

## **SSV for RWE Gas Storage, s.r.o. 2016 - 2017**

### **TENDER DOCUMENTATION**

(hereinafter referred to only as "TD") regarding public contract "**SSV for RWE Gas Storage, s.r.o. 2016-2017**" 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 bid proceedings.

This TD has been drawn-up only in English language.

## 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., Prague 5

IBAN: CZ9003000000000017805243

Swift Code: CEKOCZPP

## 2. Contact Address

RWE Česká republika a.s., Prosecká 855/68, Prague, ZIP CODE 190 00

Contact person: Ondřej Parkan

Telephone: +420 731 196 405

E-mail: [ondrej.parkan@rwe.cz](mailto:ondrej.parkan@rwe.cz)

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

## 3. Subject of the Public Contract

3.1. The subject of the public contract is the delivery of the SSV as specified in the Annex No. 1\_SSV – Technical Specification.

3.2. The subject of the public contract is:

Delivery of Material SSV: - dimension 2000 psi and 3000 psi

We request delivery for 2016 no later than May 20, 2016. For the year 2017 the delivery date will be announced by individual call-off, not later than Feb 15, 2017.

### We request also the following documentation in your bid:

- a. Operation and running instruction (i. e. Manuals, procedures, guides etc.)
- b. Delivery of Drawings and Inspection documents (according to the mining law and ISO, API standards etc. You can find more information in Annex No. 1 – technical specification)

Additionally to the above mentioned, detailed description of the subject of this public contract is specified in the Annex No. 1 – Technical Specification of the Qualification documentation and Draft of the Purchase Contract (see Annex No. 2 of this TD).

Each material must be clearly denoted with serial number and this number must be consequently written in relevant documentation which will be handled to the Contracting Entity for each particular material.

The SSV is defined in more detail in Annex No. 3 Price form to the TD and specification.

Contract will be signed for specific period of 2 years – till 31. 12. 2017

#### **4. Supplied Goods Classification According to Implementing Regulation**

CPV 42132100-4

#### **5. Time and Place of the Public Procurement Performance**

##### **5.1 The required term of the delivery of the goods:**

The contractual length is set for defined period till 31. 12. 2017

Delivery of material will be no later than 18 weeks from sending the Individual order (“call-off”) by the Contracting Entity and delivery to the Supplier.

##### **5.2 Required place of delivery:**

The material shall be delivered under DAP condition INCOTERMS 2010 to following locations:

RWE Gas Storage, s.r.o., UGS Tvrdonice (stock Hrusky), 691 53 Tvrdonice, South Moravia Region, Czech Republic

Together with material 1 copy of relevant documents to the material and shipment must be sent.

The place of documentation delivery (meaning 1 original and 2 copies of documents):

RWE Gas Storage, s.r.o., Prosecka 855/68, 190 00 Prague, Czech Republic

##### **5.3 Required partial delivery time for material:**

- lead time no later than 18 weeks from order (call off).

#### **6. Instruction to Submit the Bid**

Term for submission of bids and requirements regarding envelopes designation and securing:

The bid submission period ends on **16. 12. 2015 at 10:00 am**. The Bidders have to submit their bids by registered mail, to the address of RWE Gas Storage, s.r.o., Prosecka 855/68, 190 00 Prague, Czech Republic, or in person at the reception desk of the same address, or to the contact person (phone extension line from the reception desk: 2847), on business days from 9:00-11:00 and 13:00-15:00 CET. Late bids will not be considered. The bid must be submitted in writing, in a single closed envelope stamped and signed by the potential Bidder and distinctively marked as:

**Bid “SSV for RWE Gas Storage s.r.o. 2016 – 2017” – DO NOT OPEN – NEOTVÍRAT“**

The envelope with bid must indicate an address to which the bid can be returned according to the Act.

The bid must be fully conformant to all of the conditions and requirements included in the announcement and the qualification documentation.

A Bidder submitting its own bid may not be subcontractor of another Bidder submitting its bid provided that the other Bidder demonstrates some part of requested qualification through the above mentioned subcontractor.

**6.1. Bid Format, Terms, Conditions, and Requirements**

The bid itself must be submitted in written form as one original marked as “original” and one copy. The bid must also be submitted in electronic format recorded on a USB using Microsoft Office files (.doc and .xls), including scanned documents as pictures files (.jpg) or in Adobe Acrobat (.pdf) formats.

The Bidder must ensure that appropriate steps have been taken to avoid the possible post-bid manipulation with the documents, preferably by numbering all consecutive pages using a continuous numerical series and by marking with a rubber stamp and a signature from the Bidder on each sheet, with the total number of sheets stated.

The Contracting Entity requires the following arrangement (sequence) of the bid:

- identification of the Bidder with a specification of persons for possible contacts, including telephone, fax numbers, and e-mail address;
- content of the bid with a specification of individual documents and their sequence, with a reference of the document number and page number.

In case any changes occur, which are relevant to the qualification of an Bidder, during the time before a decision on the results of the qualification is taken, the potential Bidder is required to notify accordingly in writing the Contracting Entity within 7 (seven) working days and submit necessary documents proving the qualification fulfillment to the full extent within 10 working days following the notification.

**6.2.** The term, during which the Bidder 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”).

**6.3. Bid language**

The bid itself shall be written either in Czech or English language (Some template documents forming a part of TD could be submitted in Czech language bid in English – e.g. draft contract, affidavit etc.). All other correspondence also has to be in Czech or English language.

## **7. Criteria, Weights and Method of Bids Evaluation**

### **7.1 Criteria and Weights**

The total bid price for SSV (year 2016 and 2017) 100%

### **7.2 The total bid price**

The Bidder shall specify total price for SSV in the bid in the EUR, VAT excluded. The bid price shall be specified as the highest permissible. The bid price shall include all costs related to the contract fulfillment (delivery, pressure testing, etc. if any).

The bid price includes the DAP place of delivery in the Czech Republic according to paragraph 5. of this TD, including transportation packaging according to INCOTERMS 2010. The Bidder is obliged to fill in the price form attached to this TD as its Annex No. 3.

## **8. Date and Place of Envelopes Opening**

Envelopes with bids will be opened on **16. 12. 2015 at 10:01 a.m.** in the meeting room at Prosecka 855/68, 190 00 Prague. The Bidders whose bid have been delivered to the contracting entity within the time limit for submission of bids are entitled to take part in the opening of envelopes (by max. 2 representatives of each Bidder). The representatives of the Bidder will present a proof that they are authorized representatives of the Bidder.

## **9. Term for Contracting Entity's Decision Announcement to the Bidders**

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

## **10. Business Conditions**

Business conditions are described in Annex No. 2 (Draft of the Purchase Contract) of this TD and shall be governed by laws of the Austria and are described in detail – template of draft contract.

## **11. Payment Conditions**

Business conditions are described in Annex No. 2 (Draft of the Purchase Contract) of this TD – template of draft contract. The Bidder is obliged to choose one of the payment methods presented alternatively in Purchase Contract. Choice of the payment method has no influence to the evaluation of the bid.

## **12. Conditions of the Contracting Entity**

- 12.1.** The Bidder 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.

12.4. The warranty period for the material (Goods) shall be 24 months from the date the Goods were duly handed over to the Contracting Entity or 18 months from installation whichever occur first.

12.5. Each Bidder can submit only one bid.

12.6. The Bidder is obliged to submit in the bid draft contract as Annex No. 2 of TD, which shall be signed by the person or persons authorized to act for or on behalf of the Bidder and shall be dated. The person or persons signing on behalf of Bidder must have a power of attorney. If the fact of signature approval is not obvious from the extract from the Commercial Register, the Bidder shall provide a copy of Power of Attorney declaration empowering the signatory to sign the Contract.

The Bidder is allowed to fill in the contract only the field specifically assigned.

**Note: In case 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!**

12.7. The Contracting Entity is authorized to send a representative for testing and acceptance of the completion equipment parts. The Bidder must send invitation for the technical inspection to the Contracting Entity at least 14 calendar days in advance. Bidder 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 3 copies at the place of technical inspection. 1 original and 2 copies will be sent to RWE Gas Storage, s.r.o. Prague, and 1 copy with material to RWE Gas Storage, s.r.o., UGS Tvrdonice (stock Hrusky), 691 53 Tvrdonice, South Moravia Region, Czech Republic.

12.8. The bid itself must be submitted in written form as one original marked as "original" and two copies. The bid must also be submitted in electronic format recorded on a USB using Microsoft Office files (.doc and .xls), including scanned documents as pictures files (.jpg) or in Adobe Acrobat (.pdf) formats.

12.9. If the Bidder finds any discrepancy, ambiguity or conflict in any of the TD or it's Annexes, Bidder shall so inform Contracting Entity forthwith. Communication during the time period for bids submission shall be in writing only.

12.10. Any queries relating to the Qualification shall only be sent to the address and person appointed in article 2 of this TD. Bidder shall make no attempts to communicate with any Contracting Entity employee other than the person indicated above.

12.11. All the additional queries shall be dispatched according to the Act to the appointed contact person in this call only.

12.12. After the time period for bids submission the Bidder cannot submit new or modified bid!

### 13. Bid security:

The Contracting Entity requires the Bidder to guarantee performance of its obligations resulting from its participation in the tender procedure by a bank guarantee, insurance of guarantee or by depositing a financial amount of 10

000 EUR (in words: ten thousands euro) or 270 000 CZK (in words: two hundred and seventy thousand Czech crowns) 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 Bidder shall among others indicate the registration number of this public tender from Czech Information System (Věstník veřejných zakázek) 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.

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

Prosecka 855/68, Prague, 190 00, Czech Republic

Bank connection: ČSOB, a.s. Praha 5, CZK Account No.17805243/0300

IBAN: CZ90 0300 0000 0000 1780 5243

BIC: CEKOCZPP

Account name: 02142-RWE Gas Storage, s.r.o.

#### **14. Qualification**

- 14.1.** The Bidder 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 Bidder is registered attached to its application. Extract from commercial register may not be older than 90 days on the last day of the term for applications submission.
- 14.2.** The Bidder shall demonstrate its professional qualification by a simple copy of relevant trade license.
- 14.3.** If the Bidder is not able to prove its qualification in the whole required scope, it is entitled to submit relevant documents of its subcontractor(s). The Bidder in that case also obliged to submit in the bid (i) the extract from the commercial register of its subcontractor, (ii) an affidavit of the subcontractor, that it is not prohibited to perform public contracts and (iii) contract concluded between the Bidder and its subcontractor where is included the obligation of the subcontractor to provide the Bidder with performance, things or rights for the performance of the public contract, at least in the scope in which the subcontractor proved the qualification instead of the Bidder.
- 14.4.** References:  
  
The Bidder shall prove its technical qualification by indication of at least 15 references for each dimensions as specified in Annex No. 8. Please submit Annex number 8 (affidavit) in signed PDF format – signed by authorized person from Bidder company. We also require fulfill and signed by your referential company (by authorized person) Annex No. 11 from your Customer + picture of the goods - declaration of delivery for all mentioned references Annex No. 8. (your affidavit)
- 14.5.** Bidder shall submit in its bid copy of its certification for product according to API 6A.

- 14.6.** Declaration in Annex No. 4 that Bidder is not in insolvency, liquidation, and bankrupt.
- 14.7.** Insurance:  
The Bidder shall prove its qualification by submission of certificate of insurance or insurance contract valid for the entire duration of the contract and covering liability for at least 500.000 EUR. If the Bidder is not able to prove its qualification, the Bidder can prove it by an affidavit signed by its authorized person. The affidavit has to contain information that if the Bidder wins the tender, it will submit to the Contracting Entity the insurance certificate or insurance contract before signing the contract for this tender.
- 14.8.** Documents demonstrating the required qualification will be submitted by a foreign Bidder in the original language with English translation. Official translation is not required.
- 14.9.** Qualification requirements can be fulfilled and submitted in English or Czech language. If documents are originally in a different language, Bidder must attach simple English translation (not verified) to original.
- 14.10.** Foreign Bidders shall prove their qualification for the bid by the means stipulated by the laws of the country of their registered seat, place of business, or place of residence within the scope required by the Bidder. If a specific document is not issued according to the laws of the country of registered seat, place of business, or place of residence of the foreign Bidder, such foreign Bidder shall be obliged to prove such part of the qualification by an affidavit. If an obligation, which must be satisfied as a proof of qualification, is not required in the country of registered seat, place of business, or place of residence of the foreign Bidder, the Bidder will present an affidavit regarding this fact. Documents proving the required qualification will be submitted by a foreign Bidder in the original language.
- 14.11.** If bids are submitted jointly by several Bidders, Bidders shall enclose the original or verified copy of a document (contract) proving that all such Bidders shall be bound jointly for any obligations arising in connection with the performance of this public procurement contract. Every Bidder shall submit extract from the Commercial Register in copy and an Affidavit according to Annex No. 4 of this TD, both not older than 90 days on the last day of the term for bids submission.

## **15. Other requirements**

### **15.1. In the bid the Bidder shall deliver following documentation for bid submission**

- Declaration of Conformity - sample
- Material certificate - sample
- Technical specification
- Traceability report - sample
- Pressure tests report (gate valve, actuator) - sample according API Spec. 6A
- Drawings for
  - Gate valve
  - Actuator



- Assembly
- Stocking condition - sample
- Installation procedure
- Operation and maintenance manual (gate valve, actuator)

List of spare parts (break down to each single item)

Delivered Goods must be identical to the offered and delivered Drawings in the bid documentation.

If any dimension on drawings are missing, the Contracting Entity can ask for completion drawing or drawing's adjustment after the bid submission.

- 15.2.** The Bidder shall demonstrate in the bid the list of all subcontractors with their business names, financial share on the works and the scope and description of their activities on contract execution, for which their volume exceed 5 % of Public Contract value.
- 15.3.** Bidder shall submit in its bid the declaration, that hydraulic oil Shell Tellus S2 M32 or Shell Tellus S2 V32 is suitable for offered SSV.
- 15.4.** 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 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 bidder that it did not and will not conclude the forbidden agreement according to Czech Act No. 143/2001 Sb., on economic competition preservation, as amended in connection with this public bid.

The above mentioned requests shall be fulfilled through an affidavit signed by a person entitled to act on behalf of the bidder see **Annex No. 6** of the TD.

- 15.5.** The Bidder is obliged to submit in the bid the Declaration, that Bidder has understood this documentation, has no uncertainties and undertakes to accept them in full as in Annex No. 5.
- 15.6.** The Bidder shall fill in the qualification overview into Protocol on assessment of qualifications forming Annex No. 10 of this documentation. For references the Contractor, Year and subject of the reference shall be filled in.

The above mentioned requests shall be fulfilled through an affidavit signed by a person entitled to act on behalf of the bidder (15.4. – 15.8).

## **16. RWE Code of Conduct**

The Bidder acknowledges the fact that the Contracting Entity conducts its business in compliance with the rules set out in the RWE Code of Conduct and may be viewed at the following web address: <http://www.rwe.com/web/cms/en/90780/suppliers/code-of-conduct/> and undertakes to support compliance with the rules and principles contained therein. The Bidder further undertakes to implement the principles defined within the scope of the Global Compact Initiative of the United Nations on

human rights, working conditions and the environment, as well as corruption ([www.unglobalcompact.org](http://www.unglobalcompact.org)). The Bidder agrees to ensure that any of its Suppliers shall support compliance with the rules and principles contained in the RWE Code of Conduct as well as implement the principles defined within the scope of the Global Compact Initiative of the United Nations on human rights, working conditions and the environment, as well as corruption.

**17. The Contracting Entity reserves the following rights:**

To cancel the bid.

To verify the data presented in the bid.

If any document proving the qualification is missing in the bid, the Contracting Entity is entitled (not obliged) to ask a bidder to submit such a document in an adequate time period. This is not a case of missing draft contract.

The bids which do not fulfill any of the condition or requirement are excluded from the bid.

The contracting entity has right to change quantity of requested material in tolerance +/- 30%.

Annexes:

1. Technical specification
2. Draft of the Purchase Contract
3. Price form + specification
4. Affidavit of the Bidder
5. Affidavit to the bid
6. Affidavit
7. Qualification requirements
8. Checklist
9. Protocol on assessment of qualifications
10. Annex\_11\_AFFIDAVIT\_Declaration

In Prague on 28. 10. 2015

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Andreas Frohwein  
Chairman of Executives  
RWE Gas Storage, s.r.o.

.....  
Ing. Lubor Veleba  
Executive  
RWE Gas Storage, s.r.o.