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STÁTNÍ FOND  
ŽIVOTNÍHO PROSTŘEDÍ  
ČESKÉ REPUBLIKY

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



Tender Documentation

ALFAGEN – M&C BUILDING CONSTRUCTION - STAGE 1

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**”).

## TABLE OF CONTENTS

<b>1 CONTRACTING AUTHORITY'S IDENTIFICATION DATA.....</b>	<b>3</b>
<b>2 GENERAL PROVISIONS .....</b>	<b>3</b>
2.1 Position of the Contracting Authority and Type of the Public Contract .....	3
2.2 Electronic Tool .....	4
2.3 Preliminary market consultations .....	5
2.4 Entities engaged in the processing of the Tender Documentation .....	5
<b>3 SUBJECT OF THE CONTRACT .....</b>	<b>5</b>
3.1 Classification of the subject of the procurement procedure (CPV codes) .....	5
3.2 Method of securing the subject of the contract .....	5
3.3 Responsibility of a Participant for the contract performance .....	5
<b>4 TIME AND PLACE OF THE CONTRACT PERFORMANCE .....</b>	<b>6</b>
4.1 Time of the Public Contract performance .....	6
4.2 Place of the contract performance .....	6
<b>5 CONTRACTING AUTHORITY'S REQUIREMENTS FOR THE PARTICIPANTS' QUALIFICATIONS.....</b>	<b>6</b>
<b>6 REQUIREMENT FOR THE METHOD OF PROCESSING THE TENDER PRICE.....</b>	<b>6</b>
6.1 Tender Price.....	6
6.2 Possibility of exceeding the Tender Price.....	7
<b>7 BUSINESS AND PAYMENT TERMS AND CONDITIONS.....</b>	<b>7</b>
<b>8 CONTRACTING AUTHORITY'S REQUIREMENT FOR INSURANCE OF LIABILITY FOR DAMAGE CAUSED BY THE ECONOMIC OPERATOR.....</b>	<b>7</b>
<b>9 TECHNICAL SPECIFICATIONS OF THE CONTRACT .....</b>	<b>8</b>
<b>10 TENDER VARIANTS .....</b>	<b>8</b>
<b>11 OTHER REQUIREMENTS OF THE CONTRACTING AUTHORITY FOR THE CONTRACT PERFORMANCE .....</b>	<b>8</b>
<b>12 SUBECONOMIC OPERATOR SYSTEM .....</b>	<b>9</b>
<b>13 SUBMISSION OF TENDERS, OPENING OF ENVELOPES AND EVALUATION .....</b>	<b>9</b>
13.1 Submission of tenders .....	9
13.2 Opening of tenders.....	10
13.3 Evaluation of tenders .....	10
13.4 Conditions for the conclusion of the contract .....	13
<b>14 FORM AND CONTENT OF TENDERS .....</b>	<b>14</b>
14.1 Form of tenders .....	14
14.2 Content of tenders.....	14
<b>15 CLARIFICATION OF THE TENDER DOCUMENTATION .....</b>	<b>15</b>
<b>16 CHANGE OF OR AMENDMENT TO THE TENDER DOCUMENTATION.....</b>	<b>15</b>
<b>17 INSPECTION OF THE PLACE OF PERFORMANCE .....</b>	<b>16</b>
<b>18 OTHER CONDITIONS .....</b>	<b>16</b>
<b>19 ANNEXES .....</b>	<b>17</b>

## 1 CONTRACTING AUTHORITY'S IDENTIFICATION DATA

Contracting Authority's name	<b>AL INVEST Břidličná, a.s.</b>
Registered office	Bruntálská 167, 793 51 Břidličná
Company ID No.	27376184
VAT Reg. No.	CZ27376184
File No.	B 3893 in the custody of the Regional Court in Ostrava
Contracting Authority's profile	<a href="https://profily.proebiz.com/profile/27376184">https://profily.proebiz.com/profile/27376184</a>
Contracting Authority's website	<a href="https://alinvest.cz/">https://alinvest.cz/</a>
Data box ID	xcbcpxk

Contact person of the procurement procedure	Ing. Lucie Lukášová
Tel.	+420 727 874 343
E-mail	<a href="mailto:lucie.lukasova@alinvest.cz">lucie.lukasova@alinvest.cz</a>

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

## 2 GENERAL PROVISIONS

The procurement procedure for this Public Contract and all related legal relations shall be governed by the laws of the Czech Republic, particularly by Act No. 134/2016 Sb., on Public Procurement, as amended (hereinafter also as the "Act") and other legal regulations. By submitting a tender, the participant accepts the tender conditions of this Public Contract in full and without reservation.

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

The fulfillment of this Public Contract is part of the implementation phase of the “ALFAGEN – Melting and Casting Process Modernisation” project, project registration number 7222200001, implemented under the Modernisation Fund programme. Financial support provided by the Modernisation Fund programme is envisaged in relation to this Public Contract. Participants are obliged to abide by all the rules and conditions of the Modernisation Fund.

### 2.1 Position of the Contracting Authority and Type of the Public Contract

This is an above-the-threshold public contract for civil engineering works pursuant to sec. 14 (3) of the Act.

The Contracting Authority shall award the Public Contract in accordance with sec. 56 of Act No. 134/2016 Sb. [*Czech collection of laws*], as amended, in an open procedure.

Any communication between the Contracting Authority and the individual economic operators (Participants, once they have submitted their tenders) shall be made explicitly in accordance with the provisions of sec. 211 of the Act, as amended – for details see chapter 2.2 of the Tender Documentation.

## 2.2 Electronic Tool

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

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

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

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

**For more information about communication via the JOSEPHINE tool, see Annex No. 6 and for more information about registration, see Annex. No. 7.**

The Public Contract system number in Josephine is: 62964

**Any communication between the Contracting Authority and the individual economic operators (Participants, once they have submitted their tenders) shall be made electronically explicitly in accordance with the provisions of sec. 211 of the Act, as amended. Throughout the procurement procedure, communication with the Participants shall be made exclusively via the electronic tool <http://josephine.proebiz.com/> – Public Contract system number in Josephine: 62964**

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

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

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

E-mail: [houston@proebiz.com](mailto:houston@proebiz.com)

## 2.3 Preliminary market consultations

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

## 2.4 Entities engaged in the processing of the Tender Documentation

Entities' identification	Part of the Tender Documentation compiled by an entity other than the Contracting Authority
EUFC CZ s.r.o. Údolní 66, 602 00 Brno Company ID No.: 26942364	Consultant in the procurement procedure that participated in the compilation of the Tender Documentation except for the subject of the Public Contract and the business terms and conditions.
Hutní projekt Frýdek Místek a.s. 28. října 1495, 738 01 Frýdek – Místek Company ID No.: 45193584	Design documents - ALFAGEN D02 NEW M&C BUILDING

## 3 SUBJECT OF THE CONTRACT

The Contracting Authority has published a public contract notice in an above-the-threshold open procedure titled “**ALFAGEN – M&C BUILDING CONSTRUCTION - STAGE 1**”, the subject of which is the construction of a new building for the aluminium melting and casting process as per the prepared design documents. The Public Contract includes all jobs related to the construction - i.e. all supplies, demolition and civil engineering works, complete waste disposal and other works and services related to the completion of the work.

Detailed technical specifications of the subject of the Public Contract are provided in Annex No. 3 to the Tender Documentation – Design documents - ALFAGEN D02 NEW M&C BUILDING, prepared by Hutní projekt Frýdek-Místek, in December 2024.

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

45213250-0 Construction work for industrial buildings

45213251-7 Industrial units construction work

### 3.2 Method of securing the subject of the contract

The economic operator shall be fully responsible for the proposed solution and implementation of the subject of the contract, coordination of activities of the individual subeconomic operators and for ensuring safety during the contract performance.

### 3.3 Responsibility of a Participant for the contract performance

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

The Tender Documentation is a summary of the Contracting Authority's requirements for the scope and function of the contract, not a summary of all requirements arising from generally binding legal regulations and standards. When compiling a tender, the Participant shall comply

not only with the requirements set out in the Tender Documentation, but also with the provisions of the relevant binding legal regulations and standards applicable in the Czech Republic.

## **4 TIME AND PLACE OF THE CONTRACT PERFORMANCE**

### **4.1 Time of the Public Contract performance**

Estimated performance start and completion deadlines:

- Start estimated date 03/2025
- Completion estimated date 10/2025

The contract shall be performed in accordance with the schedule. The preliminary schedule is provided in Annex No. 4 Estimated Schedule.

### **4.2 Place of the contract performance**

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

## **5 CONTRACTING AUTHORITY'S REQUIREMENTS FOR THE PARTICIPANTS' QUALIFICATIONS**

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

Compliance with the qualification requirements shall mean:

- a) compliance with the basic competence requirements,
- b) compliance with the professional competence requirements,
- c) compliance with the economic qualification requirements,
- d) compliance with the technical qualification requirements.

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

## **6 REQUIREMENT FOR THE METHOD OF PROCESSING THE TENDER PRICE**

### **6.1 Tender Price**

For the purposes of this Public Contract, the Tender Price shall mean the total price for the performance of the subject of the Public Contract in accordance with chapter 3 of the Tender Documentation exclusive of value added tax.

The Tender Price shall be in CZK.

The tender price will be established as the maximum and NTE (*not-to-exceed*) price.

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

Itemized Budget - M&C Building Construction-Stage 1 (= Annex No. 5 to the Tender Documentation) and in the Tender Cover Sheet (= Annex No. 10 to the Tender Documentation).

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

For the purposes of stipulating the total Tender Price, the economic operator shall fill out Annex No. 5 to the Tender Documentation – Itemized Budget - M&C Building Construction-Stage 1, which shall be part of the economic operator's tender.

## **6.2 Possibility of exceeding the Tender Price**

Throughout the term of the Contract for Work to perform the Public Contract, the Tender Price may be exceeded in the event of a change in tax regulations that have a demonstrable influence on the Tender Price, particularly in the event of a change in the VAT rate. The increase in the Tender Price shall not exceed the amount corresponding to the change in the tax regulations. Should the VAT rate decrease, the price for the performance of the Public Contract shall be decreased compared to the Tender Price.

## **7 BUSINESS AND PAYMENT TERMS AND CONDITIONS**

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

Guarantees – the Contracting Authority requires a minimum total guarantee for the subject of the Public Contract of **60 months**.

The draft Contract for Work is a binding sample contract that cannot be changed, amended or supplemented in any way by the Participant. In the draft Contract for Work, the Participant shall only fill in their data in the indicated places (highlighted in blue). The Participant shall include the completed Contract for Work, including annexes thereto, submitted by the Contracting Authority during the procurement procedure, as part of its tender submitted in the procurement procedure. The completed draft Contract for Work sent via the electronic tool shall be deemed signed (according to the provision of sec. 211 (7) of the Act).

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

Throughout the duration of the Work performance, the selected economic operator, with whom the Contract for Work will be concluded, shall be obliged to have liability insurance to cover any damage caused to a third party during the work performance. The Contracting Authority's requirement is specified in detail in article 7.2 of the draft Contract for Work.

The selected economic operator shall prove the existence of the insurance by presenting the applicable insurance policy or insurance certificate. The Contracting Authority requires that the selected economic operator has a liability insurance taken out to cover any damage caused to

a third party during the work performance with insurance coverage of at least CZK 200,000,000.)

If a Participant has already taken out insurance policy according to the above requirement, the Participant shall include in its tender a copy of the insurance policy or insurance certificate that proves compliance with the Contracting Authority's tender requirements. If a Participant has not taken out insurance policy in the requested amount, it shall include in its tender a statutory declaration confirming that it shall take out insurance policy according to the requirement above if it is awarded the Public Contract. In such a case, the winning Participant (= selected economic operator) will be asked to present a copy of the insurance policy or insurance certificate prior to signing the Contract for Work in accordance with sec. 104 PPA. It is a condition for entering into the Contract for Work as per chap. 12.4 (b) of the Tender Documentation.

## **9 TECHNICAL SPECIFICATIONS OF THE CONTRACT**

The technical specification of the Public Contract is provided in Annex No. 3 to the Tender Documentation – Design documents - ALFAGEN D02 NEW M&C BUILDING, prepared by Hutní projekt Frýdek-Místek, in December 2024.

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

The drawings and the text part of the design documents define the work in the details necessary for the preparation and objective comparability of the suppliers' offers. The design documentation shall not restrict the acceptability of any alternative construction methods or materials, equipment and activities used, provided that they maintain the scope of performance required by the Contracting Authority in the necessary quality and comply with the relevant legal regulations and binding technical standards.

## **10 TENDER VARIANTS**

The Contracting Authority does not authorise any tender variants.

## **11 OTHER REQUIREMENTS OF THE CONTRACTING AUTHORITY FOR THE CONTRACT PERFORMANCE**

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

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



## 12 SUBECONOMIC OPERATOR SYSTEM

The Contracting Authority requires, in line with sec. 105 (1) of the Act, that Participants in their tenders:

- a) specify parts of the Public Contract which are to be performed by their subeconomic operators
- (b) submit a list of subeconomic operators (including identification and contact details for each subeconomic operator), if known to the Participant, who will perform the Public Contract; Participants shall also indicate for these subeconomic operators which part of the subject of the Public Contract each of these subeconomic operators will perform.

If a Participant proves qualification through a subeconomic operator in accordance with sec. 83 of the Act, it is obliged to submit documents and a written commitment to the Contracting Authority in accordance with this provision and in accordance with the Qualification Documentation.

If a Participant does not use subeconomic operators to perform the subject of this Public Contract, it shall explicitly state this fact in the tender. Any change of a subeconomic operator during the performance of the subject of the Public Contract must be agreed in writing with the Contracting Authority.

For the purpose of submitting a subeconomic operator system, the Participant shall complete Annex No. 9 of the Tender Documents - Own Works, which shall be then submitted as part of its tender.

## 13 SUBMISSION OF TENDERS, OPENING OF ENVELOPES AND EVALUATION

### 13.1 Submission of tenders

The deadline for the submission of tenders is **11 February 2025 by 10:00 a.m.**

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

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

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

### 13.2 Opening of tenders

The Contracting Authority shall open the tenders in accordance with sec. 109 of the Act upon the lapse of the tender submission period.

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

### 13.3 Evaluation of tenders

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

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

The data which are to be evaluated and which are proposed by a Participant, cannot be subjected to any other conditions by the Participant. Conditioning or providing several different values for the data to be evaluated may be grounds for the elimination of such tender and exclusion of the Participant from the procurement procedure.

Partial criteria for awarding the Public Contract are below:

- A) Tender price** (in CZK excluding VAT) - **weight 85 %**
- B) Earlier Stage 2 Readiness Deadline** (in calendar days) – **weight 10 %**
- C) Warranty period** (in months) – **weight 5 %**
- A) Tender price** (in CZK excluding VAT)

The total tender price in CZK excluding VAT for the full completion of the subject of the Public Tender will be evaluated.

The total tender price is given by the sum of the partial tender prices of individual items listed in Annex 5 to the Tender Documentation - Itemized Budget - M&C Building Construction - Stage 1.

The total tender price will be obtained by completing the partial tender prices in Annex 5 of the Tender Documentation - Itemized Budget - M&C Building Construction - Stage 1. Participants are not allowed to modify Annex 5 to the Tender Documentation - Itemised Budget - M&C Building Construction - Stage 1 in any other way than by indicating the unit price value in CZK excluding VAT for the items listed.

For the evaluation of tenders under the Total Tender Price sub-criterion, the evaluation committee will use a scoring scale ranging from 0 to 100 points. Each individual tender will be assigned a point value according to the sub-criterion, which will reflect the success of the tender evaluated under the sub-criterion. The evaluated tender will be awarded a point value which is the product of 100 multiplied by the ratio of the value of the most advantageous tender

to the evaluated tender. **The most advantageous tender under the criterion is the tender with the lowest total tender price in CZK excluding VAT.** The point value under the sub-criterion will then be multiplied by a weighting of **85 %**.

The tender price will be stipulated in CZK excluding VAT. The Participant's tender price will include all costs associated with the performance of the public contract. The total tender price in CZK excluding VAT as an evaluation criterion will be indicated in the Tender Cover Sheet, in the priced Itemized Budget and in the draft Contract in the same value.

The partial tender prices for individual items of the total tender price will be set by the Participant as final and not to be exceeded.

#### **B) Earlier Stage 2 Readiness Deadline** (in calendar days)

The evaluation of the Earlier Stage 2 Readiness Deadline criterion will be based on the number of calendar days before the deadline of 15 August 2025. When determining the value of the sub-criterion in calendar days, the Participant must take into account the latest Stage 2 Readiness Deadline (= 15 August 2025). **At the same time, the Contracting Authority sets the maximum value of the sub-criterion "Earlier Stage 2 Readiness Deadline" at 30 calendar days.**

If a Participant does not offer any earlier Stage 2 Readiness Deadline (in other words, it proposes 0 calendar days), such Participant shall be evaluated 0 points under this evaluation sub-criterion.

For the evaluation of tenders under the this sub-criterion, the evaluation committee will use a scoring scale of the maximum of 100 points. Each individual tender will be assigned a point value according to the sub-criterion, which will reflect the success of the tender evaluated under the sub-criterion. The evaluated tender will be awarded a point value which is the product of 100 multiplied by the ratio of the value of the evaluated tender to the maximum possible value of 30 calendar days specified by the Contracting Authority.

**The most advantageous offer under this criterion shall be the offer with the earliest Stage 2 Readiness Deadline in calendar days.** The point value under this sub-criterion will then be multiplied by a weighting of **10 %**.

The Contracting Authority draws the attention of the Participants to the fact that the indication of the sub-criterion "Earlier Stage 2 Readiness Deadline (in calendar days)" will be indicated in the Tender Cover Sheet. A specific date will then be included in the Contract for the Work (in particular Annex No. 1 - Schedule, Deadline No. 7: Stage 2 Readiness), reflecting the offered earlier date, as follows:

<b>Offered Earlier Deadline for Stage 2 Readiness (in calendar days)</b>	<b>Stage 2 Readiness Deadline</b>
0	15 August 2025
1	14 August 2025
2	13 August 2025
3	12 August 2025

4	11 August 2025
5	10 August 2025
6	09 August 2025
7	08 August 2025
8	07 August 2025
9	06 August 2025
10	05 August 2025
11	04 August 2025
12	03 August 2025
13	02 August 2025
14	01 August 2025
15	31 July 2025
16	30 July 2025
17	29 July 2025
18	28 July 2025
19	27 July 2025
20	26 July 2025
21	25 July 2025
22	24 July 2025
23	23 July 2025
24	22 July 2025
25	21 July 2025
26	20 July 2025
27	19 July 2025
28	18 July 2025
29	17 July 2025
30	16 July 2025

A Participant fills in the deadline for Stage 2 Readiness as per the above procedure in the Draft Contract for the Work (in particular Annex No. 1 - Schedule, Deadline No. 7: Stage 2 Readiness), reflecting the offered value of this evaluation sub-criterion "Earlier Stage 2 Readiness Deadline (in calendar days)" obtained through the procedure specified in the table above.

### **C) Warranty period (in months)**

The warranty period in months from the date of handover and acceptance of the subject of the Public Contract without defects and deficiencies will be evaluated. The minimum permissible value of the warranty period is 60 months. The maximum allowable warranty period is 120 months. The Contracting Authority informs the Participants that the indication of the sub-evaluation criterion 'Warranty period' will be given in the same value in the Tender Cover Sheet and in the draft Contract.

For the evaluation of tenders under the this sub-criterion, the evaluation committee will use a scoring scale 0 to 100 points. Each individual tender will be assigned a point value according to the sub-criterion, which will reflect the success of the tender evaluated under the sub-

criterion. The evaluated tender will be awarded a point value which is the product of 100 multiplied by the ratio of the value of the most advantageous tender to the evaluated tender. **The most advantageous tender under this criterion will be the tender with the longest warranty period.** The point value under this sub-criterion will then be multiplied by a weighting of 5 %.

#### **Total number of points scored:**

Each Participant will then be given a total number of points, which will be the sum of the points obtained in the evaluation of the individual sub-evaluation criteria. The total number of points achieved will determine the final ranking of the Participants.

The tender with the highest score will be evaluated as the most economically advantageous tender. The other tenders will be ranked in descending order of the number of points obtained after the most advantageous tender and their order will be numbered.

In the event that two or more tenders are ranked first, i.e. receive the same number of points in the overall evaluation, the most advantageous tender will be selected by lot in the presence of the notary and representatives of the parties concerned.

The data which are to be evaluated and which are proposed by a Participant, cannot be subjected to any other conditions by the Participant. Conditioning or providing several different values for the data to be evaluated may be grounds for the elimination of such tender and exclusion of the Participant from the procurement procedure.

#### **13.4 Conditions for the conclusion of the contract**

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

- a) Pursuant to sec. 122 (3) (a) of the Act – certificates of its qualifications if not already available to the Contracting Authority (copies of certificates shall be sufficient).
- b) Pursuant to sec. 122 (3) (b) in conjunction with sec. 104 of the Act and pursuant to chap. 8 of this Tender Documentation, a copy of the insurance policy or certificate of insurance, if not already available to the Contracting Authority.

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

If the selected economic operator is a foreign legal entity, the Contracting Authority shall, in accordance with sec. 122 (6) of the PPA ask the economic operator to present an extract from

a foreign register similar to the Register of Beneficial Owners, or in the absence of such register,

- a) to provide identification data of all persons who are its beneficial owner, and
- b) to provide documents proving the relationship between all the persons listed under point a) and the economic operator; such documents shall mean particularly an extract from a foreign register similar to a public register, a list of shareholders, decision of the statutory body to pay out a share in the profit, memorandum of association, charter of incorporation or articles of association.

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

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

## 14 FORM AND CONTENT OF TENDERS

### 14.1 Form of tenders

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

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

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

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

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

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

### 14.2 Content of tenders

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

- 1) Tender Cover Page (completed Annex No. 10 to the Tender Documentation)

- 2) Certificates and documents proving qualifications
- 3) Itemized budget - completed Annex No. 5 to the Tender Documentation (to be submitted in the \*.xls format)
- 4) Completed draft Contract for Work, including annexes (Annex No. 2 to the Tender Documentation – Draft Contract for Work)
- 5) Copy of the insurance policy or insurance certificate, or statutory declaration (according to chap. 8 of the Tender Documentation)
- 6) Completed and signed statutory declaration confirming the exclusion of conflict of interest and a statutory declaration in relation to entities from Russia/Belarus (Annex No. 8)
- 7) A completed list of subeconomic operators (Annex No. 9 to the Tender documentation - Own work)

## 15 CLARIFICATION OF THE TENDER DOCUMENTATION

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

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

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

Any request for clarification of the Tender Documentation must be made in writing (in electronic form only) and submitted in electronic form to the Contracting Authority's contact person in accordance with chap. 1 of the Tender Documentation. Recommended submission is particularly via the electronic tool <http://josephine.proebiz.com/> - the system number of the Public Contract in Josephine: 62964. The request for clarification of the Tender Documentation shall include all the economic operator's identification and contact details and indicate which public contract the request relates to.

## 16 CHANGE OF OR AMENDMENT TO THE TENDER DOCUMENTATION

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

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

## 17 INSPECTION OF THE PLACE OF PERFORMANCE

The Contracting Authority makes it possible to inspect the place of performance located at: AL INVEST Břidličná, a.s., Bruntálská 167, 793 51 Břidličná, on 21 January 2025 at 10:00 a.m., or on 22 January 2025 at 8:00 a.m. Such inspection must be requested in writing by the Participant in advance, in electronic form via the Contracting Authority's contact person as per chap. 1 of the Tender Documentation. Recommended submission is particularly via the electronic tool <http://josephine.proebiz.com> - the system number of the Public Contract in Josephine: 62964. The party interested (including its subeconomic operators) may only inspect the place in the maximum number of 3 people.

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

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

## 18 OTHER CONDITIONS

In accordance with sec. 40 of the Act, the Contracting Authority has set out an **Award Period** (i.e. the binding period for the Participants). The Award Period shall mean a period during which the participants in the procurement procedure must not withdraw from the procurement procedure. The start date of the Award Period shall be the date of the deadline for the submission of tenders.

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

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

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



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

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

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

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

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

All parts of a submitted tender must be consistent. Should there be any discrepancy between the tender text and the draft Contract, the data provided in the draft Contract shall prevail.

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

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

The Contracting Authority expects that the subject of the Public Contract be co-funded using EU resources.

## **19 ANNEXES**

Annex No. 1 Qualification Documentation

Annex No. 2 - Draft Contract for Work (binding template)

Annex No. 3 Design documents - ALFAGEN D02 NEW M&C BUILDING, prepared by Hutní projekt Frýdek-Místek, in December 2024

Annex No. 4 - Estimated Schedule

Annex No. 5 Itemised Budget - M&C Building Construction - Stage 1

Annex No. 6 Josephine Communication

Annex No. 7 Registration Manual

Annex No. 8 Statutory declarations (State Environmental Fund of the Czech Republic)

Annex No. 9 Own work

Annex No. 10 Tender Cover Sheet

At Břidličná date 09 January 2025



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