereinafter only „Call“)

Communication of the said tender will run via **JOSEPHINE** electronic communication system**:** [**https://josephine.proebiz.com/sk/**](https://josephine.proebiz.com/sk/)

1. Basic Information

Buyer: Odvoz a likvidácia odpadu a.s., Ivanská cesta 22, 821 04 Bratislava, in terms of § 9 cl. 1 letter a) of the Act No. 343/2015 Z. z. on Public Procurement and on change and amendment of certain laws, as amended (hereinafter only „ZVO“).

Contact person:

* For process matters: Mgr. Alexander Kanóc, [kanoc@olo.sk](mailto:kanoc@olo.sk) +421 949 007 350,
* For technical matters: Ing. Marek Jantošovič, [jantosovic@olo.sk](mailto:pardubicky@olo.sk), +421 918 110 502

Communication between the Buyer and the tenderers as well as submission of offers by the tenderers will take place exclusively by means of JOSEPHINE information system at:

* <https://josephine.proebiz.com/sk/tender/16942/summary> .

1. Identification of the Subject of Procurement by CPV Codes

Name: **Reconstruction of Heat-Exchanging Surfaces of K1 and K2 Boilers at ZEVO Plant**

CPV :

*45252300-1 Construction works at waste incineration plants,*

*45222100-0 Construction works at constructions of waste treatment plants,*

*45255400-3 Installation works,*

*45111300-1 Removal works*

Kind: Construction work

1. Description of the Subject of the Tender

Subject of the tender Reconstruction of Heat-Exchanging Surfaces for Energy Recovery from Municipal Waste K1 and K2 at ZEVO Plant, Vlčie hrdlo, is:

1. Delivery of services and works related to:

* Processing of implementation and construction documentation for execution of reconstruction and/or Work
* Processing and provision of specifications for preparation, approval and coordination of execution of the reconstruction and/or execution of Work
* Installation of the technological part of the Work
* Proof of quality of delivered materials and works performed
* Testing, commissioning/start-up, handover and takeover of the Work

1. Delivery of the technological part of the Work.

**Detailed description of the subject of the tender is stated in the Attachment No. 1 and Attachment No. 2.**

1. Division of the Subject of Procurement to Parts

The Tender is not divided to separate parts.

1. Type of Contractual Relation

Fulfilment of the Contract will be performed on the basis of Contract for Work (hereinafter only „Contract“). Binding draft of this Contract forms the Attachment No. 6.

1. Inspection of the Subject of the Tender

The Buyer provides seeing of the area and premises upon agreement with the contact person and observing current pandemic measures. Contact person is Ing. Marek Jantošovič, email: [jantosovic@olo.sk](mailto:jantosovic@olo.sk), Tel: +421 918 110 502.

1. Location and term of delivery and implementation of the Tender

**Location of delivery/implementation**:Plant for Energy Recovery from Municipal Waste, Vlčie hrdlo 72, Bratislava

**Delivery of material for implementation of works for K1 and K2 boiler:** not later than 120 calendar days from the Contract coming in effect.

**Delivery conditions/term of implementation for K2 boiler:** works can be performed only during outage of ZEVO. Start of implementation in terms of the Frame Contract for Work. Presumed term of the outage for implementation of works on K2 boiler in September/October 2022. I**mplementation period** not later than 60 days from the day of handover of the site, actual time period according to proposal of Criterion No. 2 in the Offer of the Tenderer.

1. **Delivery conditions/term of implementation for K1 boiler:** works can be performed only during outage of ZEVO. Start of implementation in terms of the Frame Contract for Work. Presumed term of the outage for implementation of works on K2 boiler in February/March 2023. I**mplementation period** not later than 60 days from the day of handover of the site, actual time period according to proposal of Criterion No. 2 in the Offer of the Tenderer.
2. Main Conditions of Financing

Subject of the Tender will be financed from own sources of OLO a.s. Payment against invoices. The invoice will be due 30 days from its delivery. The invoice shall meet al requirements as to the proper tax and accounting document in compliance with respective tax documents. Payment will be settled by payment order via bank transfer. The invoice issued by the Supplier of goods shall include all requirements as to the proper tax document in terms of the Act No. 222/2004 Coll. on Value Added Tax, as amended.

1. Conditions of Participation of the Tenderers

9.1. Only the Tenderer meeting and proving the following conditions of participation may participate in the procurement process (**so called personal position of the Tenderer**):

9.1.1. Tenderer shall have authorization to business within the scope of the Subject of Procurement, (authorization to implement Construction works that form the subject of the Tender),

**- Tenderer shall submit valid extract from the Trade or Business Register or other similar register in the country of registered seat of the Tenderer (equivalent document), entitling him to implement the Tender being the subject of procurement.**

9.1.2 Neither bankruptcy proceedings nor restructuring proceedings were declared on the property of the Tenderer, he is not passing the process of liquidation, no bankruptcy proceedings was stopped against him due to insolvency nor was the bankruptcy terminated due to insufficient assets,

**- Tenderer shall prove by solemn declaration.** Buyer reserves the right to request in the process of verification of fulfilment of this condition of participation a submission of confirmation documents from respective court in case of doubt regarding the truthfulness of declared information.

9.1.3. Tenderer has no registered arrears of taxes against the Tax Office and Customs Office in terms of special regulations in the Slovak Republic and in the country of his registered seat, place of business or usual residence,

- **Tenderer shall prove by solemn declaration.** Buyer reserves the right to request in the process of verification of fulfilment of this condition of participation a submission of confirmation documents from the Tax Office in case of doubt regarding the truthfulness of declared information.

- Tenderer is deemed meeting the said condition of participation even in the case that not later than upon request of explanation he proves settlement of all arrears and not later than upon signing of the Contract he submits a Tax Office confirmation proving non-existence of arrears of taxes and customs duty.

**- not later than upon signing of the Contract the successful Tenderer shall submit a confirmation from the respective Tax Office on non-existence of any arrears.**

9.1.4. Tenderer in the previous three years from the Call or from provable start of procurement procedure has not severely violated obligations in the area of environmental protection, social law or labour law in terms of special regulations with a sanction legally imposed on the Tenderer, which fact the Buyer can prove,

- **Tenderer shall prove by solemn declaration**

9.1.5. Tenderer in the previous three years from the declaration or from provable start of procurement procedure has not severely violated professional obligations, which fact the Buyer can prove.

- **Tenderer shall prove by solemn declaration**

In order to prove meeting the conditions of participation in terms of clause 9.1.1. to 9.1.5. **each Tenderer shall submit respective documents which will form a part of the Offer.** Buyer will evaluate meeting of conditions of participation by a Tenderer with economically most advantageous Offer. The Buyer does not require from the Tenderer presentation of respective documents in order to prove meeting the conditions of participation in the case the Tenderer is registered in the list of economic entities of the Public Procurement Office or similar / equivalent list in the country of registered seat of the Tenderer.

9.2. Only a Tenderer may participate in the process of procurement who meets and proves the following **conditions of his economic and financial position:**

9.2.1. Tenderer shall present a statement of a bank or equivalent document of a bank or a branch of foreign bank or a foreign bank the Tenderer banks with, on Tenderer´s ability to meet financial obligations, with an information that the Tenderer:

* + - is not in unauthorized debit,
    - in the case of repayment of credit follows the payment calendar,
    - checking account of the Tenderer is not the subject of execution.

Said confirmation may not be older than three months on the day of presentation of Offers.

Tenderer shall at the same time present with the statement of the bank(-s) or equivalent document(-s) a solemn declaration confirmed/signed by an authorized person that he has neither accounts nor liabilities in other bank(-s) as that/those whose aforesaid statement(-s) and/or equivalent document(-s) he has presented. Said solemn declaration shall not be older than 3 months on the day of expiration of the period for submission of Offers.

9.3. Only a Tenderer may participate in the process of procurement who meets and proves the following **conditions of his technical and professional ability:**

9.3.1. With a list of at least **two construction works of total value of EUR 2 million excluding VAT** implemented within previous five years before the Call for Offers indicating prices, locations and terms of execution of the construction works; the list shall include a confirmation of satisfactory performance of construction works and evaluation of construction works performed according to business terms and conditions if the Buyer was:

1. Public procuring entity or procuring entity in terms of law, documented by a reference,

2. Other person than public procuring entity or procuring entity in terms of law, buyer will confirm the proof of fulfilment; if such confirmation is not available for the Tenderer or interested person than by a declaration of the Tenderer or interested person on their implementation with a document proving their implementation or a contractual relation within which they were implemented, whereby the Buyer by evaluation of fulfilment of this condition will take into account references of the tenderers or interested persons indicated in the Record of References kept by the Public Procurement Office, if such references exist on the day of presenting the Offers. Date of publication of the Call for Offers in the JOSEPHINE system is deemed a day of declaration of the public procurement.

Buyer requires that the list of construction works includes at least:

• Name and registered seat of the buyer,

• Contact data of the buyer indicating where this information can be verified (name and surname, tel. number, Email),

• Subject of construction work,

• Description of the subject of construction work,

• Time period of implementation of construction works,

• Total price of construction work in EUR excluding DPH.

Minimum requirement on referential construction works:

Referential construction works are understood as **implementation of reconstruction of heat-exchanging surfaces of boilers (steam boilers of third class) for energy recovery of municipal waste with heat output of minimum 25 MW.**

In the case of construction where start or completion does not fall within the established period the Tenderer shall prove with confirmation of the buyer or other document that required min. contractual price of the construction was realized in the said period. The Tenderer shall indicate in the list of construction works the name or business name of the contract partner, address of his registered seat of place of his business, details of contact person of the contract partner (buyer) who confirmed the implemented works. In the case of documents expressed in other currency than Euro it is necessary to use for conversion of this currency to Euro an average yearly exchange rate of European Central Bank (ECB), i.e. average yearly exchange rate in which the reference was realized.

Tenderer may not prove the condition of participation with capacities of other person who would participate on fulfilment. The Tenderer must have implemented the referential constructions of required value either himself or as a member of a consortium (group of suppliers).

9.3.2. **List of key professionals appointed to implement Tender / who will participate on implementation of the Subject of Tender:**

9.3.2.1. **At least 1 employee professionally able to perform independently the activity of construction site manager in the area of Technical, technological and energy equipment of constructions.**

A person having a valid certificate of passing a professional exam in terms of the Act 138/1992 Coll. on Authorized Architects and Authorized Construction Engineers, as amended, or equivalent document, is deemed a construction site manager.

**Minimum required level of standards applying on the construction site manager:**

* Professional qualification in the area of the Subject of Tender (Technical, technological and energy equipment of constructions), the Tenderer will prove such qualification of the construction site manager with valid certificate of passing a professional exam in terms of the Act 138/1992 Coll. on Authorized Architects and Authorized Construction Engineers, as amended, or equivalent document issued in terms of applicable legal regulations of EU Member States.
* Min. 7 years of experience in performance of the position of construction site manager – min. 2 constructions performed in the position of the construction site manager, whereby value of each construction must exceed EUR 1 mil. excluding VAT.

**Tenderer will prove fulfilment of minimum requirements on construction site manager by submitting:**

* Certificate issued by the Slovak Chamber of Construction Engineers according to aforesaid requirements on the construction site manager, in a copy with original stamp, applying to person who will perform the activity of the construction site manager on the Subject of Tender and/or other equivalent document issued in terms of applicable legal regulations of EU Member States.
* CV (curriculum vitae) indicating referential experience including contacts on persons who can confirm the truthfulness on this information.

9.3.2.2**. At least 1 employee professionally able to perform the activity of welding technologist able to perform qualified functions in the industry, e.g. in the area of designing and production of welded constructions, quality assurance, research, development, making welds, etc.**

**Minimum required level of standards applying on the employee professionally able to manage works:**

* Certificate of international or European welding technologist who will perform the activity of welding technologist on the Subject of Tender and/or other equivalent document issued in terms of legal regulations of EU Member States.
* Min. 7 years of experience in performance of the position of welding technologist – min. 3 constructions similar to the subject of procurement performed in the position of technologist responsible for welding.

**Tenderer will prove fulfilment of minimum requirements by submitting:**

* Certificate of international or European welding technologist and/or other equivalent document issued in terms of legal regulations of EU Member States.
* CV (curriculum vitae) indicating referential experience including contacts on persons who can confirm the truthfulness on this information.

9.3.2.3**. At least 3 employees professionally able to perform welder activity able to produce welds within the range of concession given by EN ISO 9606-1.**

**Minimum required level of standards applying on the employee professionally able to manage works:**

* Certificate of qualification exam of welder in terms of EN ISO 9606-1, applying to person who will perform the activity of welding technologist on the subject of tender or equivalent document issued at the place of activity of the employee.

**Tenderer will prove fulfilment of minimum requirements by submitting:**

* Certificate of qualification exam of welder in terms of EN ISO 9606-1 in a copy with a signature of person to whom the certificate was issued and who will perform activity of welding technologist on the subject of tender or equivalent document issued at the place of activity of the employee.
  1. Only a **Tenderer who will submit** **Technical description of static safety of the boiler against self-destruction by the replacement of membrane walls including static calculations and drawing documentation** may participatein the process of procurement.
  2. Only a **Tenderer who will submit Technological procedure of removal and installation procedure of replacement of membrane walls** may participatein the process of procurement**.**
  3. Only a **Tenderer who will submit Technological description and drawing documentation of removal of existing lining** may participatein the process of procurement**.**
  4. Buyer requires submission by the Tenderer of a **certificate of quality management system in terms of STN EN ISO 9001:2016 / EN ISO 9001:2015** or equivalent issued for construction sector.

Buyer will acknowledge as equivalent a certificate of quality management system issued by the respective authority of EU Member State.

If the Tenderer had reasonably no possibility to obtain respective certificate within established deadlines the buyer will also accept other proofs of equivalent measures of assurance of quality management system submitted by the Tenderer who will thus prove that his proposed measures for the assurance of the quality management system comply with the required Slovak technical standards of quality management system.

* 1. Buyer requires the Tenderer submits a **certificate of environmental management system according to STN EN ISO 14001:2016 / EN ISO 14001:2015** standards or equivalent issued for construction sector.

Buyer will acknowledge as equivalent a certificate of environmental management system issued by the respective authority of EU Member State. If the Tenderer had objectively no possibility to obtain respective certificate within established deadlines the Buyer will also accept other proofs of equivalent measures of assurance of environmental management system submitted by the Tenderer who will thus prove that his proposed measures in the area of the environmental management system are equivalent with measures required within a respective environmental management system or respective standard of environmental management.

* 1. Buyer requires the Tenderer submits a **certificate** **of safety and health protection at work according to STN EN ISO 40015** standard or equivalent.

Buyer will acknowledge as equivalent a certificate of the system of safety and health protection at work issued by respective authority of EU Member State. If the Tenderer had objectively no possibility to obtain respective certificate within established deadlines the Buyer will also accept other proofs of equivalent measures in the area of safety and health protection at work submitted by the Tenderer who will thus prove that his proposed measures are equivalent with measures required within a respective system of safety and health protection at work or respective standard for safety and health protection at work.

Buyer shall process personal data of persons concerned who form the part of procurement process for a limited purpose specified in advance in compliance with the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data and the Act of NC of the SR No. 18/2018 Coll. on Personal Data Protection and on change and amendment of certain acts.

1. Communication and Explanation

Application requesting an explanation of tender specifications can be filed within two working days prior to expiration of the deadline for submitting Offers. The Buyer shall answer questions delivered after this period but will not prolong the period for submission of Offers.

Communication between the Buyer and interested persons/Tenderers will be in official (Slovak) language, Czech language or English language exclusively via IS JOSEPHINE, operated on following address: <https://josephine.proebiz.com/sk/tender/16942/summary> . This way of communication involves any communication and submissions between the Buyer and interested persons/Tenderers during the whole procurement process.

It is necessary to use one of the supported Internet browsers for trouble-free use of JOSEPHINE system:

* + Microsoft Internet Explorer version 11.0 and higher,
  + Mozilla Firefox version 13.0 and higher, or
  + Google Chrome
  + Microsoft Edge.

Please download the entire document of Technical requirements of JOSEPHINE System here [TU.](https://store.proebiz.com/docs/josephine/sk/Technicke_poziadavky_sw_JOSEPHINE.pdf)

Each economic entity/interested person can register in the JOSEPHINE System using a password or Identification Card with electronic chip and safety personal code (eID).

After logging into JOSEPHINE System the interested person selects respective procurement in the directory – “Zoznam obstarávaní” (List of Procurements) and enters own offer into respective form for receiving offers under folder tab „Ponuky a žiadosti“ (Offers and Requests). JOSEPHINE System will not open the Offers submitted after the deadline for submitting offers.

[Skrátený návod](https://store.proebiz.com/docs/josephine/sk/Manual_registracie_SK.pdf) Shortened manual will lead you quickly and easily through registration process in JOSEPHINE System of electronization of public procurement. For better understanding see here also the description of basic screens of the system.

**Mail is deemed delivered to the Interested person/Tenderer if its addressee has objective possibility to read its content, i.e. as soon as the mail reaches his sphere of availability. The moment of sending mail** **in JOSEPHINE System is considered as the moment of delivery in JOSEPHINE System, in compliance with the functionality of the system.**

If the Buyer is the sender of mail, then an information that a new mail/message exists regarding the Tender concerned will be sent without delay to the interested person and/or Tenderer to the contact Email address supplied by him (entered when registering in the JOSEPHINE System). Interested person and/or Tenderer will log in the system and find the content of communication (mail, message) in the Tender communication interface. Interested person and/or Tenderer can see the entire history of his communication with the Buyer in the communication interface. Any possible delivery failure or its classification as „SPAM“ has no effect on document delivery rule because the message sent is available for the interested person and/or Tenderer after logging in the Josephine system.

If the interested person and/or Tenderer is the sender of the information then after logging into the system and respective Tender he can send messages and necessary attachments via communication interface to the Buyer. Such mail is considered as received by the Buyer at the moment of sending in the JOSEPHINE System in compliance with the functionality of the system.

The Buyer recommends to the interested persons who wish to be informed on potential updates related to respective Tender by means of notification emails to click in the respective Tender the button “„ZAUJÍMA MA TO“ (I am interested) (in the right upper part of the screen).

The Buyer allows unlimited and direct access via electronic means to all documents necessary for preparation and submission of Offer in the respective procurement process.

[Skrátený návod](https://store.proebiz.com/docs/josephine/sk/Skrateny_navod_ucastnik.pdf) Shortened manual will lead you quickly and easily through logging process in JOSEPHINE System of electronization of public procurement. For better understanding see here also the description of basic screens of the system. If you need to precise any information, you have always an option to contact Houston PROEBIZ Help Line.

1. Submission of Offers

Registered Tenderers may submit Offers, authentication of the Tenderer is not necessary (submission of Offers is allowed also for un-authenticated economic entities).

**Time period:** 28.03.2022 till 11:00 hod.

**Way:** by means of JOSEPHINE system on:

* <https://josephine.proebiz.com/sk/tender/16942/summary>

**NOTICE:**

**Offer of the Tenderer submitted after expiration of the period for submission of Offers will not open electronically, i.e. it will not be included into evaluation. Therefore the Buyer recommends the interesting persons should not wait with the submission of Offer till the last moment before expiration of the time period  for submission of Offers and they should submit their Offer well in advance.**

**Content of the Offer:**

1. Properly filled and signed Attachment No. 4 of this Call. Interested person will at the same time fill electronically a proposal of fulfilment of criteria for evaluation of Offer in JOSEPHINE system in the part „Ponuky“ (Offers).
2. Properly supplemented draft of the Contract for Work stamped and signed by managing representative of the Tenderer - Attachment No. 6 of this Call.

- Draft of the Contract is binding and the Tenderer is not entitled to change arbitrarily provisions of the Contract or its Attachments;

- Tenderer will fill in the Contract requested information which the Supplier is entitled to present (on respective blank or dotted lines);

- Contract may be signed by qualified electronic signature of persons acting in the name of the Tenderer or it can be signed as a hardcopy and a scan (e.g. pdf format) of such hardcopy of the Contract will be submitted in the Offer.

1. Bill of Quantities with indication of prices according to the Attachment No. 3 of this Call.

* Entire cover page will be signed by the management body of the Tenderer or by person authorized to act in the name of the Tenderer and/or group of suppliers and scanned in .pdf format and together with the entire Bill of Quantities in editable .xls format will be submitted in compliance with Attachment No. 3 of this Call.
* Tenderer will fill the Bill of Quantities provided by the Buyer (Tenderer will fill prices only, he is not entitled to change items, lines, formatting nor can he delete notes of the designer to individual items, if there are any such notes in the bill).

1. Time Schedule of Implementation of the Work.
2. Documents proving fulfilment of condition of participation of personal position in terms of clause 9.1.1 of this Call:
   1. Extract from Business, Trade or similar register in the country of the Tenderer proving the authorization to implement the subject of Tender,
   2. Solemn declaration that the Tenderer is neither in restructuring nor in bankruptcy or liquidation,
   3. Solemn declaration of  non-existence of arrears of taxes and customs duty,
   4. Solemn declaration of fulfilment of condition according to clause 9.1.4. and 9.1.5.
3. Documents proving fulfilment of condition of participation of economic and financial position according to clause 9.2. of this Call

6.1 Statement of a bank or equivalent document of a bank or branch of foreign bank or foreign bank.

1. Documents proving fulfilment of condition of participation of technical and professional ability according to clause 9.3.2.1 of this Call:
   1. List of referential construction works/references meeting specified requirements including confirmation of satisfaction with their implementation.
2. Documents proving fulfilment of condition of participation of technical and professional ability according to clause 9.2.2.2 of this Call:
   1. Documents regarding at least 1 employee professionally able to perform independently the activity of construction site manager in the area of Technical, technological and energy equipment of constructions.
   2. Documents regarding at least 1 employee professionally able to perform activity of welding technologist capable to perform qualified positions in industry, e.g. in the area of design and production of welded constructions, quality assurance, research, development, making welds etc.
   3. Documents regarding at least 3 employees professionally able to perform activity of welder, capable to make welds within the scope of concession given by EN ISO 9606-1.
3. Technical description of assuring safety of the boiler during the replacement of membrane walls against self-destruction and hanging the boiler within required scope including static calculations.
4. Technological description of removal and installation of replaced membrane walls.
5. Technological description and drawing documentation of removal of existing linings.
6. Document of certification of the Tenderer according to quality management system complying with STN EN ISO 9001:2016 / EN ISO 9001:2015 standard according to clause 9.5 of this Call.
7. Document of certification of the Tenderer according to environmental management system complying with STN EN ISO 14001:2016 / EN ISO 14001:2015 standard according to clause 9.6 of this Call.
8. Document of certification of the Tenderer regarding safety and health protection at work complying with STN EN ISO 40015 standard according to clause 9.7 of this Call.
9. Material attestation – inspection certificate 3.1 complying with EN 10204 standard and/or EN ISO 10474 of materials used within the scope of the Attachment No. 2 of the Project documentation and the Attachment No. 3 of the Bill of Material (Material column).
10. Third party insurance policy with an insurance company with amount insured of minimum

EUR 3 000 000.

**Scanned required documents shall be attached to the Offer submitted via JOSEPHINE system** (recommended format .pdf). Documents shall be valid and up to date as to the day of submission of the Offer. If the Offer contains confidential information the Tenderer will mark them visibly in the Offer. In case of failure to submit any of the aforesaid documents the Tenderer will be asked to add missing document within a reasonable period not longer than 5 working days. In case the Tenderer fails to submit required documents after such request the Tenderer will be excluded from procurement in compliance with the principle of equality of treatment and transparency.

**Power of Attorney** in the case a person authorized on the basis of power of attorney acts in the name of the company.

Submission of a variant solution is not allowed. If a variant solution forms a part of the Offer such variant solution will not be included in the evaluation and will be deemed unsubmitted.

All economic entities (physical, legal or a group of physical or legal persons acting jointly in relation to the Buyer) may submit the Offer. In the case a group is a Tenderer than such Tenderer shall submit a document signed by all members of the group of appointing a leading member authorized to act in the name of other members of the group in relation to this Tender. In the case the Offer of the group is evaluated as successful this group shall create a consortium in terms of applicable provisions of private law. It shall by clear and obvious from the documentation proving creation of the consortium (and/or other legal form of cooperation of physical or legal persons) how mutual rights and obligations are defined, who and in what part will participate on the fulfilment and the fact that all members of the consortium are liable jointly and severally.

Tenderer or a group of Tenderers may submit one Offer only. Tenderer may not be a member of a group of suppliers submitting Offer in the same Tender. The Buyer will reject the Offer of a Tenderer who is at the same time a member of a group of suppliers.

1. Criteria for Evaluation of Offers
   1. Buyer specifies as criterion for evaluation of Offers the best price to quality ratio.
   2. Specified criteria for evaluation of Offers and their relative weight:

|  |  |  |
| --- | --- | --- |
| No. | Criterion | Criterion weight |
| 1. | Total price in EUR excluding VAT | 85 % |
| 2. | Time period of implementation of works on K1 and K2 boilers | 15 % |

Procedure of evaluation of Offers on the basis of criteria for evaluation of Offers:

Criterion No. 1 (Total Price in EUR excluding VAT)

**Total price for the Work in EUR excl. VAT** with assigned relative weight of 85 points forms an established criterion for evaluation of Offers.

Number of points of the Tenderer for his price quotation will be determined on the basis of the following formula:

**Lowest proposal of fulfilment of Criterion No. 1**

**K1 = 85 \***

**Evaluated proposal of fulfilment of Criterion No. 1**

Criterion No. 2 (Time Period of Implementation of works on K1 and K2 Boilers)

Buyer specified the latest possible time period of implementation of works on K1 and K2 boilers within 60 calendar days from the day of protocolar takeover of the site (latest time period of implementation of works on K1 and K2 boilers within 60 calendar days applies in relation to one boiler only). Tenderer, however, may offer even a shorter time period of implementation of works, i.e. up to 40 calendar days from the day of protocolar takeover of the site. In such case he can obtain extra fifteen (15) points on the basis of the following formula:

**max time period of implementation of works – offered time period of implementation of works**

**K2 = 15 \***

**max time period of implementation of works – min time period of implementation of works**

Explanation:

Offered time period of implementation of works = time period of implementation of works on boiler in calendar days.

max time period of implementation of works = 60 calendar days

min. time period of implementation of works= 40 calendar days

**Attention:**

Time period of implementation is of great importance for the Buyer, therefore failure to keep offered time period of implementation is subject to contractual penalty. The amount of contractual penalty is calculated so that it considers financial advantage achieved by the Tenderer in the Tender by offering shorter time period of implementation of works as would be realistic. Penalty amount for the delay in finishing the implementation of works is 20 000 EUR for each, even started, day of delay.

* 1. Maximum time period of implementation of works on boilers is 60 calendar days. In case the Tenderer offers longer time period of implementation of works on boilers the Buyer will evaluate it as failure to meet the requirements on the subject of the Tender and will be forced to disqualify the Tenderer.
  2. The Buyer points out that the time period of implementation of works on boilers offered by the Tenderer becomes binding and in case of failure to keep it the Buyer is entitled to apply contractual penalties in compliance with the provisions of the Contract.
  3. The Offer with highest number of points will become the successful one.

1. Other information
2. After opening the Offers the Buyer will arrange them in order of specified criterion and begin evaluation of the Offers and conditions of participation starting from the Tenderer with highest number of points according to the specified criterion. In the case the Tenderer with highest number of points is disqualified the Buyer will use the same rule and repeatedly proceed till a Tenderer is established meeting specified conditions of participation and requirements on the subject of the Tender with highest number of points from among non-disqualified Tenderers.
3. In case the Tenderer with highest number of points submits certificates and documents not meeting the requirements of the Buyer and/or fails to submit requested certificates and documents in the Offer the Buyer will request the Tenderer to remove these discrepancies in the time period no longer than 5 working days. If the Tenderer even after this request fails to submit documents and certificates proving fulfilment of specified requirements the Buyer will deem it a failure to fulfil the conditions of participation and will disqualify such Tenderer from the Tender.
4. If the Buyer or a commission appointed by the Buyer identifies by the evaluation discrepancies or unclarities in the information or proofs provided by the Tenderer the Buyer will request an explanation of the Offer or submitted documents and, if necessary, a submission of proofs, too. The explanation has no effect on any change of the Offer. Removal of obvious mistakes in writing and calculation is not deemed a change of Offer.
5. In case the price Offer of the Tenderer includes mistakes in writing, calculation or other obvious contentual or formal discrepancies the Buyer reserves the right to ask the Tenderer to explain and remove them. Tenderer is entitled by the explanation and removal of the discrepancies of the price Offer to change his price Offer exclusively for the purpose of correction of mathematical errors. In opposite case the Buyer reserves the right to disqualify the price Offer of the Tenderer.
6. The Buyer reserves the right to request from the Tenderer an explanation of the price Offer also in the case the price Offer of the Tenderer is extra-ordinary low in regard to market conditions or to price Offers of other Tenderers. The Buyer reserves the right to disqualify from the Tender a Tenderer who will not sufficiently explain extra-ordinary low price Offer (will not prove its sustainability and actuality) according to requirements of the Buyer.
7. The Buyer reserves the right to negotiate with the Tenderers who submitted their Offer on the subject of the Tender especially in order to verify fulfilment of requirements on the subject of the Tender, submitted time schedule of implementation of the construction works, deadline for the start of implementation of the construction works and milestones of implementation.
8. The Buyer reserves the right to negotiate the total price with the Tenderers who submitted their Offer on the subject of the Tender and/or ask the Tenderers to provide discount from the offered total price, The terms and conditions of the contract.
9. The Buyer will mark as successful the Tenderer with economically most advantageous Offer who met the conditions of participation and specified requirements on the subject of the Tender. Information about the result of the Tender and evaluation of Offers will be electronically sent to the Tenderers via **JOSEPHINE** electronic communication system**.**
10. Successful Tenderer will be asked in writing to conclude the Contract. Reasonable time period for provision of interaction will be specified for the successful Tenderer in the notification of acceptance of the Offer according to previous sentence. In case the successful Tenderer will not provide interaction in terms of the aforesaid (within reasonable time period) he will be disqualified from the Tender.
11. Successful Tenderer within the interaction relating to signature of the Contract shall:
    1. Ensure entry of all partners of the public sector in terms of the special Act in the Register of Partners of Public Sector;
    2. Identify all sub-suppliers participating on the fulfilment who are known at that time;
    3. Deliver signed Contract in specified number of copies including all Annexes to the business seat of the Buyer;
    4. Fulfil obligations stated in the Contract relating to the moment of signature/conclusion of the Contract.
12. The Buyer reserves the right to accept none of the offers and cancel the Tender anytime. The Buyer will inform the Tenderers about such procedure.
13. Tenderer shall to the full extent observe the Act No. 315/2016 Coll. on Register of Public Sector Partners and on change and amendment of certain acts. In the case the price offered achieves the value according to § 2 clause 2 or Clause 3 of this Act the Tenderer shall be entered in the Register of Public Sector Partners.
14. Submitting the price Offer to the Buyer the Tenderer agrees that personal data indicated in the price Offer is made available to the members of the commission and with its use exclusively for the purpose of evaluation of price offers and preparation of implementation of the Contract.
15. Concluded Contract will be published on the website of the Buyer. Submitting the price Offer the Tenderer agrees with the publication of the Contract on the website of the Buyer.
16. It is necessary to respect conditions relating to the employment of manpower in the Slovak Republic and the obligation to observe all regulations, rules or instructions relating to the conditions of employment of any employee, especially, but not exclusively:

* Act No. 311/2001 Coll. Labor Code
* Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on change and amendment of certain acts.

1. Language of the Offer

Tenderer submits the Offer in Slovak or Czech language or in English language. The Offer shall be submitted in readable and reproducible form. In the case of documents issued by respective body of EU Member State the Buyer accepts a submission in the language of EU Member State.

Attachments:

Attachment No. 1 **- Description of the Subject of Tender**

Attachment No. 2  **- Project Documentation of the Work**

Attachment No. 3 **- Bill of Quantities for Indication of Prices**

Attachment No. 4 -  **Proposal of Fulfilment of Criterion**

Attachment No. 5 - **Requirements on Time Schedule**

Attachment No. 6 **- Draft of the Contract for Work**

**NOTE**

This Call to Offers does neither represent a public proposal to conclude the Contract/Agreement in terms of § 276 et seq. of the Act No. 513/1991 Coll. Commercial Code, as amended (hereinafter only „Commercial Code“) nor does the declaration of Public Tender in terms of § 281 of the Commercial Code, nor does it mean any commitment for VVS, a.s. to conclude the Contract/Agreement. This Tender is not a Public Tender in terms of the Act No. 343/2015 Coll. on Public Procurement, as amended.

The Buyer reserves the right in the time period for submission of price Offers to change and/or amend conditions of the Tender indicated in this Call for Offers and its attachments. Potential changes or amendments of Tender conditions will be notified to Tenderers in writing via Josephine System.

In Bratislava, on 17.03.2022.