



# TENDER DOCUMENTATION

to public contract

## **“Snubbing Unit for UGS Dolni Dunajovice”**

published under Section 27 of Act No. 137/2006 Sb., on Public Contracts, as amended (the “Act” only hereinafter) in the open procedure.

This tender documentation has been prepared in English solely.

## 1. CONTRACTING ENTITY

### **RWE Gas Storage, s.r.o.**

is part of the third biggest energy group in Europe and the biggest underground gas storages operator in the Czech Republic. It operates 6 underground gas storage facilities based on virtual gas storage principle with a total operating volume exceeding 2.6 milliard m<sup>3</sup>, which is approximately the two-month consumption of gas in the Czech Republic in winter.

### **RWE Gas Storage, s.r.o.**

Prosecká 855/68, 190 00 Prague 9, Czech Republic

listed in the Commercial Register administered by the Municipal Court in Prague, Section C., Insert no. 124711

Company Identification No. (IČ): 27892077

Tax Registration No. (DIČ): CZ27892077

No. of CZK bank account: 17805243/0300 at ČSOB a.s., Prague 5

IBAN: CZ900300000000017805243

Swift Code: CEKOCZPP

No. of EUR bank account: 2142281/0300 (cash operations only) at ČSOB a.s., Prague 5

IBAN EUR: CZ6303001752810017805243

("Contracting Entity" only hereinafter)

## 2. CONTACT ADDRESS

### **RWE Gas Storage, s.r.o.**

Prosecká 855/68, 190 00 Prague 9, Czech Republic

Contact Person: Ing. Dagmar Schreiberová, Strategic Purchaser,  
Core Commodity Team

Telephone: +420 267 974 343 or +420 739 535 986

E-mail: [dagmar.schreiberova@rwe.cz](mailto:dagmar.schreiberova@rwe.cz)

The above stated contact person of the contracting entity facilitates contact between the suppliers/bidders and the contracting entity. It is not permitted to contact other employees or representatives of the contracting entity during the award procedure.

## 3. SUBJECT-MATTER OF THE PUBLIC CONTRACT

- 3.1 The subject-matter of the public contract is the installation of maximum 6 TRSSSV to maximum 6 wells of UGS Dolní Dunajovice (4 wells are required (DUN-43, 44, 45, 46) and 2 wells (DUN-47 and DUN-48) are optional).

The final number of the installation on the wells depends on the money drawing from the budget.

- 3.2 The detailed Scope of Work is in the Annex No. 3 of this Tender Documentation.

- 3.3 The detailed HWO Unit description requested by the Client is in the Annex No. 1 of this Tender Documentation.
- 3.4 Number and description of each well is in the Annex No. 2 of this Tender Documentation.

#### **4. CLASSIFICATION OF THE SUPPLIES ACCORDING TO THE IMPLEMENTING LEGISLATION**

- 76450000-2 Well-management services  
76460000-5 Well-support services  
76431000-3 Well drilling services

#### **5. DATE AND PLACE OF THE PUBLIC CONTRACT PERFORMANCE**

<b>Place of performance</b>	<b>Estimated date of performance</b>
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Dolní Dunajovice, South Moravian region

immediately after the contract signature till 31.12.2012

#### **6. MANNER, TIME AND PLACE OF THE BIDS SUBMITTING**

- 6.1 Time limits for the bids submitting and the requirements for the envelope marking and securing

The bidders may send their bids by registered mail by **November 12<sup>th</sup>, 2012 12am** to the address of RWE Gas Storage, s.r.o., Prosecká 855/68, 190 00 Prague 9, or in person at the same address to the reception desk or to the contact. The decisive time shall be the time of the delivery or receipt of the bid. The bid must be submitted in writing, in a single sealed envelope with stamps on the stickers, signed by the bidder and marked distinctively as follows:

##### **COMPETITION – Snubbing Unit for UGS Dolni Dunajovice – DO NOT OPEN”**

- 6.2 The bids shall be made in writing in 3 counterparts (1 original + 2 copies) in English. The original of the bid shall be marked as the “original”.
- 6.3 The bid must be adequately secured against manipulation with the separate sheets including the annexes (preferably each sheet numbered in uninterrupted sequence and signed by the bidder).
- 6.4 The text part of the bid (all documents with the exception of those issues by a third person) shall be submitted also in electronic form (such as CD of a flash disc).
- 6.5 Each bidder may submit no more than one envelope containing a bid/bids. The envelope containing a bid/bids must include the return address to which notification of the contracting entity under Section 71 (6) of the Act can be sent in case of late delivery.

#### **7. DATE AND PLACE OF THE ENVELOPES OPENING**

- 7.1 The envelopes shall be opened on **November 12<sup>th</sup>, 2012 12:01am** at the address of RWE Gas Storage, s.r.o., company seat, Prosecká 855/68 190 00 Prague 9 – Prosek. Representatives of the bidders whose bids were received by the contracting entity in the period for the bid’s submission shall have the right to participate (2

persons max.). The representatives of the bidders shall be obliged to present their authorizations.

## 8. TENDER SECURITY

The contracting entity requires that the bidders shall submit in the bid security to guarantee the performance of their obligations resulting from the participation in the tendering procedure in the following value:

20.000,- EUR

If the tender security is given in the form of a bank guarantee or the insurance of bank guarantee, the bidder shall arrange the validity of the security throughout the entire award period. The **award period** shall run from the date of expiry of the period for the submission of bids.

The tender security shall be given by the bidder in the form of a deposit of a sum of money into the account of the contracting entity (only the "tender security"), in the form of a bank guarantee or a security insurance.

The pecuniary security must be credited to the contracting entity account **no later than one day before the day** which is the last day to submit a bid. The bidder shall state as the variable symbol the registration number of this public contract from IS VZ US system (central address).

If the tender security is submitted in the form of a bank guarantee or the insurance of bank guarantee, the "Certificate of Guarantee" (an **original** of a written statement of a bank) must be part of the bid.

## 9. AWARD PERIOD

9.1 The bidders are bound by their bids for 60 days. The award period shall run from the day following the expiry of the time period the submission of bids.

## 10. METHOD TO BE APPLIED IN THE BIDS EVALUATION

The contracting entity shall evaluate the bids according to the lowest contract price for one well criterion.

## 11. REQUIREMENT REGARDING THE CALCULATION OF A CONTRACT PRICE

11.1 In the bid, the Bidder will indicate the total maximal binding price in EUR excluding VAT. The price bid must be indicated as the maximal permitted price. The price bid must contain all the costs and risks of the Bidder related to the preparation and performance of the contract. The Bidder will break down the price bid according to the price bid form provided in Annex No. 5 to the Tender Documentation. The bidder is not authorized to make any changes in Annex No. 5, change its structure, add or omit any items required.

11.2 The price bid may be exceeded only in the event of a substantial change of the circumstances under which the contract was placed, and which the Bidder could neither foresee nor cause this change, and this change has an impact on the scope of the contract. In this case, both contractual parties will agree in writing on a change in the scope of the subject of fulfilment.

## 12. CONTRACTUAL CONDITIONS

The contractual conditions are specified in details in the Annex No. 6 of this Tender Documentation.

## 13. THE TERMS OF THE CONTRACT PERFORMANCE

- 13.1 Under the law, the bidders shall be bound by the whole bid for the whole award period.
- 13.2 The contracting entity will not organize a collective visit to the site of performance. Each bidder can individually visit the site of performance of the public contract, evaluating all possible influences that can arise in the public contract performance.
- 13.3 A contractor submitting a bid within this award procedure must not be simultaneously a subcontractor through which another contractor demonstrates his fulfilment of qualifications in the same award procedure.
- 13.4 The bidders shall be obliged to present as a part of their bid the **Contract for Work** signed by an authorized person. The authorized person is a person named in the Commercial Register as a person authorized to act on behalf of the bidder or to represent the bidder, or a person authorized by such person based on power of attorney. A verified copy or an original of such power of attorney must be a part of the Contract for Work. The bidders shall include the Client's conditions according to the paragraph 12 into the Contract. The Bidders are not allowed to make any adjustments regarding provisions of the Client's conditions in the Contract for Work, otherwise they will be excluded from the awarding procedure.
- Note:** if the Contract for Work is missing in the bid or has not been signed by an authorized person, such bidder shall be excluded from the award procedure in compliance with the law.
- 13.5 The bidders shall not be entitled to claim any compensation for the bid preparation and submitting.
- 13.6 The contracting entity shall not accept any alternative solution, either technical or price related.
- 13.7 Bids received after the time limit for bids submitting shall be excluded from evaluation.
- 13.8 Any bid failing to meet the requirements specified herein or to contain the required documents, information or statements, shall be excluded by the committee and, followingly, the bidder excluded from the participation in the award procedure by the contracting entity. This shall be without prejudice to the right of the contracting entity to require other documents of information under Section 59.4 of the Act.
- 13.9 Pursuant to the long-term targets and rules of business conduct, the contracting entity informs that the members of RWE Group in the Czech Republic has voluntarily undertaken to maintain the "RWE Code of Conduct". Due to this fact, the subjects are obliged to follow clear rules creating a framework for their business activities and social conduct. In order to check the observance of the above mentioned rules, the companies of RWE Group in the Czech Republic have appointed a position of an ombudsman. For more information concerning the RWE Code of Conduct" and the ombudsman activities please enter <http://www.rwe.cz/cs/4415/> (in Czech) or <http://www.rwe.cz/en/fraud-prevention-program/> (in English).
- 13.10 The Bidder agrees to get acquainted with the Technical conditions of work as Annex No. 4 of this Tender Documentation.
- 13.11 The Client reserves the right to inspect Snubbing unit and it's equipment to meet industry standard (especially API standards etc.) or appoint third party to do that.

## 14. REQUIREMENTS FOR QUALIFICATIONS

- 14.1 The bidders shall demonstrate the fulfilment of professional qualifications by a simple copy of an excerpt from the Commercial Register and a simple copy of trading licence in the scope corresponding to the subject-matter of the contract. The excerpt from the Commercial Register must not be older than 90 days on the last day for bids submission.
- 14.2 If more bidders submit a collective bid, they shall be obliged to submit a contract with the bid demonstrating that all the bidders shall be bound jointly and severally towards the contracting entity and any other third persons as concerns any obligations arising in connection with the public contract performance or as a result of a delay or other violation of the contractual or other duties in connection with the public contract performance.
- 14.3 Foreign bidders shall demonstrate the fulfilment of the qualifications in a manner pursuant to the legal order applicable in the country of such bidder seat, place of business or residence, within the scope required by the contracting entity. If certain documents are not issued under the legal order applicable in the country of the bidder seat, place of business or residence, the bidder shall be obliged to fulfil the duty to demonstrate the fulfilment of the relevant part of the qualifications by affirmation. If the duty the fulfilment of which should be documented is not set in the country of the bidder seat, place of business or residence, the bidder shall make and affirmation of this fact. Foreign bidders shall submit documents evidencing the fulfilment of the qualifications in the original language together with their translation to the Czech language, if not otherwise stated in the Act of the international contract. The translations of the above mentioned documents need not be officially verified.
- 14.4 The contracting entity requires that the financial and economical qualifications of the bidder shall be demonstrated by a document of insurance (insurance contract copy) of indemnity towards third persons in the value min. EUR:

EUR 2,000,000

If a bidder fails to have an insurance contract in that value in the bidding period, he submits an affirmation in the bid containing his undertaking to enter into an insurance contract according to this paragraph if the bid is selected by the contracting entity prior to the entering into the public contract or its relevant part.

- 14.5 Where the economic operator is unable to demonstrate the fulfilment of certain qualifications required by the contracting entity it is entitled to demonstrate the fulfilment of lacking qualifications by means of a sub-contractor. If a bidder intends to use a sub-contractor to perform the contract, the bid must contain a list of sub-contractors stating the parts of the performance which will be sub-contracted together with the share of the sub-contractor in the contract as well as the scope and specification of the sub-contractor's activities in the contract discharge. The bidder shall also submit apart from the qualifications documents of the sub-contractors by means of which he documents his lacking qualification an excerpt from the Commercial register of the sub-contractor and a contract made between the bidder and the subcontractor through which the sub-contractor undertakes to provide performance, items or rights to the bidder necessary to the contract discharge, at least within the scope in which the subcontractor documented the qualifications instead of the bidder. The documents may be presented in a simple copy, the excerpt from the Commercial Register must not be older than 90 days at the last day of the bidding period.

## 15. OTHER REQUESTS

15.1 In case the contractor will use the sub-suppliers his bid must contain a list of sub-suppliers incl. the specification of the part of his sub-supply. The specification must also include the financial amount and the scope of work according to the contract.

15.2 According to Section 68 (3) of the Act, the bid shall include:

- a) List of members of statutory body of the bidder, who had employment, functional or similar relation to the contracting entity during last three years;
- b) If the bidder has a legal form of joint stock company, it shall submit a list of its shareholders having more than 10% shares on the registered capital;
- c) Statement of the bidder that it did not and will not conclude the forbidden agreement according to Act No. 143/2001 Sb., on economic competition preservation, as amended in connection with this public tender.

The above mentioned requests shall be fulfilled through an affidavit signed by a person entitled to act on behalf of the bidder.

## 16. THE CONTRACTING ENTITY RESERVES THE FOLLOWING RIGHTS

16.1 Cancel the awarding procedure for the public tender.

16.2 To verify and check the information supplied by the bidders. The contracting entity shall exclude a bidder from the awarding procedure if the bidder stated false information in his bid.

Annexes:

Annex no. 1 Unit Description

Annex no. 2 Wells Specification

Annex no. 3 Scope of Work

Annex no. 4 Technical Conditions

Annex no. 5 Price Form

Annex no. 6 Contractual Conditions

Annex no. 7 Check list

In Prague on: 20.9.2012



Andreas Frohwein

Executive



Ing. Lubor Veleba

Executive