



REF. NO. LOM/2020/ÚOL-7756

# TENDER DOCUMENTATION

for the above-limit public procurement contract

## L-39 AIRCRAFT LEASE

announced through **open proceedings**  
per Art. 56 of Act No. 134/2016 Coll., on public procurement, as amended  
(hereafter the “act” only)

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### Abbreviations and designations used:

CPV	Common Procurement Vocabulary (uniform classification system for public contract description)
Agreement	L-39 Lease Agreement
VZ	Public contract
Ac t	Act No. 134/2016 Coll., on public procurement, as amended
ZD	Tender documentation

## 1. Basic data on the public procurement contract

Public contract name:	<b>L-39 AIRCRAFT LEASE</b>	
<b>CONTRACTING AUTHORITY</b>		
Business company:	<b>LOM PRAHA s.p.</b>	
Registered seat address:	Tiskařská 270/8, 108 00 Prague 10 - Malešice	
Company ID:	00000515	
Tax Identification Number:	CZ00000515	
A person authorized to act on behalf of the Contracting Authority:	Ing. Bc. Radomír Daňhel, MBA, LL.M., the Sales and Logistics Manager	
The contracting authority's contact person for the tender proceeding	Ing. Vratislav Marek Public Procurement Specialist	
Phone, mobile:	+420 296 505 387 / +420 724 747 786	
E-mail:	<a href="mailto:vratislav.marek@lompraha.cz">vratislav.marek@lompraha.cz</a>	
CPV code	34711300-7	Piloted aircraft
Estimated public contract value in CZK excl. VAT	CZK 120,000,000	
Public contract type	Deliveries	
Tender proceeding type	Open procedure per Art. 56 of the Act.	
Performance period	Till the end of 2023 or the number of hours corresponding to approximately 2,100 flight hours, whichever occurs first	
Public Contract Component Breakdown	No	
Reserved Commitment Changes	No	
Admissibility of Proposal Variants	No	
Tender Proceeding Result	Conclusion of an L-39 aircraft lease agreement with one supplier	
Proposal Evaluation Method	Electronic through the E-ZAK electronic tool at <a href="https://zakazky.lompraha.cz/">https://zakazky.lompraha.cz/</a>	
Language in which participation applications may be submitted	Czech (Slovak)	
Proposal submission deadline	08 July 2020 to 02:00 PM	

## 2. Specification of the public contract subject and terms

2.1. Public contracting authority LOM PRAHA s.p. (hereinafter the “contracting authority” only) commenced its public contract by sending its notice of the commencement of a tender procedure for publication on 29. 05. 2020. The public contract was published in the Public Procurement Bulletin under its Reg. No. Z2020-018736. The contracting authority invites an unlimited number of suppliers to prove their fulfilment of qualifications and submit their proposals through its published notice of the commencement of a tender procedure and this tender documentation.

- 2.2. The public contract subject is the conclusion of an L-39 aircraft lease agreement (hereinafter the "agreement" only). Based on the agreement, the contracting authority will operate its aircraft for the purpose of training for the ordering party. A draft agreement forms Annex 1 to this tender documentation.
- 2.3. The lease subject includes 2 - 4 L-39 aircraft, type-approved, airworthy, designed for pilot training and refresher flights. The leased aircraft specification is given in the annex to the draft agreement. The aircraft will be delivered with their complete operational documentation.
- 2.4. The aircraft will be registered by the supplier in the military registry, with all the necessary cooperation of the contracting authority. In the event that the aircraft is not registered in the military registry, the public contract will be cancelled.
- 2.5. The requirements for the lease subject, including technical requirements, are detailed in the tender documentation, which is published on the contracting authority's profile: [https://zakazky.lompraha.cz/contract\\_display\\_3505.html](https://zakazky.lompraha.cz/contract_display_3505.html).

### 3. Public Contract Performance Period and Place

- 3.1. The public contract performance period lasts to the end of 2023, or it is approximately 2,100 flight hours, whichever occurs first.
- 3.2. **Performance Place**  
LOM PRAHA s.p., Pardubice Aviation Training Centre, premises of the Pardubice military airport, VÚ 2436, Pražská 192, Postal Code 530 06.

### 4. Supplier Qualification

- 4.1. **The qualification is fulfilled by the supplier who proves the fulfilment of:**
  - a) Basic competence per Art. 74 of the Act,
  - b) Professional competence per Art. 77 of the Act,
  - c) Technical qualification per Art. 79 of the Act par. 2. let. c)
- 4.2. **The supplier shall prove the fulfilment of the basic competence requirements in relation to the Czech Republic and country of the supplier's registered office, by submitting, per Art. 75, par. 1 of the Act:**
  - Letter a) - **Excerpts from the records of the Criminal Registry of legal entities and individuals;** from which it will be clear that the supplier has not been convicted of any criminal offence committed in favour of an organized criminal group or a criminal offence of participation in an organized criminal group in the last 5 years prior to the commencement of the procurement procedure, criminal offence of human trafficking, fraud, credit fraud, subsidy fraud, co-partnership, negligence participation, legalisation of proceeds from crime, legalisation of proceeds from negligence, misuse of information and position in business relations, negotiation of advantage in awarding public contract, in public tender and public auction, gossip in awarding public contracts and public tenders, conspiracies in public auctions, damage to the financial interests of the European Union, crimes of general danger, crimes against the Czech Republic, foreign state and international organizations, crimes against the exercise of authority by public authorities and officials, crimes of officials, bribery, other disruption of the activity of a public authority according to the law of the Czech Republic or a similar criminal offence under the law of the country of the supplier's registered office; expunged convictions are not taken into account.

If the supplier is a legal entity, the requirement per the previous paragraph must be met by this legal entity and at the same time by every statutory body member. If a member of the supplier's statutory body is a legal entity, this requirement must be met by the legal entity, every member of the statutory body of this legal entity and the person representing this legal entity in the supplier's statutory body.

If a branch of a foreign legal entity's plant participates in the tender procedure, the requirement of the first paragraph under letter a) be met by this legal entity and plant branch manager. If a Czech legal entity's plant branch participates in the tender procedure, the requirement of the first paragraph under letter a) must also be fulfilled by the legal entity and at the same time by every member of the statutory body. If a legal entity is a member of the supplier's statutory body, this requirement must be met by the legal entity, every member of the statutory body of this legal entity, and the person representing this legal entity in the supplier's statutory body, and plant branch manager.

- Letter b) - **Confirmation of the relevant tax office of the non-existence of any due tax arrears in the Czech Republic and in the country of its registered office**, from which it will be clear that the supplier does not have due tax arrears recorded in the Czech Republic or in the country of his registered office.
- Letter e) - **Confirmation of the relevant district social security administration of the non-existence of any due arrears on insurance premiums or social security penalties or state employment contributions**, from which it will be clear that the supplier has no arrears due in the Czech Republic or in his country of registered office.
- Letter f) - **Excerpt from the Registry of Companies**, if it is registered in it, or an excerpt from another similar registry, if it is registered in it.

**Supplier's a written affidavit stating that the supplier**

- Letter c) - **Has no arrears due in relation to excise duty** in the Czech Republic and also in the country of his registered office.
- Letter d) - **Has no arrears due in relation to any insurance premiums or penalties for public health insurance** in the Czech Republic and also in the country of his registered office.
- Following Art. 75 par. 1 of Act 1 - **He is not in liquidation**, no bankruptcy decision has been issued against him, no forced administration has been ordered against him according to another legal regulation, or he is not in a similar situation according to the legal order of the supplier's country of registered office,

A sample affidavit forms **Annex 2** to this tender documentation.

**4.3. The supplier shall prove the fulfilment of his professional competence in relation to the Czech Republic and the country of his registered office by submitting per Art. 77 of the Act:**

- Par. 1 - Excerpt from the Registry of Companies or other similar registry, if another legal regulation requires registration in such a registry;
- Par. 2 let. a) - Proof that he is authorized to do business to the extent corresponding to the public contract subject (trade license).

The supplier does not have to submit the documents referred to in par. 1 or 2, providing the legislation in the country of his registered office requires similar professional competences. In that case, the supplier is obliged to provide a written affidavit stating that the law of the

supplier's country of his registered office does not require any similar professional competence.

**4.4. The supplier will only prove the fulfilment of the technical qualification** per Art. 79 of the Act par. 2 let. c) by **submitting** a list of technicians (persons) who will be involved in the aircraft delivery and handover.

**4.5. If the supplier is a legal entity**, the requirement under a) must be met by this legal entity and, at the same time, by every statutory body member. If a member of the supplier's statutory body is a legal entity, this requirement must be met by this legal entity, every member of the statutory body of this legal entity, and person representing this legal entity in the supplier's statutory body.

**4.6. If a foreign legal entity's plant branch** participates in the tender procedure, the requirement per 4.2 let. a) must be met by that legal entity and the plant branch manager. If a **Czech legal entity's plant branch** participates in the tender procedure, the persons of this legal entity and the plant branch manager must meet the stated requirement.

**4.7. Documents of a foreign supplier proving the fulfilment of the qualification**, issued in the country of his registered office, place of business or residence, shall be submitted by the foreign supplier as a copy in the original language with a Czech translation. No translation into the Czech language is required for documents produced in the Slovak language.

#### **4.8. Fulfilment of qualification by a foreign supplier**

Pursuant to Art. 45 par. 3) of the Act, if the law or the contracting authority requires the submission of a document under the law of the Czech Republic, **the supplier may submit a similar document under the law of the state in which the document is issued** (supplier's country of registered office); this document is submitted with its translation into the Czech language. If the contracting authority has any doubts about the translation correctness, it may request the submission of an officially certified translation of the document into the Czech language by an interpreter registered on the list of experts and interpreters. A proof in Slovak and proof of education in Latin are submitted without any translation.

If the qualification was obtained abroad, it shall be proved by documents issued in accordance with the legal order of the country, in which it was obtained, to the extent required by the contracting authority. If the required document is not issued under the applicable law, it may be replaced by an affidavit.

**4.9.** The obligation to submit a document may be fulfilled by the supplier by a reference to a relevant information kept 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 Internet address and details for logging in and searching for the information required, if such information is necessary.

#### **4.10. Submission of Documents**

4.10.1 The contracting authority is bound by Art. 211 par. of the Act stipulating the obligation of **written electronic communication** between the contracting authority and the supplier, which applies to all the submitted documents, including documents submitted by the selected supplier on the basis of a call per Art. 122 par. 3 and par. 5 of the Act. In cases where the Act or contracting authority in its tender requirements requires the selected supplier to submit his original documents, and these exist only in a paper form; their conversion into electronic form will be necessary in accordance with Art. 22 of Act No. 300/2008 Coll., on electronic acts and authorised conversion of documents, as amended.

- 4.10.2 The documents for proving one's qualification are submitted by the tender procedure participants in their **electronic form**. An electronic document can be made both from the original and from a simple copy of a corresponding document in a paper form. The supplier is entitled to **replace the submission of documents in his proposal with his affidavit**. The supplier can always replace the required documents with a single European public procurement certificate. The contracting authority may, during the procurement procedure, request the submission of originals or officially certified copies of one's proof of qualifications.
- 4.10.3 However, the selected supplier is always obliged to submit his originals or certified copies of qualification documents in the electronic form with a valid electronic signature **before concluding the agreement**, if they have not already been submitted in the procurement procedure.
- 4.10.4 Documents to prove basic competence per item 4.2. let. a), b), e), and f) and professional qualifications per item 4.3, must be **submitted with the electronic signature of the authorised person of the organization** that issues the said document.
- 4.10.5 Documents proving the basic competences per Art. 74 and the professional competence pursuant to Art. 77 par. 1 must prove the compliance with the required competence criteria no later than 3 months before the start of the tender proceeding.

#### **4.11. Proving Qualification Through Other Persons**

The Supplier may prove a certain part of his professional competence, with the exception of the criteria per Art. 77 par. 1) of the Act required by the contracting authority through other persons. In such a case, the contractor shall be obliged to submit the following documents to the contracting authority:

- a) Documents proving compliance with the required professional competence pursuant to Article 77 par. 1 of the Act by another person,
- b) Documents proving that the missing part of the qualification is fulfilled through another person,
- c) Documents proving compliance with the required basic competence pursuant to Article 74 of the Act by another person, and
- d) Written commitment of another person to provide performance for the fulfilment of a public procurement contract or to provide the goods or rights, which the contractor would be entitled to utilize within the public procurement contract, at least in the extent, in which another person proved his qualification on behalf of the supplier.

The requirement under par. d) is deemed to be met if the content of the written obligation of another person is the joint and several liability of this person for the performance of the public contract together with the supplier.

#### **4.12. Joint Competence Demonstration**

If the subject of a public procurement contract is fulfilled jointly by several suppliers, and for this purpose they submit their joint proposal, each of the suppliers shall prove his basic and professional competences per Art. 77 par. 1 of the Act. separately. Other qualifications are demonstrated by suppliers jointly. Suppliers are also required to submit an agreement containing their commitment that all such suppliers will be jointly and severally liable to the contracting authority and third parties for any legal relationship arising out of this public procurement contract throughout the period of performance of the public procurement agreement.

#### **4.13. Changes in the Tender Proceeding Supplier's Qualification**

If, after the submission of documents or a declaration of qualification, the supplier's qualification changes during the tender procedure, the supplier is obliged to notify the contracting authority of this change within 5 working days and submit new documents or a



declaration of qualification within 10 working days of notification of this change. The obligation does not arise for the supplier if his qualification is changed in such a way that

- a) The qualification requirements continue to be met;
- b) The criteria for reducing the number of procurement suppliers or proposals were not affected, and
- c) There has been no impact on the proposal evaluation criteria.

**4.14. If the selected supplier does not submit the required originals or officially certified copies of the documents proving the fulfilment of the qualification in electronic form with his verifiable electronic signature, or other documents or information requested by the contracting authority per the provisions of Art. 122 par. 3 or par. 5 of the Act, the contracting authority will, following the provisions of Art. 122 par. 7 of the Act exclude him from the procurement procedure participation.**

#### **4.15. Data Verification**

The contracting authority reserves the right to verify the data and information provided in third party participation applications. By submitting his application, the supplier grants the contracting authority his consent to perform such a verification of facts and undertakes to provide the contracting authority with all the co-operation to verify it.

### **5. Using a Subcontractor**

If a tender procedure participant intends to use a subcontractor for the performance of a public procurement contract, he **is obliged** in his proposal to

- a) Identify the parts of the **public procurement contract** he intends to fulfil through subcontractors; or
- b) **Submit a list of subcontractors** if they are known to the bidder and state, which part of the public procurement contract would be fulfilled by individual subcontractors.

### **6. Draft Agreement, Business and Payment Terms and Conditions**

- 6.1.** The contracting authority will conclude an agreement with the winning supplier.
- 6.2.** The tender procedure participant shall submit his binding draft agreement in his proposal; a sample draft agreement forms Annex 2 to this tender documentation. The participant shall add his identification data and price per flight hour to the draft agreement.
- 6.3.** The business, delivery, and payment terms and conditions are set out in detail in the draft agreement.
- 6.4.** The terms and conditions set by the contracting authority in the tender documentation are binding and unchangeable for the supplier. However, the supplier is entitled to offer the contracting authority business and payment terms and conditions that are more beneficial for the contracting authority.

### **7. Tender Documentation Explanation, Amendment, or Addition**

- 7.1.** One's request for the explanation of the tender documentation may be delivered in writing in the electronic form, via the E-ZAK electronic tool no later than 8 working days before the proposal submission deadline.
- 7.2.** The tender documentation explanation of the tender requirements, including the exact request wording, will be published no later than 3 working days from the date of delivery of the tender participant's request per Art. 98, par. 4 of the Act.



- 7.3. The contracting authority shall publish its tender documentation explanation through its profile, at least 5 working days before the proposal submission deadline. The contracting authority may explain its tender documentation even without a prior request.

## 8. Requirements for the proposal cover sheet processing

- 8.1. The supplier fills in Annex 3 to the tender documentation, proposal cover sheet, where he states the offer price for one flight hour, the offer price will be stated in the proposal excl. VAT.
- 8.2. The offer price must be set as *dry lease* (i.e. aircraft lease without any secured crew or machine maintenance). The offer price must be set as fixed and unchangeable for the entire agreement period.
- 8.3. The contracting authority allows the submission of one's price offer in CZK, USD, or EUR. For evaluation purposes, the offer price will be converted into CZK per the CNB exchange rate on the day of proposal submission.

## 9. Proposal Evaluation Criteria and Method

- 9.1. Proposal will be evaluated per their **economic benefit - lowest offer prices** for 1 flight hour excl. VAT. The contracting authority will rank the proposals from the one with the lowest offer price up to the proposal with the highest offer price. The proposal featuring the lowest offer price will be evaluated as the most beneficial one.
- 9.2. **Procedure in case of Identical Proposals**  
If the bid prices contained in the proposals, which have ranked first, are identical, the contracting authority will determine the winning proposal by drawing. The drawing will be carried out in accordance with the principles specified in Art. 6 par. 1 and 2 of the Act. Bidders whose proposals are subject to the draw are entitled to be present to the drawing. The contracting authority will announce the date and time of the draw in writing no later than 3 business days before the draw takes place.

## 10. Bid Processing Guidelines

### 10.1. Contracting Authority's Proposal Processing Requirements

- A proposal must be submitted **in its electronic form** via the E-ZAK electronic tool.
- One's proposal must be **clearly legible** and must not contain any transcripts and corrections that could mislead the contracting authority.
- One's must be prepared in the **Czech language**, with the exception of the indication of commonly used English technical terms relevant in the field in the Czech Republic.
- One's proposal and all the documents included therein required by law and this tender documentation must be **signed** by the tender procedure participant or his statutory body or authorised agent. If one's proposal is signed by a different person, the proposal must include the authorisation of the person to represent the participant with the officially authenticated signature of the participant or his statutory body.
- A proposal must contain a **draft agreement, which does not have to be signed** by the tender procedure participant.
- The appropriate box on the proposal cover must contain a contact e-mail address, to which the contracting authority may send correspondence to the tender procedure participant during the tender proceeding.

**10.2. The contracting authority requires that the proposal content be structured as follows:**  
**Proposal Cover Sheet**

It will feature the name of the public contract, it will be dated, stamped, signed by the tender procedure participant or statutory body of the participant, its authorised agent or attorney and will contain the basic identification data about the participant (name, legal form, registered office address, or delivery address, if different from the registered office address, ID number, VAT number, employee authorised to negotiate, telephone, and e-mail connection). The binding cover sheet template is provided in Annex 3 to this TD.

**Proposal Contents**

The second sheet of the proposal will feature the proposal list of contents with the names of the individual parts of the proposal and inserted documents with reference to the page of the proposal with the number of sheets of the individual proposal parts.

**Proof of Qualification**

To prove his qualification, the supplier shall submit in his proposal the originals or copies of the documents required by law and by the contracting authority in Art. 4 of this tender documentation or an excerpt from the list of qualified suppliers or affidavit. A sample affidavit forms Annex 2 to this tender documentation.

**Other information** required by this tender documentation or information that is relevant for the public contract implementation.

**Quotation** prepared per item 8.1 of this tender documentation.

**Draft agreement** per Art. 6 of this tender documentation.

**The participant shall submit his complete proposal in the PDF format and draft agreement in the DOC format, using the E-ZAK electronic tool.**

- 10.3.** Every supplier is allowed to submit one proposal only, either individually, or together with other suppliers. A supplier who has submitted his proposal in a tender procedure may not simultaneously be the person through whom another supplier proves qualifications in the same tender procedure.
- 10.4.** The contracting authority shall exclude a tender procedure participant who would submit more than one proposal individually or jointly with other supplier or submits a proposal, and at the same time, is the person through whom another participant in the tender procedure proves qualifications for the same tender procedure.
- 10.5.** The contracting authority does not allow for bid variants.
- 10.6.** The contracting authority recommends contractors to properly examine the tender documents before proceeding with the bid and follow the instructions given in the tender proceeding when processing the bid.

## **11. Proposal Submission Method**

- 11.1.** A proposal may be submitted in its **electronic form** through the E-ZAK electronic tool available at: [https://zakazky.lompraha.cz/contract\\_display\\_3505.html](https://zakazky.lompraha.cz/contract_display_3505.html), by the proposal submission deadline. The procedure for submitting a supplier's proposal may be found in the user manual of the E-ZAK electronic tool.
- 11.2. Proposals that are not delivered in their electronic form and by a set deadline will not be included in the tender procedure.** The proposal submission moment is considered to be the proposal insertion into the E-ZAK electronic tool. Proposals delivered in a way other than via the E-ZAK electronic tool or after a set deadline will be viewed as if they were not submitted!
- 11.3.** By submitting a proposal, the supplier confirms that he is entitled to disclose all the information contained therein to the contracting authority and is responsible for all the consequences of the untruthfulness of such an assertion.

## 12. Terms and Conditions for Suppliers

- 12.1.** For the selected supplier, if it is a legal entity, the contracting authority shall ascertain the data on his real owner per the Act on certain measures against the legalisation of proceeds from crime and terrorism financing (hereinafter the "actual owner" only) through the registry of real owners per the Act on public registries of legal entities and individuals.
- 12.2.** If the data on the real owner cannot be ascertained in accordance with the procedure referred to in the previous paragraph, the contracting authority shall also invite the selected supplier to submit an excerpt from a registry similar to the records on data on real owners or
- a) To communicate the identification details of all the persons who are the real owners; and
  - b) To submit documents showing that all the persons referred to in item a) have a relationship with the supplier; these documents are in particular
    1. Excerpt from the Commercial Register or other similar register,
    2. List of shareholders,
    3. The decision of the statutory body on the payment of the profit share,
    4. Articles of Association, founding charter, or Articles of Incorporation.
- 12.3.** The selected supplier is obliged, before concluding the agreement; provide the contracting authority, at the request made in accordance with Art. 122 par. 3 of the Act, as a requirement for concluding the agreement, originals or documents converted into their electronic form of its qualification, if the contracting authority no longer has them available.
- 12.4.** This tender documentation is only provided for the purpose of processing a proposal for the purpose of awarding the contract; the supplier is not entitled to use it for any other purposes.
- 12.5.** The terms and conditions specified in the tender documentation, as well as in all the documentation related to the tender proceeding, are binding for the supplier.
- 12.6.** The supplier submits his proposal in the procurement procedure free of charge; no claims can be asserted against the contracting authority per one's submitted proposal.

## 13. Contracting Authority's Rights and Obligations

- 13.1.** The contracting authority does not return the submitted tenders and keeps them as proof of the course of the procurement procedure.
- 13.2.** In accordance with the provisions of Art. 48 par. 9 of the Act, the contracting authority will verify the fulfilment of the reason for exclusion **of a selected contractor** (the contracting authority may exclude a participant who is a corporation or has a legal form similar to a corporation and does not have exclusively booked shares) on the basis of information available in the Registry of Companies.
- 13.3.** **A selected contractor with its registered seat abroad** who is a corporation or has a legal form similar to a corporation, will be asked by the contracting authority to submit within a reasonable period of time a written affidavit as to which persons are the owners of shares whose aggregate nominal value exceeds 10% of the supplier's basic capital, indicating the source, from which the shareholder data is derived.
- 13.4.** In accordance with the provisions of Art. 39 par. 4 of the Act, the contracting authority can evaluate the fulfilment of the terms and conditions of the participation in the tender

procedure before or after the evaluation of proposals. In the case of the selected supplier, it is necessary to always evaluate the fulfilment of the terms and conditions of participation in the tender procedure and evaluate his proposal.

- 13.5.** The contracting authority shall **publish the concluded contract**, including its amendments and additions, in accordance with provisions of Art. 219 of the Act and per Act No. 340/2015 Coll., on special requirements for the effectiveness of certain agreements, publication of these agreements, and on the registry of agreements (Act on the Registry of Agreements) or through the contracting authority's profile. The supplier is entitled to explicitly indicate in his general agreement the information for which this is required by **the protection of information and data** per the special legal regulations, which is not to be published.
- 13.6.** The contracting authority **will disclose**, in accordance with the provisions of Art. 219 par. 3 of the Act, **the amount actually paid** for the contract performance.

#### **14. Tender Documentation Annexes**

Annex 1 - Draft L-39 Aircraft Lease Agreement

Annex 2 - Sample Affidavit

Annex 3 - Proposal Cover Sheet

In Prague, on:

LOM PRAHA s.p.  
Electronically signed by  
Ing. Bc. Radomír Daňhel, MBA, LL.M.,  
Sales and Logistics Manager