



RWE Gas Storage, s.r.o.

TENDER DOCUMENTATION

(hereinafter referred to only as "TD") regarding public contract "**Tubing, pup joints, X-overs, flow couplings**" placed pursuant to the provisions of Section 27 of Act No. 137/2006 Sb., on Public Contracts, as amended (hereinafter referred to only as the "Act") in the form of open tender proceedings.

This tender documentation has been drawn-up in English language solely.

1. Contracting Entity:

RWE Gas Storage, s.r.o., Prosecká 855/68
190 00 Prague, Czech Republic
Registered in the Commercial Register maintained by the Municipal Court in Prague, Section C, File 124711
Business ID No.: 27892077
Tax ID No.: CZ27892077
Account No.: 17805243/0300 at ČSOB a.s., Praha 5
IBAN: CZ9003000000000017805243
Swift Code: CEKOCZPP

2. Contact Address

RWE Česká republika, a.s., Hradec Králové, Pražská třída 702, ZIP CODE 500 04
Contact person: Judita Kalábová
Telephone: +420 602 578 404
E-mail: judita.kalabova@rwe.cz

The above-mentioned contact person of the Contracting Entity shall mediate contacts between the Tenderers and the Contracting Entity. No contact with other persons of the Contracting Entity during the term of the tender is permitted.

3. Subject of the Public Contract

The subject of the public contract is the delivery of the tubing, pup joints, X-overs and flow couplings as specified in the Annex No. 1 – Technical Specification of this TD.

The subject of the public contract is also:

- Delivery of tubing, pup joints, X-overs and flow couplings.
- Training according to Annex No. 1.
- Delivery of documentation according to Annex No. 1.

4. Supplied Goods Classification According to Implementing Regulation

CPV 44160000-9

5. Time and Place of the Public Procurement Performance

There can be more than one supply based on the needs of the Contracting Entity. The actual scope of the supply in terms of its volume and time shall be particularised during the contract performance in individual partial orders. The contract is set for 3 year period.

The tenderer shall deliver goods under DAP condition INCOTERMS 2010 to RWE Gas Storage, s.r.o., UGS Tvrdonice (stock Hrusky), 691 53 Tvrdonice, South Moravia Region, Czech Republic. The place of documentation delivery: RWE Gas Storage, s.r.o., Ing. Peter Židišín, Prosecka 855/68, 190 00 Prague, Czech Republic.

6. Terms and Place for Bids Submission

6.1. Term for submission of bids and requirements regarding envelopes designation and securing.

The term for bids submission ends on **20.5. 2015, at 10,00 a.m.** Tenderers can send their bids by registered mail to the registered address: RWE Česká republika, a.s., Judita Kalábová, Pražská třída 702, 500 04 Hradec Králové, Czech Republic or deliver them personally to the same address – to the reception or to the contact person on business days. At the last day only till 10 a.m. The decisive term will be the moment of bid delivery or acceptance.

- 6.2. The bid must be delivered in writing, in one sealed envelope with all seals stamped, signed by the Tenderer, and visibly designated with the following text:

Tender “Tubing, pup joints, X-overs, flow couplings – DO NOT OPEN – NEOTVÍRAT”

Each Tenderer can submit only one bid. The envelope must indicate an address to which the bid can be returned according to the Act.

- 6.3. The term, during which the Tenderer shall be bound by its bid, shall be 90 calendar days commencing on the day following the last day of the term for bids submission (hereinafter the “award period”).

7. Criteria, Weights and Method of Bids Evaluation

The total tender price 100%.

The total tender price

The Tenderer is obliged to set a unit price for each item in the Price Form attached to this Tender Documentation as its Annex No. 3.

The bid price shall be specified as the highest permissible. The bid price shall include all costs related to the contract fulfillment included packaging and transport costs.

The delivery term is DAP UGS Tvrdonice (stock Hrusky), 691 53 Tvrdonice, South Moravia Region, Czech Republic according to INCOTERMS 2010. There will be no minimum quantity limit.

The Contracting Authority decided to use electronic auction as a means of evaluation of bids in compliance with the provisions of Section 96 of the Act. The electronic auction will take place in compliance with the rules contained in the instructions at <http://gov.proe.biz>, specified in the Annex No. 8.

Electronic auction evaluation criteria

In view of the fact that the Contracting Authority decided to use electronic auction as a means of evaluation of bids, the opening of envelopes will take place in compliance with the provisions of Section 71 Subsection 7 of the Act without the bidders present.

The electronic auction will start on 28.5.2015 at 10:00 a.m.

Each bid shall be evaluated in compliance with Section 78 Subsection 1 Paragraph b) of the Act according to lowest total offer price.

Bidders shall enter binding offer prices in CZK exclusive of VAT for individual items straight in the electronic portal PROe-biz. The Contracting Authority has allocated weights to the individual items; the total offer price shall thus be calculated as a weighted sum of unit prices (a sum of products of the offer prices of items and the weights allocated to them).

The value of the total offer price is thus only a fictitious value being a mathematical tool to evaluate the order of bidders. The actual total offer price of each bidder shall be given by the multiple of the unit price and the actual volume requested by the Contracting Authority and it will be known only during the performance of the contract.

The Contracting Authority is subsequently going to conclude a framework contract for the public contract performance with the bidder who will offer the lowest total offer price in the e-auction.

9. Term for Contracting Entity's Decision Announcement to the Tenderers

The Contracting Entity will announce its decision on the selection of the most suitable bid to the Tenderers within 90 calendar days from the deadline for bids submission.

10. Business Conditions

Business conditions shall be governed by laws of Austria.

Payment Conditions and Business Conditions are specified in the contract.

12. Conditions of the Contracting Entity

- 12.1. The Tenderer is not entitled to any compensation for processing and submission of its bid.
- 12.2. The Contracting Entity does not accept any alternative technical or economical solution.
- 12.3. Any bid delivered after the deadline for bids submission will not be included in the assessment and the tenderer will be notified according to the Act.
- 12.4. Each Tenderer can submit only one bid. A Tenderer submitting its own bid within the tender may not be subcontractor of another Tenderer in the same tender at the same time.
- 12.5. The bid shall meet technical up to date standards and rules. The Tenderer must consider the accepted general gas storage regulations and standards, especially mentioned in Annex.1.
- 12.6. Tenderer must allow entrance of Contracting Entity employees or third party to all involved facility necessary for inspection. The complete documentation package for particular inspected material must be ready in 1 original and 2 copies. 1 original and 1 copy will be sent to RWE Gas Storage, s.r.o., Ing. Peter Židišin, Prosecka 855/68, 190 00 Prague, Czech Republic and 1 copy will be at material.
- 12.7. If the Tenderer finds any discrepancy, ambiguity or conflict in any of the Tender Documents, Tenderer shall so inform Contracting Entity forthwith.
- 12.8. Communication during the Tender period shall be in writing only.
- 12.9. Any queries relating to the Tender shall only be sent to the address and person appointed in article 2 of this documentation. Tenderer shall make no attempts to communicate with any Contracting Entity employees or representants other than the person indicated above.
- 12.10. All the additional queries shall be dispatched according to the Act.

13. Requirements of the Contracting Entity

- 13.1. The Tenderer shall demonstrate its professional qualification by a simple copy of its extract from the Commercial Register or an extract from another similar register where the Tenderer is registered attached to its bid. Extract from commercial register may not be older than 90 days on the last day of the term for bids submission. Tenderer shall also submit the trade licenses in simple copy.
- 13.2. Documents demonstrating the required qualification will be submitted by a foreign Tenderer in the original language with Czech or English translation. Official translation is not required.
- 13.3. The Contracting Entity requests the Bidder to demonstrate technical capability by submitting a list of similar supply contracts performed in the past three years, stating

the scope thereof and the delivery time. The list of supply contracts must specify as a minimum:

- the client's business name and the address of the client's registered office,
- the client's contact information (contact person, telephone, and e-mail),
- the type and quantity of supplied goods and the delivery time.

This requirement will be considered complied with if the Bidder demonstrates to have performed gas-sector supply contracts during the past three years in conformity to the specifications set forth in the Technical Specifications ("TS") constituting Annex 1 and other annexes to this documentation, to the minimum extent of 1,000 m tubing of each of the following sizes: 2 3/8", 2 7/8", 3 1/2", and 4 1/2" tubing. The Bidder must enter the required information in the table in Annex 3 to this documentation, where the space for providing a reply may be enlarged as necessary. In case of doubt regarding conformity to the TS, the burden of proof will lie with the Bidder.

- 13.4. For each reference, the Bidder must submit a scan of the first page of an EN 10204 3.1 Inspection Certificate (scans must be provided solely in electronic form on an enclosed flash disk or CD). If references given by the Bidder contain false information, the Contracting Entity may exclude the Bidder from the contract award process.
- 13.5. The Tenderer is obliged to submit in the bid also simple copies of the extract from the commercial register (not older 90 days) and copies of trade licenses for all its subcontractors.
- 13.6. In case of subcontracting, the Tenderer will submit in the bid the list of the subcontractors with their business name, financial share on the works and the scope and description of their activities on contract execution.
- 13.7. **Tender security:** The Contracting Entity requires the Tenderer to guarantee performance of its obligations resulting from its participation in the tender by a **bank guarantee, insurance of guarantee or by depositing** a financial amount of 1 000 EUR (in words: one thousand euro) to the bank account of the Contracting Entity (hereinafter referred to only as the "monetary guarantee"). In case of other currency the amount of the bank guarantee will be re-counted by the actual exchange rate at the day the bank guarantee was executed.
- The monetary guarantee must be deposited to the Contracting Entity's account no later than one day before the last day for submission of bids. During this action, the Tenderer shall among others indicate the name or registration number of this public procurement from CA or TED. The Contracting Entity's account number is specified in Section 1 of this TD.

"Proof of guarantee deposition" (original counterpart of written confirmation of the bank) must form an integral part of the bid. Bank guarantee or guarantee insurance contract must be valid at least until the end of the award period. In case of bank guarantee or insurance of guarantee the original of bank guarantee or insurance contract shall be included in the bid.

- 13.8. The bid must comprise a **draft agreement** (which forms the Annex No. 2 of this TD) on execution of the subject of public contract **signed by a person authorized to act on behalf or in the name of the Tenderer**. The Tenderer shall only fill in data on places indicated by the Contracting Entity. Any other changes of the draft contract are forbidden and shall lead to the exclusion of the Tenderer from the tender procedure.

Note: In case that the contract is not submitted, is not signed or any changes are made (except the places to fill in), the bid has to be **excluded** immediately from the evaluation procedure, according to the Act!

- 13.9. In the bid, the Tenderer will submit documents on indemnity insurance (valid policy) in connection to performance of the work with a limit of minimally EUR 100,000 (in words: one hundred thousand Euro). This Tenderer may prove this qualification in the bid also by submitting an original affidavit signed by the Tenderer's authorized person. In this affidavit, the Tenderer will commit itself to conclude an insurance policy in the meaning of this clause as the potential winning Tenderer.
- 13.10. The bid shall be submitted in writing in Czech or English language, and it will be submitted in three counterparts (i.e. 1 original + 2 copies). Original of the bid must be designated as the "Original".
- 13.11. The bid must be correspondingly secured against manipulation with individual pages including Appendixes (preferably, each page should be numbered using an uninterrupted ascending numeric series, with Tenderer's signature on each page, and with indication of the total number of pages).
- 13.12. The envelope with Tenderer's bid shall also comprise the bid in electronic form on a CD/DVD/flash disk (except the documentary part) in MS Word and MS Excel formats or PDF formats.
- 13.13. Bids shall be organized as follows:
- Table of contents of the bid with reference to individual pages.
 - Information about the Tenderer (contact details),
 - Contract price (see annex no. 2).
 - Affidavits according to Annex. 4 - 6 of the TD.
 - Reference Table according to Annex No. 9 of the TD.
 - Other documents required in TD and its annexes.
 - Copy of valid API certification API 5 CT and 5 B.
- 13.14. According to Section 68 (3) of the Act, the bid shall include:
- a) List of members of statutory body of the Tenderer, who had employment, functional or similar relation to the contracting entity during last three years;
 - b) If the Tenderer has a legal form of a joint stock company, it shall submit a list of its shareholders having more than 10% shares on the registered capital;
 - c) Statement of the Tenderer 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 Tenderer (Annex No. 6 of the TD).

14. The Contracting Entity reserves the following rights:

- 14.1. To cancel the tender.
- 14.2. To verify the data presented in the bid.

Annexes:

1. Technical Specification
2. Price form
3. Draft of the Sales and Purchase Contract

4. Affidavit to the Tender
5. Affidavit to the Tender
6. Affidavit to the Tender
7. Estimated quantity
8. Electronic Auction Terms
9. Reference Table

On 24.3.2015



Andreas Frohwein
Executive



Ing. Lubor Veleba
Executive