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Systém pro obchodování s emisemi

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Ministerstvo
životního prostředí



STÁTNÍ FOND
ŽIVOTNÍHO PROSTŘEDÍ
ČESKÉ REPUBLIKY

AL INVEST Břidličná, a.s.

Bruntálská 167

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Annex No. 1 to the Tender Documentation
Qualification Documentation

ALFAGEN – DISPOSAL OF MACHINERY AND EQUIPMENT

Procurement procedure

Above-the-Threshold Public Supply Contract for construction works announced in an open procedure pursuant to Section 56 of Act No. 134/2016 Sb., on Public Procurement, as amended (hereinafter also referred to as the “Act” or “PPA”).

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1 CONTRACTING AUTHORITY'S IDENTIFICATION DETAILS

Contracting Authority's name	AL INVEST Břidličná, a.s.
Registered office	Bruntálská 167, 793 51 Břidličná
Company registration number	27376184
VAT No	CZ27376184
File number	B 3040, administered by the Regional Court in Ostrava
Contracting Authority profile	https://profily.proebiz.com/profile/27376184
Contracting Authority's website	https://alinvest.cz/
Data box ID	xcbcpxk

Contact person for the tender procedure	Ing. Lucie Lukášová
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(Hereinafter referred to as the 'Contracting Authority')

2 GENERAL INFORMATION ON THE PUBLIC CONTRACT AND PROOF OF QUALIFICATIONS

The Contracting Authority has launched a public procurement procedure by way of an open tender in accordance with Section 56 of the Act.

The Contracting Authority has drawn up this Qualification Documentation (hereinafter also referred to as 'QD') to the best of its knowledge and experience in the field of public procurement, with the aim of ensuring that the Public Contract is awarded in accordance with the principles set out in Section 6 of the Act.

These Qualification Documents contain a summary of the required Qualifications. Fulfilment of the Qualifications means demonstrating:

- compliance with the basic competence criteria set out in Chapter 3 of this Qualification Documentation,
- fulfilment of the professional competence requirements set out in Chapter 4 of this Qualification Documentation,
- fulfilment of the financial competence criteria as set out in Chapter 5 of this Qualification Documentation,
- fulfilment of the technical qualification requirements as set out in Chapter 6 of this Qualification Documentation.

The Participant is obliged, in accordance with Sections 73 to 79 of the Act, to demonstrate that it meets the qualification requirements. This Qualification Documentation sets out in detail the definition of, and the method for demonstrating, qualification and competence.

2.1 Deadline for proving compliance with the qualification requirements

The Participant is obliged to demonstrate compliance with the Qualification requirements within the deadline for the submission of Tenders.

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

All documents required to demonstrate compliance with the Qualification Documentation may, in accordance with Section 45 of the Act, be submitted in the form of a copy.

In accordance with Section 45(4) of the Act, the Contracting Authority may fulfil the obligation to submit a document by providing a reference to the relevant information held in the public administration information system or in a similar system maintained in another Member State which allows unrestricted remote access. Such a reference must include the web address and the login details required to access and retrieve the relevant information, where such information is necessary.

Documents proving basic competence under Section 74 of the Act must demonstrate compliance with the required competence criteria **no later than 3 months prior to the date of commencement of the procurement procedure**.

If the Contracting Authority requires a statutory declaration, it must be signed by a person authorised to act on behalf of or for the Participant. Where the declaration is signed by an authorised representative on the basis of a power of attorney, that person's power of attorney must form part of the documents by which the Participant demonstrates compliance with the Qualification Requirements.

If the Participant demonstrates compliance with the Qualification Requirements by means of a document in a language other than Czech, English or Slovak, they must attach a translation into Czech or English, unless international treaties provide otherwise. An exception is the submission of university diplomas, which may also be submitted in Latin. Should the Contracting Authority have any doubts as to the accuracy of the translation, it may request the submission of an officially certified translation of the document into Czech or English in accordance with Section 45(3) of the Act.

Pursuant to Section 86(2) of the Act, the Participant may always substitute the required documents in their tender with the <https://ec.europa.eu/tools/espd>.

The Contracting Authority expressly states that it does not permit the submission of documents proving compliance with the qualification requirements to be replaced by a written statutory declaration (in accordance with Section 86(2) of the Act).

Qualifications obtained abroad, i.e. including basic and professional competence in relation to the country of establishment of a foreign Participant, shall be demonstrated by the Participant, in accordance with Section 81 of the Act, **by means of documents issued under the legal system of the country in which they were obtained, to the extent required by the Contracting Authority. If, under the relevant legal system, the required document is not issued, it shall be replaced by a statutory declaration from the Participant within the meaning of Section 45(3) of the Act.**

2.3 Changes in Qualification

If, following the submission of documents or a declaration regarding Qualification, a change occurs in the Qualification of the Participant during the procurement procedure, the Participant is obliged to notify the Contracting Authority of this change within 5 working days and to submit new documents or a declaration regarding Qualification within 10 working days of notifying this change; The Contracting Authority may extend these time limits or waive any failure to meet them. The obligation referred to in the first sentence shall not apply to the Participant if the qualification is changed in such a way that the conditions for qualification continue to be met and, at the same time, the criteria for the evaluation of tenders have not been affected.

If the Contracting Authority becomes aware that the Participant has failed to fulfil the obligation set out in the preceding paragraph, the Contracting Authority shall immediately exclude the Participant from the procurement procedure.

3 BASIC COMPETENCE

3.1 Scope of basic competence

A Participant is competent if:

- a) has not, **in the country of its registered office**, been convicted by a final judgement in the 5 years prior to the commencement of the procurement procedure of a criminal offence listed in Annex No. 3 to Act No. 134/2016 or of a similar criminal offence under the legal system of the country of the Participant's registered office; expunged convictions shall not be taken into account,
- b) has no outstanding tax arrears recorded in the tax registers **in the Czech Republic or in the country where it is established**,
- c) has no insurance contributions debts or penalties relating to public health insurance **in the Czech Republic or in the country where it is established**,
- d) has no debts in social security contributions or penalties, or contributions to the state employment policy, **in the Czech Republic or in the country where it is registered**;
- e) is not in liquidation, has not had a bankruptcy order issued against it, has not had compulsory administration ordered against it under any other legal provision, and is not **in a similar situation under the legal system of the country in which the Participant is established**.

The Contracting Authority draws the attention of foreign Participants to the fact that **the conditions set out in points (a) and (e) must be demonstrated solely in relation to the country in which the Participant is established; the conditions set out in points (b), (c) and (d) must be demonstrated in relation to both the Czech Republic and the country in which the Participant is established**, by means of the documents specified in point 3.2 of the Tender Documentation below. **If, under the relevant legal system, the required document is not issued, it shall be replaced by a statutory declaration from the Participant.**

3.2 Method of proving compliance with the basic competence requirements

The Participant shall demonstrate compliance with the basic competence criteria **in relation to the Czech Republic** by submitting

- a) an extract from the Criminal Records Register in relation to Section 74(1)(a) of the Act,
- b) confirmation from the relevant revenue office in relation to Section 74(1)(b) of the Act,
- c) a written statutory declaration regarding excise duty in relation to Section 74(1)(b) of the Act (template for the statutory declaration – Annex No. 1 to the QD),
- d) a written statutory declaration in relation to Section 74(1)(c) of the Act (model statutory declaration – Annex No. 1 to the QD),
- e) a certificate from the relevant regional social security administration in relation to Section 74(1)(d) of the Act,
- f) an extract from the Commercial Register, or a written statutory declaration if the is not registered in the Commercial Register, in relation to Section 74(1)(e) of the Act.

In relation to the country of establishment of a Participant with its registered office abroad (re: 3.1(a), (b), (c), (d) and (e) of the Tender Documentation), the Participant shall also demonstrate compliance with the basic competence criteria by means of documents issued in accordance with the legal system of the country of establishment. If a document is not issued under the legal system of the country of establishment, it shall be replaced by a statutory declaration of compliance with the basic competence criteria to the extent required by the Act and the Contracting Authority (see 3.1 of the Tender Documentation).

3.2.1 Extract from the Criminal Records Register – a clean criminal record in accordance with point 3.1(a) of the Tender Documentation

A Participant established in the Czech Republic shall submit extracts from the Criminal Records Register to demonstrate competence in accordance with point 3.1(a) of the Tender Documentation. A foreign Participant shall submit documents issued in accordance with the legal system of the country in which it is established.

Where a document proving compliance with the competence criterion is not issued in the country of establishment, the Participant shall replace it with a statutory declaration.

Furthermore, where the Participant is a legal entity, the competence condition set out in point 3.1(a) of the Tender Documentation must be met by that legal entity and, at the same time, by each member of its statutory body. Where a legal entity is a member of the Participant's statutory body, the condition set out in point 3.1(a) of the Tender Documentation must be met by

- a) the legal person,
- (b) every member of the statutory body of that legal person; and
- (c) the person representing that legal entity within the Participant's statutory body.

Where a legal entity is a branch of

- a) a foreign legal entity, the condition set out in clause 3.1(a) of the QD must be met by that legal entity and the head of the branch,

b) a Czech legal entity, the condition set out in point 3.1(a) of the Tender Documentation must be met by the persons specified in the above paragraph of point 3.2.1 and the head of the branch office.

3.2.2 Certificate from the relevant revenue office – No tax debts in accordance with Section 3.1(b) of the Tender Documentation

In accordance with point 3.1(b) of the Tender Documentation, the Participant shall submit, in relation to the Czech Republic, a certificate from **the relevant revenue office** to demonstrate competence under Section 74(1)(b) of the Act. In relation to excise duty pursuant to Section 74(1)(b) of the Act (template for a statutory declaration – Annex No. 1 to the Tender Documentation).

A foreign Participant is obliged to demonstrate this competence both in relation to the territory of the Czech Republic as set out in the previous paragraph and in relation to the country of its registered office, by means of documents issued in accordance with the legal system of the country of its registered office.

If no document is issued in the country of establishment to prove fulfilment of the competence criteria, the Participant shall replace it with a statutory declaration.

3.2.3 No health insurance debts in accordance with 3.1(c) of the Tender Documentation

In accordance with point 3.1(c) of the Tender Documentation, the Participant shall submit a statutory declaration (template for the statutory declaration – Annex No. 1 to the Tender Documentation) in relation to the Czech Republic, specifically in accordance with Section 74(1)(c) of the Act.

A foreign Participant is obliged to demonstrate this competence both in relation to the territory of the Czech Republic by means of a declaration as per the previous paragraph, and in relation to the country of its registered office, by means of documents issued in accordance with the legal system of the country of its registered office.

If no document is issued in the country of establishment to demonstrate fulfilment of the qualification criterion, the Participant shall replace it with a statutory declaration.

3.2.4 Confirmation from the relevant authority or institution – No social security debts in accordance with 3.1(d) of the Tender Documentation

In accordance with point 3.1(d) of the Tender Documentation, the Participant shall submit, in relation to the Czech Republic, a certificate from **the relevant territorial social security administration** to demonstrate competence under Section 74(1)(d) of the Act.

A foreign Participant is obliged to demonstrate this competence both in relation to the territory of the Czech Republic by means of the confirmation referred to in the previous paragraph, and in relation to the country of its registered office, by means of documents issued in accordance with the legal system of the country of its registered office.

If a document proving fulfilment of the competence criteria is not issued in the country of the Participant's registered office, the Participant shall replace it with a statutory declaration.

3.2.5 Affidavit of compliance with basic competence criteria – Liquidation and insolvency pursuant to 3.1(e) of the Tender Documentation

If the Participant is established in the Czech Republic, it shall, in accordance with point 3.1(e) of the Tender Documentation in relation to the Czech Republic, submit an extract from the Commercial Register or a written statutory declaration, if it is not entered in the Commercial Register, to demonstrate competence in accordance with Section 74(1)(e) of the Act.

A foreign Participant is obliged to demonstrate compliance with the competence criterion by means of documents issued in accordance with the legal system of the country in which it is established, which will prove that it is not in a similar situation under the legal system of the country in which the Participant is established.

If no document is issued in the country of the Participant's registered office to demonstrate compliance with the competence criteria, the Participant shall replace it with a statutory declaration.

4 PROFESSIONAL COMPETENCE

4.1 Scope of professional competence

The Contracting Authority requires compliance with the professional competence criteria set out in Section 77(1) and (2)(a) of the Act.

4.2 Method of proving professional competence

The Participant shall demonstrate compliance with the professional competence requirements by submitting:

- a) in relation to the Czech Republic, by submitting an extract from the Commercial Register or another similar register, provided that another legal provision requires entry in such a register.
- b) a document proving authorisation to carry on business in accordance with specific legislation, in particular a document proving the relevant trade licence or authorisation (an extract from the Trade Register or a trade licence), specifically for the following business activities:
 - 'Locksmithing, toolmaking', or 'Construction, alteration and demolition of buildings';
 - Business activities in the field of hazardous waste management.

In accordance with Act No. 455/1991 Sb., the Trade Licensing Act, as amended, the Participant may prove their trade licence by means of an extract from the Trade Register or, pending the issue of such an extract, by means of a notification with proof of delivery to the trade licensing authority (in the case of notifiable trade licences).

The Participant is not required to submit the documents referred to in points (a) to (b) above under Section 4.2 'Qualification Documentation' if the legislation in the country where it is established does not require equivalent professional competence.

5 ECONOMIC QUALIFICATIONS

The Participant shall demonstrate their economic qualification in accordance with Section 78(1) of the Act – the Participant's minimum annual turnover for the three immediately preceding financial years.

The Participant shall provide evidence of a minimum annual turnover of at least CZK 15,000,000 (fifteen million Czech crowns) for the three immediately preceding financial years (for which, in accordance with the applicable legislation, the Participant is required to have prepared a profit and loss account).

The Participant shall demonstrate its turnover by means of the Participant's profit and loss account or a similar document in accordance with the legal system of the country in which the Participant is established.

If the Participant was established more recently, it shall be sufficient for it to submit data on its turnover in the required amount for all financial periods since its establishment.

Furthermore, in accordance with Section 83(4) of the Act, the Contracting Authority requires that, where a Participant demonstrates economic standing through another person, the Participant and that other person shall bear joint and several liability for the performance of the Public Contract.

6 TECHNICAL QUALIFICATIONS

6.1 Scope of the technical qualifications

The Contracting Authority requires compliance with the technical qualification in accordance with Section 79(2)(a) of the Act, as set out in Chapter 6.2 of the Qualification Documentation.

6.2 Method of proving compliance with technical qualification requirements

List of construction works

Pursuant to Section 79(2)(a) of the Act, the Participant shall demonstrate compliance with the Technical Specifications by submitting a list of construction works carried out by the Participant during the 5 years preceding the commencement of the procurement procedure, including certificates from clients confirming the proper performance and completion of these works.

The Contracting Authority requires that the list of construction works include at least three completed significant similar Contracts which demonstrate compliance with the following criteria:

- i. at least 1 completed major Contract, the subject matter or part of which consisted of dismantling work with a financial value of at least CZK 2 million excluding VAT;
- ii. at least two further completed major Contracts, the subject matter or part of which comprised dismantling works with a financial value of at least CZK 1.5 million excluding VAT per completed Contract.

'Financial value' means the price excluding VAT paid for a Contract delivered and accepted by the Contracting Authority, representing the extent to which the Participant contributed to the performance of these completed Contracts.

The list provided must contain details of the price (excluding VAT), the period of performance (the completion of significant construction works must have taken place no more than 5 years prior to the commencement of the tender procedure), and the identification of the client. **A certificate from the client confirming the proper performance and completion of these similar Contracts must be attached to this list of construction works.**

The Participant is entitled to list only those similar Contracts that have been duly performed.

In accordance with Section 79(4) of the Act, the Participant may, to demonstrate fulfilment of the qualification criterion under Section 79(2)(b) of the Act, construction works which it has carried out (i) jointly with other Participants, to the extent to which it participated in the performance of the Contract, or (ii) as a sub-contractor, to the extent to which it participated in the performance of the construction works.

If the Participant intends to demonstrate fulfilment of this part of the qualification through another person, the Participant is also obliged to submit to the Contracting Authority the documents specified in paragraph 7.1 of the Qualification Documentation.

7 SPECIAL METHODS OF PROVING QUALIFICATIONS

7.1 Demonstration of qualification through other persons pursuant to Section 83 of the Act

Pursuant to Section 83(1) of the Act, a Participant may demonstrate the economic qualification, technical qualification or professional competence – with the exception of the criterion set out in Section 77(1) of the Act – required by the Contracting Authority through other persons (note: for the purposes of the Act, 'other person' means not only a sub-Participant but also a parent company or subsidiary within a group (holding company)). In such a case, the Participant is obliged to submit to the Contracting Authority:

- a) documents proving compliance with the professional competence requirements under Chapter 4.2(a) of the Qualification Documentation (= an extract from the Commercial Register),
- b) documents proving that the missing part of the qualification has been met through another person,
- c) documents proving compliance with the basic competence criteria set out in Chapter 3 of the Qualification Documentation,
- d) a Contract or a confirmation signed by another person attesting to its existence, the content of which constitutes a commitment by that other person to provide the services required for the performance of the Contract or to provide items or rights which the Participant will be authorised to use in the performance of the Contract, at least to the extent to which that other person has demonstrated qualification on behalf of the Participant.

Where the Participant demonstrates its qualifications through another person and submits documents pursuant to Section 79(2)(a), (b) or (d) of the Act relating to that person, the

Contract or confirmation of its existence referred to in point (d) must contain a commitment that the other person will carry out the construction works or services to which the demonstrated qualification criterion relates.

The requirement under point (d) shall be deemed to have been met if the content of the Contract or the confirmation of its existence under point (d) indicates a commitment by the other person to perform the public Contract jointly and severally with the Participant (this applies to economic qualification under Chapter 5 of the Qualification Documentation); this does not apply if the Contract or confirmation of its existence under point (d) must meet the requirements set out in the preceding paragraph.

The Participant is not entitled to use a sub-contractor to demonstrate compliance with the basic competence criteria or to submit an extract from the Commercial Register.

A Participant who has submitted a tender in this procurement procedure may not simultaneously be a sub-contractor through whom another Participant in the same procurement procedure demonstrates its qualification.

7.2 Proving qualifications where several persons submit a tender jointly

Where the subject matter of a Public Contract is to be performed jointly by several Participants and they intend to submit a joint tender for this purpose, each Participant is required to demonstrate that they meet the basic competence criteria (in accordance with Sections 74 and 75 of the Act – Chapter 3 of the Qualification Documentation) and professional competence in accordance with Section 77(1) of the Act (point 4.2(a) of the Qualification Documentation).

Where the subject matter of the Public Contract is to be performed jointly by several Participants, they are obliged to submit to the Contracting Authority, together with the documents proving compliance with the qualification requirements set out in these Qualification Documents, a Contract containing an undertaking that all such Participants shall be jointly and severally liable to the Contracting Authority and to third parties in respect of any legal relationships arising in connection with the Public Contract, throughout the entire period of performance of the Public Contract and for the duration of any other obligations arising from the Public Contract. The requirement set out in the first sentence of this paragraph, that the Participants shall be jointly and severally liable, shall apply unless otherwise provided for by specific legislation or by the Contracting Authority.

7.3 Proving qualifications in case of foreign entities

Where qualification has been obtained abroad, it shall be demonstrated by documents issued in accordance with the legal system of the country in which it was obtained, to the extent required by the Contracting Authority.

If, under the legal system in force in the country of the foreign Participant's registered office, place of business or residence, a particular document is not issued, the foreign Participant is obliged to prove compliance with that part of the Qualification by means of a statutory declaration. If the obligation, the fulfilment of which is to be demonstrated as part of the Qualification, is not stipulated in the country of the foreign Participant's registered office,

place of business or residence, the Participant shall make a statutory declaration to that effect.

Where a document is required under the legal system of the Czech Republic, the Participant may submit an equivalent document in accordance with the legal system of the country in which such a document is issued; this document must be accompanied by a translation into the Czech or English language. If the Contracting Authority has doubts as to the accuracy of the translation, it may request the submission of an officially certified translation of the document into the Czech or English language by an interpreter registered on the list of experts and interpreters. Documents in the Slovak language and educational qualifications in Latin shall be submitted without translation. If, under the relevant legal system, the required document is not issued, it may be replaced by a statutory declaration.

7.4 Proving qualifications by means of an extract from the register of qualified Participants

When demonstrating their Qualification, the Participant is entitled to submit to the Contracting Authority an extract from the register of qualified Participants (pursuant to Section 228 of the Act) within the deadline for demonstrating compliance with the Qualification; this extract replaces the demonstration of compliance with:

- basic competence (in accordance with Chapter 3 of these Tender Documents) and
- professional competence (in accordance with Chapter 4 of these Tender Documents) to the extent that the documents proving compliance with this professional competence meet the Contracting Authority's requirements for demonstrating professional competence to perform the Public Contract.

The Contracting Authority shall accept an extract from the list of qualified Participants provided that, as at the last day on which compliance with the Qualification is to be demonstrated, the extract is not more than 3 months old.

The Contracting Authority is not obliged to accept an extract from the list of qualified Participants on which the commencement of proceedings under Section 231(3) of the Act is indicated.

In the same way as with an extract from the list of qualified Participants, the Participant may demonstrate Qualification by means of a certificate issued by another Member State in which the Participant is established, and which is equivalent to an extract from the list of qualified Participants.

7.5 Proving qualifications by means of a certificate from a system of certified Participants

A Participant may demonstrate its qualification in a procurement procedure by means of a valid certificate issued under an approved system of certified Participants in accordance with Section 234 of the Act. The Participant is deemed to be qualified to the extent specified on the certificate.

In the same way as with a certificate, a Participant may demonstrate its qualification by means of a certificate originating from another Member State in which the Participant is

established, and which is equivalent to a certificate issued under the certified Participants' scheme.

7.6 Proving qualifications by other equivalent documents

If the Contracting Authority requires the submission of a document and the Participant is unable, for reasons not attributable to them, to submit the required document, they are entitled to submit another equivalent document.

ANNEXES TO THE QUALIFICATION DOCUMENTATION

Annex No. 1: Affidavit – Basic competence

In Břidličná on 29.09.2026



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

