

TENDER DOCUMENTS



to bid for a contract awarded under the Rules for selecting suppliers (hereinafter “PpVD”) issued by the Ministry of Industry and Trade of the Czech Republic, Department of EU Funds, RDI and Investment Incentives – OP PIK (Operations Programme Business and Innovations) Managing Body¹

Name of the Contract: “Supply of TEG Regenerators”

Contracting Body:

innogy Gas Storage, s.r.o.
(the “Contracting Body”)

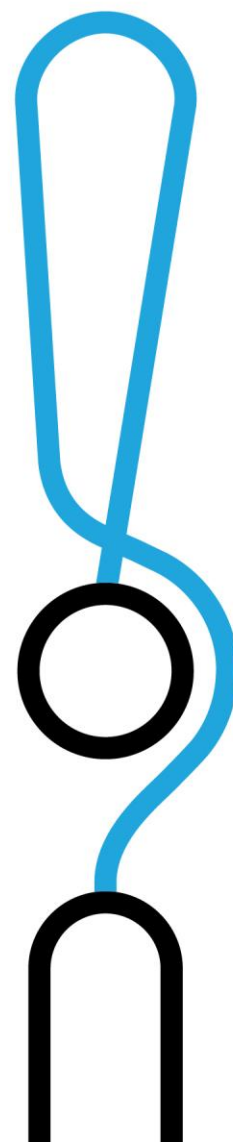
Represented by:

innogy Česká republika a.s.
Registered Office: Limuzská 12/3135, 100 98 Prague 10-Strašnice
Company ID (IČ): 24275051
Listed in the Commercial Register administered by the Municipal Court in Prague, Section B, File 18556

Annexes:

- Annex no. 1 Technical Specification
- Annex no. 2 Price List – Evaluation Table
- Annex no. 3 Affidavit of Accepting the Bid
- Annex no. 4 Affidavit of no indebtedness
- Annex no. 5 Table of References
- Annex no. 6 Sales Contract

¹ <http://www.agentura-api.org/metodika/vyber-dodavatele/>



The Tender Documents (hereinafter "TD") have been published in Czech and in English. In case of conflict between the two versions, Czech version shall prevail.

1. CONTRACTING BODY

innogy Gas Storage, s.r.o.

Limuzská 3135/12, 108 00 Prague 10, Czech Republic

Listed in the Commercial Register administered by the Municipal Court in Prague, Section C, File 124711

Company ID (IČ): 27892077

Tax ID (DIČ): CZ27892077

CZK bank account no.: 17805243/0300, ČSOB a.s., Prague 5

IBAN: CZ9003000000000017805243

SwiftCode: CEKOCZPP

EUR bank account no.: 2142281/0300 (cash transactions only) with ČSOB a.s., Prague 5

IBAN EUR: CZ6303001752810017805243

(the "Contracting Body")

CONTACT ADDRESS (authorized representative of the contracting body)

innogy Česká republika a.s.

Limuzská 12/3135, 100 98 Prague 10 – Strašnice

Workplace: Plynárenská 499/1, 657 02Brno

Contact Person: Ing. Patrik Mour, Strategic Purchaser

Tel.: +420 737 250 947

E-mail: patrik.mour@innogy.com

The above mentioned Contact Person of the contracting body facilitates contacts between the suppliers/bidders and the contracting body. Contacts with other persons of the contracting body during the award procedure are not acceptable.

2. SUBJECT-MATTER OF THE CONTRACT

- 2.1. The subject-matter of the contract is the delivery of two TEG regenerators for the underground gas storage (UGS) Štramberk. The regenerators must conform to the technical specifications ("TS") - and other TD Annexes.
- 2.2. The contracting body assumes entering into a sales contract with one winning bidder - contractor.

3. COMMUNICATIONS

3.1. Queries of the Bidders

The applicant is entitled to require from the contracting body additional information on the tender conditions in writing. Written requests must be delivered to the contact person of the Contracting Body no later than 6 working days before the deadline for submission of the bid. Contracting body will send additional information on the tender conditions within 4 working

days from receipt of the request. The contracting body may provide additional information also without prior request.

If a bidder finds any inconsistency, ambiguity or contradiction in these Tender Documents and their Annexes, he is required to inform accordingly the contracting body immediately in writing. Any communications in the award procedure must be done only in writing. Any clarifying information will be distributed by the contracting body to all the bidders and published on the contracting body's internet profile page.

3.2. Queries of the contracting body

The contracting body has the right to ask the bidders for clarification/information in connection with the bid in a way and range defined in PpVD.

3.3. Amendments to the Tender Documents

Any modifications of the TD will be made in the manner and within the deadlines set by PpVD in a form of appendix to this TD.

4. DATE AND PLACE OF THE ORDER PERFORMANCE

Date of Delivery

The date of delivery of the TEG regenerators to the place of delivery: 170 calendar days after signing the contract²

Date of putting in operation: **20.11.2017**

Date of guarantee testing completion: **31.12.2017**

Place of Performance:

Štramberk UGS, Nový Jičín District, Moravian-Silesian Region

5. METHOD, PERIOD AND PLACE OF BIDS SUBMISSION

5.1. The bidding closing date and the requirement for marking and securing the envelope

The bidders may submit their bids by registered post **no later than 20. 03. 2017, 10.00 am.** to the address **innogy Česká republika a.s., Procurement department, Prosecká 855/68, 190 00 Prague**, or in person to the same address to the mail room on weekdays from 9.00 to 11.00. and from 13.00 to 15.00. On the closing day for submission of the bids, the bids may be submitted by 10.00 only. The decisive date is be the moment of delivery or receipt of the bid. The bid must be made in writing, in a sealed envelope with a stamp on the stickers, signed by the bidder and marked with the following inscription:

“TENDER” – “Supply of TEG regenerators – DO NOT OPEN”

5.2. The bids must be prepared in 3 counterparts (1 original + 2 copies) in written form in Czech or English. The original bid must be marked as "original".

² This is the required date. At the same time, the date is a criterion for the bid evaluation. If the date is an earlier one, the bidder receives higher score in the second criterion; if the date is a later one, the bidder receives lower score.

- 5.3. The bid must be adequately protected against manipulation of the individual pages including the annexes (preferably, each page should be numbered in uninterrupted numerical series and signed by the applicant).
- 5.4. The text part of the bid (all paper documents except those that were issued by a third party) will be simultaneously submitted in electronic form (e.g. On CD, DVD or flash drive).
- 5.5. Each bidder may submit just one bid. The envelope containing the bid must be marked with a return address, to which the contracting body can send a notice in the event of late delivery.
- 5.6. In the bid, the bidder shall state the name and contact data to the person responsible for the preparation of the bid and to the person authorized to negotiate the bid.
- 5.7. Requirements on the bid contents (arrangement):
 - Cover sheet containing the contact data of the persons authorized to negotiate
 - Contents of the bid
 - Bidding price determined according to Art. 11 of these TD
 - Document confirming the deposition of a guarantee under Art. 7 of these TD
 - Draft Contract for Work under section 16.1 of these TD
 - Declarations of Honour under Art. 16 of these TD
 - References under section 17.5 of these TD
 - List of subcontractors under section 17.9 of these TD
 - Other qualifications documents required under Art. 17 of these TD
 - Documents required in Art. 19 of these TD
 - Other documents required by the TD, or their annexes

6. DATE AND PLACE OF BIDS OPENING

- 6.1. The tender opening session will be held on **20. 03. 2017 at 10.00 am.** at the address of the **company innogy Česká republika a.s., Procurement Department, Prosecká 855/68, 190 00 Prague.** The authorized representatives of the applicant (max. 2 persons), whose bids were received by the contracting body before the bidding closing date are entitled to participate at the opening of the envelopes. The representatives of the bidder are required to submit their credentials.

7. SECURITY

- 7.1. The Contracting Body requires that to secure the discharge of his obligations arising from participation in the tender, the bidder provided a security of CZK 50 000 (in words: fifty thousand Czech crowns). The bidder provides the security in the form of deposit to the bank account of the contracting body (the "Cash Security"), in the form of a bank guarantee or in the form of a guarantee premium. The cash security must be deposited on the contracting body account no later than two working days before the day which is the closing day for bidding. In the note for the recipient, the bidder indicates "Tender – Supply of TEG Regenerators." Where the tender security is given in the form of a bank guarantee or guarantee premium, the "proof of providing security" (written declaration of the bank in the original version) or the insurance contract is a part of the bid. The bank guarantee must be valid at least until the end of the period during which the bidder must maintain his bid.

- 7.2. The contracting body will release the cash security within 5 working days after signing the contract to the winning bidder, immediately after the exclusion to an excluded bidder and within 5 working days after the receipt of a notice of the selection of the best bid to the other bidders.
- 7.3. By the bank guarantee, the bank undertakes to pay the contracting body the above mentioned sum based on a written application that includes a statement that the bidder (the bank guarantee principal) failed to comply with his commitments arising from the guarantee for the performance of his obligations in connection with the participation in the awarding procedure. In the event that the bank guarantee fails to not meet the above parameters, the bidder shall be excluded from the tender.

8. AWARD PERIOD

- 8.1. The bidders have to maintain their bids for 90 days. The award period starts running on the day following the expiry of the bidding closing date.

9. LANGUAGE

- 9.1. The bids must be drawn up in Czech or English.
- 9.2. The documents which are not in Czech and English must be submitted together with the translation to Czech and English. In case of discrepancy between the Czech and English version the Czech version prevails. The bidder is solely responsible for any discrepancies in the language versions.
- 9.3. The contracting entity does not require that the above mentioned translations were authenticated.

10. BIDS EVALUATION METHOD

- 10.1. First, the qualification requirements will be assessed. In the event that a bidder fails to meet the qualification requirements of TD, such bidder will be excluded from participation in the tender by the contracting body. This is without prejudice to the right of the contracting body to request additional documents and information.
- 10.2. For bids that meet the qualifications, two criteria will be evaluated, namely:
- 1) The lowest total tender price for the supply of TEG regenerators³
 - 2) The shortest delivery time of two TEG regenerators for Štramberk UGS⁴

Criterion	Weight
Price	70%
Time of delivery of the regenerators to the place of performance	30%

- 10.3. The winning bidder will be obliged to submit the required documents in original or an officially authenticated copy within 5 days of the receipt of a notice by the contracting body. Failure to meet this obligation will be considered a failure to provide assistance in order to enter into the contract. The bidder may meet this obligation as early as in the bid. The validity of all the

³ Evaluating calculation: $100 * (\text{best bid in CZK without VAT} / \text{evaluated bid in CZK without VAT}) * 0,7$

⁴ Evaluating calculation: $100 * (\text{best bid in days} / \text{evaluated bid in days}) * 0,3$

documents must be maintained throughout the duration of the contract.

11. REQUIREMENT CONCERNING THE BID PRICE CALCULATION

- 11.1. The bidder is required to specify in Annex no. 2 "Evaluation Table" binding bid unit prices in CZK without VAT for all items listed in the table for a given part of the contract and multiply them by the stated amount. Under the table, the bidder shows the total price in CZK without VAT for that part of the contract.
- 11.2. The bid prices must be specified as the maximum permissible. Bid prices must include all costs and risks of the bidder associated with the preparation and implementation of the contract. All bid prices shall include also costs associated with the transport of the goods to the destination in parity DAP Štramberk according to Incoterms, 2010.
- 11.3. Subsequently, the contracting body intends to enter into a sales contract for the performance of the contract with the winning bidder.
- 11.4. The contracting body does not allow for a bidder to quote CZK 0 for any item. Stating this value will result in the exclusion of the bidder from the tender. If an item is irrelevant in the bid, the bid may enter the value N/A (Not Applicable).

12. BUSINESS TERMS

- 12.1. The business terms are specified in details in the Sales Contract which forms Annex 6 to these Tender Documents.

13. TERMS OF PAYMENT

- 13.1. The terms of payment are specified in details in the Sales Contract which forms Annex 6 to these Tender Documents

14. SMLUVNÍ SANKCE

- 14.1. The terms of payment are specified in details in the Sales Contract which forms Annex 6 to these Tender Documents.

15. CONDITIONS OF THE CONTRACT PERFORMANCE

- 15.1. The contracting entity will not organize a collective visit to the site of performance. Each bidder can individually visit the site of performance of the public contract, evaluating all possible influences that can arise in the public contract performance. The bidder may arrange the site visit with the contact person specified in Art. 1 of these TD.
- 15.2. The bidder has to maintain the whole content of the bid for the whole duration of the award period.
- 15.3. A supplier who has submitted a bid in this tender may not be simultaneously a subcontractor to another supplier in the same tender procedure through which the supplier in the same tender procedure proves qualifications.

- 15.4. The bidders are not entitled to claim any reimbursement for the preparation and submission of their bids.
- 15.5. The contracting body does not accept any alternative solution, either technical or price related.
- 15.6. Bids received after the bidding closing date will be excluded from evaluation.
- 15.7. The contracting body will exclude the bidder from the award procedure if the bidder states in his bid false information in relation to his qualifications.
- 15.8. Any bid failing to meet the requirements specified herein or to contain the required documents, information or statements, shall be excluded by the committee and, consequently, the bidder excluded from the participation in the award procedure by the contracting entity. This shall be without prejudice to the right of the contracting entity to require other documents of information under Section 59.4 of the Act.
- 15.9. In compliance with the long-term targets and rules of business conduct, the contracting entity informs that the companies of innogy group in the Czech Republic have voluntarily undertaken to maintain the "innogy Code of Conduct". Due to this fact, the subjects are obliged to follow clear rules creating a framework for their business activities and social conduct. In order to check the observance of the above mentioned rules, the companies of innogy group in the Czech Republic have established the institution of an ombudsman. More information concerning the "innogy Code of Conduct" and the ombudsman activities is available at <https://www.innogy.cz/o-innogy/kodex-chovani-innogy/>.

16. REQUIREMENTS OF THE CONTRACTING BODY

- 16.1. In the bid, the bidder is required to submit a sales contract signed by an authorized person. An authorized person is a person listed in the Commercial Register as a person authorized to act on behalf of the bidder or the person who has been granted a Power of Attorney by such person. Where the contract is signed on behalf of the applicant, an authenticated copy or the original of the Power of Attorney must be annexed to the sales contract.
- 16.2. If the contract is not included in the bid, has not been signed by the authorized person or has been changed by the bidder, the bidder will be excluded from the tender.
- 16.3. The bidder is obliged to include in the bid the Affidavit of no indebtedness signed by a person authorized to act for or on behalf of the bidder (Annex No. 5).
- 16.4. The bidder is obliged to include in the bid a Affidavit signed by the authorized person of the bidder that he has fully understand the tender documents and that he complies with all the requirements of the contracting body necessary for the performance of the contract (Annex No. 4).
- 16.5. In the bid, the bidder provides his name and contact data of the person responsible for the bid preparation.

17. QUALIFICATIONS REQUIREMENTS

- 17.1. In the bid, the bidder shall demonstrate the his professional qualifications by a simple copy of an excerpt from the Commercial Register or another register, if the bidder is registered in it, and a copy/copies of a trading licence in the scope corresponding to the subject-matter of the contract. The excerpt from the Commercial Register must not be
- 17.2. If more bidders submit a collective bid, they shall be obliged to submit a contract with the bid demonstrating that all the bidders will be bound jointly and severally towards the contracting body and any other third persons as concerns any obligations arising in connection with the public contract performance or as a result of a delay or other violation of the contractual or other duties in connection with the public contract performance.
- 17.3. A foreign bidder shall demonstrate the fulfilment of the qualifications in a manner pursuant to the legal order applicable in the country of such bidder seat, place of business or residence, within the scope required by the contracting entity. If certain documents are not issued under the legal order applicable in the country of the bidder seat, place of business or residence, the bidder shall be obliged to fulfil the duty to demonstrate the fulfilment of the relevant part of the qualifications by affirmation. If the duty the fulfilment of which should be documented is not set in the country of the bidder seat, place of business or residence, the bidder shall make and affirmation of this fact. Foreign bidders submit documents evidencing the fulfilment of the qualifications in the original language together with their translation to the Czech language. The translations of the above mentioned documents need not be officially authenticated.
- 17.4. The bidder proves his technical qualifications in the bid by a list of similar major contracts (references) carried out in the last 10 years, with an indication of the extent and time of delivery. A similar major contract means the deliveries for gas industry corresponding with the requirements of the Technical Specifications ("TS") which forms Annex no. 1 and other annexes of these TD. Providing at least reference is considered as sufficient to meet this criterion.
- 17.5. The list of contracts must include at least the following:
- business name of the customer and the address of the seat
 - contact data of the customer (name of the contact person, phone number, e-mail address)
 - type and scope of the delivery including the time of delivery.
- 17.6. The bidder shall include the requested data in the table according to Annex no. 5 of these TD, where the fields for the answers can be extended as needed. In case of doubt about the conformity of the regenerators with TS, the burden of proof is on the side of the bidder. For each reference, the bidder provides a scanned first sheet of inspection certificate 3.1 according to EN 10204 (scans will be in electronic form only on an included flash disc or CD). If the bidder provides false information concerning references, the contracting body has the right to exclude such bidder from the tender.

- 17.7. In the bid, the bidder presents a certificate on the introduction of a quality management system at least according to EN ISO 9000, or equivalent certificate.
- 17.8. Where the bidder is unable to prove certain professional, economical or technical qualifications required by the contracting body, he can prove them by means of a sub-contractor. In such an event, the bidder shall submit apart from the qualifications documents of the sub-contractors by means of which he documents his lacking qualification an excerpt from the Commercial Register of the sub-contractor, and a contract made between the bidder and the subcontractor through which the sub-contractor undertakes to provide performance, items or rights to the bidder necessary to the contract discharge, at least within the scope in which the subcontractor documented the qualifications instead of the bidder. The bidder shall also provide a declaration of honour of the sub-contractor that no ban has been imposed on him to perform public contracts under Section 53.1 j) of the Act. The documents may be presented in a simple copy, the excerpt from the Commercial Register and the declaration of honour must not be older than 90 days on the closing day of the bidding.
- 17.9. If the bidder intends to use a sub-contractor in order to perform under the contract, the bid must contain a list all subcontractors (including those who do not demonstrate qualifications instead of the bidder) including their identification data and stating the parts of the contract that will be subcontracted, financial participation of the sub-contractor in the contract and the scope and description of his activities in performing under the contract.
- 17.10. The bidder presents all the documents proving the qualifications in a simple copy.

18. QUALIFICATIONS REQUIREMENTS – MATERIAL PART

- 18.1 The bidder is required to allow the contracting body to carry out a technical audit of quality assurance of production and supply and capabilities to provide performance according to the technical specifications within examining the bidder's qualifications in all factories where the products are manufactured which are the subject of the tender. In the case of a foreign producer, the bidder provides an interpreter, capable of properly interpreting technical terms during the audit.

19. OTHER REQUIREMENTS AND CONDITIONS

- 19.1 In the bid, the bidder will state his possibilities in the field of providing supplies and warehouses. The bidder will state brief information about the manufacturer of the columns which are the subject of the contract, describing his relationship with that manufacturer. The manufacturer must continuously meet the requirements for the supply of gas industry columns in the Czech Republic as specified by TS, which form Annex No. 1 and other annexes to TD (the columns must comply with the applicable legislation, i.e. Act no. 22/1997 Coll., on technical requirements on products, as amended, and Government Regulation no. 163/2002 Coll., laying down technical requirements for selected construction products, as amended).
- 19.2 In the bid, the bidder submits a technical description of the regenerators and their components as well as the instrumentation and a dimensioned layout.
- 19.3 In the bid, the bidder indicates the weight of the entire regenerator, stating special requests

for installation on the site (strapping procedure, requirements for the design of the base, etc.).

- 19.4 In the bid, the bidder states the options in terms of service.
- 19.5 The bidder indicated whether the offered regenerators need special service provided by the manufacturer or a specialized service company. If so, he states in what frequency and under what conditions, including financial, would the service be provided. In the case to the opposite, he states whether a specialized service provided by a third party would impact the guarantee.
- 19.6 The bidder will be required to provide professional training for operators and maintenance staff at Štramberk UGS, and where suitable, for the employees of the contractor for the purpose of installing, commissioning or securing general assembly by the manufacturer of the columns. The bidder will commit to this in the draft agreement on the contract implementing.

20. THE CONTRACTING BODY RESERVES THE FOLLOWING RIGHTS

- 20.1 Cancel the awarding procedure in accordance with PpVD.
- 20.2 To verify and check the information supplied by the bidders. The contracting entity shall exclude a bidder from the awarding procedure if the bidder stated false information in his bid.
- 20.3 According to Section 2e of Act no. 320/2001Coll., on financial control in public administration, as amended, the selected supplier is obliged to cooperate in the performance of financial control.
- 20.4 The contracting body declares that this tender is neither a public tender nor a public promise and it is not a public contract implemented under Act no. 134/2016 Coll., on public procurement, as amended.
- 20.5 The contracting body reserves the right to retain the received bids.

Prague, 09. 2. 2017