



REF. NO.LOM/2019/ÚSLZ-1143

TENDER DOCUMENTATION

to the public procurement contract concerning

SUPPLIES OF HS-29900-59 HOISTS II

awarded as an open procedure under Section 56 of Act No. 134/2016 Coll., on Public Procurement, as amended (hereinafter referred to as “the Act”)

CONTENTS

- 1. BASIC DATA ON PUBLIC PROCUREMENT CONTRACT 3**
- 2. PUBLIC PROCUREMENT CONTRACT SUBJECT 3**
- 3. CONTRACTOR QUALIFICATION 4**
- 4. USING A SUBCONTRACTOR..... 7**
- 5. CONTRACT DRAFT, BUSINESS AND PAYMENT TERMS AND CONDITIONS 7**
- 6. REQUIREMENTS FOR THE METHOD OF PROCESSING THE BID PRICE. 7**
- 7. BID EVALUATION CRITERIA AND METHOD 8**
- 8. BID PROCESSING GUIDELINES 8**
- 9. BID SUBMISSIONS..... 9**
- 10. TERMS AND CONDITIONS FOR CONTRACTORS 10**
- 11. TENDER DOCUMENTATION EXPLANATION, AMENDMENT, OR ADDITION..... 11**
- 12. RIGHTS AND OBLIGATIONS OF THE CONTRACTING AUTHORITY 11**
- 13. TENDER DOCUMENTATION ANNEXES 12**

Public contract title:	SUPPLIES OF HS-29900-59 HOISTS II
CONTRACTING AUTHORITY	
Business company:	LOM PRAHA s.p.
Registered seat address:	Tiskařská 270/8, Prague 10, Malešice, Postal Code 108 00
Company ID:	00000515
A person authorized to act on behalf of the Contracting Authority:	David Rod, MSc., LL.M., Chief Executive Officer
The contracting authority's contact person for the tender proceeding	Mgr. Lucie Vyčichlová, Public Procurement Specialist
Phone, mobile:	+420-296-505-357 / +420-602-523-217
E-mail:	lucie.vycichlova@lompraha.cz

1. Basic data on public procurement contract

Public procurement contract type:	Supply
Public procurement contract mode:	Over-limit
Tender proceeding type:	Open
CPV code:	34731700-7 helicopter components 66514100-7 training and simulations in the field of aircraft, rockets and spacecraft

Subject of the public procurement contract: supply of HS-29900-59 hoists with accessories and spare parts, provision of construction and user training. More detailed information is provided in the context of Article 2 of this tender documentation (hereinafter referred to as the "TD").

Performance duration:	The maximum of 4 years
Estimated value:	CZK 224,900,000.00 without VAT (USD 10,000,000.00 without VAT)
Reserved commitments changes:	No
Admissibility of bid variant:	No
Result of the award procedure:	Conclusion of a framework agreement with 1 contractor

2. Public Procurement Contract Subject

- 2.1.** The subject of the procurement public contract rests in supplies of:
- HS-29900-59 hoists with accessories,
 - spare parts for HS-29900-59 hoists,

- user training totalling (5 x 2 business days).

HS-29900-59 hoists with accessories and spare parts are intended for Mi-series helicopters.

2.2. The HS-29900-59 hoists accessories and the list of spare parts are specified in *Annex 3* of TD.

2.3. **Public Procurement Contract Performance**

The contracting authority will conclude a framework agreement with 1 contractor who will comply with the required qualification and the terms and conditions of the public contract. The framework agreement will be concluded for the maximum of 4 years or until the target amount of USD 10,000,000.00 without VAT is utilized.

3. Contractor Qualification

3.1. **Qualification will be met by a contractor who:**

- ❖ Will prove the fulfilment of the basic competence according to Article 74 of the Act,
- ❖ Will prove the fulfilment of the professional competence according to Article 77 of the Act,

3.2. **Basic Competence**

Competent contractor is not a contractor who:

- Within the last five years prior to the commencement of the procurement procedure has been convicted in the country of its registered seat for the criminal act listed in Annex 3 to the Act or a similar offence under the law of the contractor's country of residence; the annulled convictions shall be disregarded,
- Has recorded tax arrears due in the Czech Republic or in the country of its registered office,
- Has arrears due for insurance premiums or a penalty on the public health insurance in the Czech Republic or in the country of its registered seat,
- Has arrears due for insurance premiums or a penalty on the social security and contribution to the state unemployment policy in the Czech Republic or in the country of its registered seat,
- Is in liquidation, a bankruptcy order was issued against him, a forced administration was ordered for him under another law or is in a similar situation under the law of the country of the contractor's registered seat.

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

If a **branch of a foreign legal entity** is involved in a procurement procedure, the condition under a) must be met by this legal entity and the branch manager. If a **branch of a Czech legal entity** is involved in a procurement procedure, the condition under a) must be met by persons specified in this paragraph and the branch manager.

The contractor demonstrates compliance with the basic competence conditions in relation to the Czech Republic by submitting:

- a) Excerpt from the criminal record register (item a)),
- b) Confirmation issued by the relevant tax authority (item b)),
- c) Written affidavit in relation to excise duty (item (b)),
- d) Written affidavit in relation to item c),
- e) Confirmation of the relevant District Social Security Administration (item d)),
- f) Excerpt from the Commercial Register, or by submitting a written affidavit if it is not registered in the Commercial Register, (item e)).

3.3. Professional Competence

The contractor demonstrates compliance with the professional competence in relation to the Czech Republic by submitting:

- a) Excerpt from the Commercial Register or other similar register if another legal regulation requires such registration.
- b) Proof that it is authorized to do business to the extent corresponding with the subject matter of a public procurement contract if other legislation requires such authorization, in particular the *Permit to conduct foreign trade with military material*.

The contractor does not have to submit documents according to item a) or b) unless the legislation in the country of its registered seat requires similar professional qualifications.

Submission of Documents

- 3.4. Documents for proving the qualification are submitted by the bidders in the tender procedure **in a simple copy**. The contractor shall be entitled to substitute the submission of documents in his/her bid by a affidavit, in accordance with provisions of Article 86 par.2 of the Act. However, prior to the conclusion of the contract, the selected contractor is always required to submit originals or certified copies of the qualification documents if they have not already been submitted within the tender documentation. **Documents proving the basic qualification pursuant to Article 74 and the professional competence pursuant to Article 77 par. 1 must prove the compliance with the required competence criteria no later than 3 months before the start of the tender proceeding.**
- 3.5. The contractor may submit a similar document in accordance with the law of the country, in which the document is issued; such document must be submitted accompanies **with its translation to Czech**. This condition does not apply to documents issued in Slovak. If the contracting authority has doubts regarding the translation accuracy, he may request the submission of the document's official Czech translation certification issued by an interpreter registered in the list of experts and interpreters. Documents issued in Slovak and achieved education documents issued in Latin are submitted without translation. If the required document is not issued under the applicable law, it may be replaced by an affidavit.
- 3.6. The obligation to submit a document may be completed by the contractor by means of **reference** to the relevant information held in the public administration information system or in a similar system operated in another member state, which allows unrestricted remote access. Such reference **must include the Internet address and the data for logging in and retrieving the requested information** if such information is necessary.

3.7. The contractor may prove basic and professional competence through an **excerpt from the list of qualified contractors**, which may not be older than 3 months from the last day, on which the basic and professional competences are to be demonstrated.

3.8. Proving Qualification Through Other Persons

The contractor can prove a certain amount of technical qualification or professional competence, except for the criterion under Article 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 its qualification on behalf of the contractor.

It is considered that the requirement under item d) above is satisfied if the content of the written commitment of another person is a joint and indivisible responsibility of that person for the performance of the public procurement contract together with the contractor. However, if the contractor proves the qualification through another person and submits documents pursuant to Article 79 par. 2 (b) (list of significant services – reference contracts) relating to such person, the document referred to in item (d) above must include a commitment that another person will perform the services, to which the qualification criterion being proven applies.

3.9. Joint Qualification Demonstration

If the subject of a public procurement contract is fulfilled jointly by several contractors and for this purpose they submit a joint bid, each of the contractors shall prove their basic and professional competences under Article 77 par. 1 of the Act. Other qualifications are demonstrated by contractors jointly. Contractors are also required to submit a contract containing commitment that all such contractors 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 contract.

3.10. Changes in the Qualification of the Bidder

If, following the submission of documents or a qualification statement, a change in the qualification of a bidder occurs during the award procedure, the bidder is required to notify the contracting authority within 5 business days of this change and submit new documents or qualification statement within 10 business days of notification of such change. The obligation does not arise for a bidder if the qualification changes in such a way that

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

3.11. If the selected contractor fails to submit the required originals or officially certified copies of the documents proving the qualification before the conclusion of the

contract, or other requested documents or information according to the provisions of Article 122 par. 3 of the Act, he will be excluded from participating in the tender proceeding by the contracting party in accordance with provisions of Article 122 par. 5 of the Act.

4. Using a Subcontractor

- 4.1. If a bidder intends to use a subcontractor for the performance of a public procurement contract, he is **obliged** in his bid to
- a) Identify the parts of the **public procurement contract** it intends to fulfil through the 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.
- 4.2. The bidder is entitled to change his subcontractors only with the prior written consent of the contracting authority.
- 4.3. The contracting authority explicitly forbids chaining of subcontractors, i.e. the subcontractor must be the direct contractor of the bidder.

5. Contract Draft, Business and Payment Terms and Conditions

- 5.1. The binding framework agreement template is provided in *Annex 4* to this TD.
- 5.2. The binding framework agreement template includes all the business, payment, delivery, and other terms and conditions. These terms and conditions are binding for the contractors who is not authorized to change them in any way.
- 5.3. Within his bid, the contractor will submit a framework agreement with his/her identification information.

6. Requirements for the Method of Processing the Bid Price

- 6.1. The contractor will fill the prices in the table, which forms *Annex 3* to this TD, in the following order:
- 1)
The contractor shall provide the bid price for 1 piece of items 1 - 16.
 - 2)
The contractor will specify the bid price for one two-days training with one teacher on the contracting authority's premises. The training must include all the contractor's costs (accommodation, travel, diets for one teacher etc.).
- 6.2. **The total bid price** is the sum of items 1 - 17. This total bid price is the price that would be subject to evaluation. The contractor shall provide it when submitting the bid in the electronic form via the contracting authority's profile at <https://zakazky.lompraha.cz/> by filling it in the appropriate price box.



The contracting authority requires that the contractor specifies the total bid price in USD.

The contracting authority's profile does not allow the choice of a foreign currency other than CZK and, therefore, the contractor will enter the price in USD in the total bid box, even though the box shows CZK as the currency.

- 6.3. The total bid price and the individual partial prices will be specified by the contractor in USD.**
- 6.4.** The bid price includes all the costs and expenses of the contractor and its possible subcontractors associated with the performance of the subject matter of this public procurement contract, i.e. the supply of goods and services to the place of performance and the fulfilment of the warranty terms and conditions for the goods and services supplied (including transport, packaging, costs of documents associated with export of goods, costs of issuing the necessary certificates, and other documents).
- 6.5.** The total bid price, including the partial prices, represents the maximum values that could not be exceeded throughout the duration of the contract, and the selected contractor is, therefore, not allowed to increase these values, with the following exception:

The indicated prices for the supply of goods and services are valid for 2019 and 2020, unless changes of the market situation and prices important for contractor's subcontractor occur on the market. Should such situation occur, the contractor shall invite the contracting authority to price adjustment negotiations based on that situation. The prices for further periods shall be modified according to the situation in the market. A change in the situation must be documented by the contractor no later than 2 months before the end of 2020 and/or the following years."

7. Bid Evaluation Criteria and Method

- 7.1.** Bids will be ranked according to their **economic advantage – the lowest bid prices**.
- 7.2. Matching Bids Procedure**
In the case of matching bid prices in the bids that placed the first based on the carried-out evaluation, the contracting authority shall determine the winning bid by a draw. Drawing will be carried out in accordance with the principles specified in Article 6 par. 1 and 2 of the Act. Bidders whose bids are subject to the draw are entitled to be present to the drawing. The day and time of the drawing would be announced by the contracting authority in writing, no later than 3 business days before the drawing.

8. Bid Processing Guidelines

- 8.1. Contracting Authority's Bid Processing Requirements**
- Bids must be processed in **Czech or English**.
 - The **electronic bids must be legible**.
 - Bids and all the documents included therein required by law and this tender documentation must be **signed** by the bidder or the bidder's statutory body or the authorized agent. If a bid is signed by a different person, the bid must include the authorization of the person to represent the participant with the officially authenticated signature of the bidder or its statutory body.
 - The bid must contain a **draft contract supplemented** with the required data.

- The appropriate box on the bid offer cover must contain a contact e-mail address, to which the contracting authority may send correspondence to the bidder during the tender proceeding.

8.2. The contracting authority recommends that the content of the bid is structured as follows:

Bid Cover Sheet

The binding cover sheet template is provided in *Annex 1* to this TD.

Proof of Qualification

In order to prove the qualification, the contractor shall submit within the bid copies of the documents required by law and by the contracting authority in Article 3 of this tender documentation, or an excerpt from the list of qualified contractors, or an affidavit.

The affidavit template is provided in *Annex 2* to this TD.

Price bid processed in accordance with Article 6 of this TD.

Draft contract in accordance with Article t of this TD.

8.3. Every contractor is allowed to submit one bid only, either individually, or together with other contractors. The contractor who has submitted a bid in a tender proceeding may not simultaneously be the person through whom another contractor demonstrates the qualification in the same tender proceeding.

The contracting authority shall exclude a bidder who would submit more than one bid individually or jointly with other contractor or makes a bid, and at the same time, is the person through whom another participant in the tender proceeding demonstrates the qualification for the same tender proceeding.

8.4. The contracting authority does not allow for bid variants.

8.5. 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. Bids whose contents would not match the required structure or do not meet any of the other conditions set out in this tender documentation will be excluded from the tender proceeding in accordance with the law.

9. Bid Submissions

- 9.1.** Contractors may submit their bids no later than on **22/ 2/ 2019 at 10:00 a.m.**
- 9.2.** The bids must be submitted exclusively in electronic form via the contracting authority's at <https://zakazky.lompraha.cz/>. The contractor's manual can be found at the Internet, at: <https://zakazky.lompraha.cz/>.
- 9.3. Bids not delivered within the deadline will not be included in the tender proceeding.** The bid submission moment is deemed to be the moment when it is delivered via the aforementioned profile of the contracting authority. Bids received in a different manner than via the contracting authority's or after the specified deadline will not be taken into account.

- 9.4.** By submitting a bid, the contractor 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.

10. Terms and Conditions for Contractors

- 10.1.** If the selected contractor is a legal entity, it is obliged to submit the following documents to the contracting authority before concluding the contract, upon request made in accordance with provisions of Article 122 par. 3 of the Act as the condition for the conclusion of the contract:
- a) originals or certified copies of its qualifications.

The selected contractor is also obliged before concluding the contract, upon request made in accordance with provisions of Article 122 par. 3 of the Act as the condition for the conclusion of the contract to submit the following documents to the contracting authority in accordance with provisions of: Article 122 par. 4 and 5 of the Act:

- a) The identification data of all the persons who are its actual owner pursuant to the Act on Certain Measures against the Legalization of Proceeds from Crime and the Financing of Terrorism,
- b) Documents showing the relationship of all the persons referred to in item b) to the bidder; 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.
- 10.2.** The contracting authority is bound by Article 211 par. 1 of the Act stipulating the obligation of written electronic communication between the contracting authority and the contractor, which applies to all the documents submitted, including documents submitted by the selected contractor on the basis of a call pursuant to Article 122 par. 3 and 5 of the Act. In the cases where the law or the contracting authority requires in the tender specifications submission that the selected contractor submits original documents and these only exist in the hard copy form, they will need to be converted into the electronic form in accordance with Article 22 of Act No. 300/2008 Coll., on Electronic Actions and authorized conversion of documents, as amended.
- 10.3.** This tender documentation is provided only for the purpose of processing bids for the contract. The contractor is not allowed to use it for any other purpose.
- 10.4.** 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 contractor.
- 10.5.** The bidder submits his/her bid free of charge, no claim to the contracting authority can be made in association with the submitted bid.

11. Tender Documentation Explanation, Amendment, or Addition

- 11.1. The Contractor is entitled to request that the contracting authority provides written **clarifications of the tender documentation**, in accordance with the provisions of Article 98 of the Act.
- 11.2. The request for clarification of the tender documentation may be delivered in writing in electronic form, by means of an electronic tool, data box, or via an e-mail to the contact person, no later than 8 business days before the bid submission deadline.
- 11.3. A clarification of the tender documentation, including the exact wording of the request, will be published no later than 3 business days from the date of delivery of the contractor's request pursuant to Article 98 par. 4 of the Act.
- 11.4. The contracting authority will publish the clarification of the tender documentation on its profile, no later than 5 business days before the bid submission deadline. The contracting authority may also clarify the tender documentation without a prior request.

12. Rights and Obligations of the Contracting Authority

- 12.1. In accordance with provisions of Article 48 par. 9 of the Act, the contracting authority will verify 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 the information in the Commercial Register.

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 bidder's basic capital, indicating the source, from which the shareholder data is derived.
- 12.2. In accordance with provisions of Article 39 par. 4 of the Act, the contracting authority can **evaluate the fulfilment of terms and conditions of the participation** in the tender proceeding before or **after the evaluation of the bids**. In the case of the selected contractor, it is necessary always to evaluate fulfilment of the terms and conditions of participation in the tender proceeding and evaluate its bid.
- 12.3. The contracting authority shall **publish the concluded contract**, including its amendments and additions, in accordance with provisions of Article 219 of the Act and in accordance with Act No. 340/2015 Coll., on Special Conditions for the Effectiveness of Certain Contracts, the Disclosure of these Contracts, and the Register of Contracts (Act on the Register of Contracts). The contractor is explicitly entitled to designate information within the contract, for which it requires **protection of information and data** under special legal regulations, since it is not to be disclosed.
- 12.4. The contracting authority **will disclose**, in accordance with provisions of Article 219 par. 3 of the Act, **the amount actually paid** for performance of the contract.

13. Tender Documentation Annexes

Annex 1 – Cover Sheet

Annex 2 – Affidavit

Annex 3 – Specification of Required Goods and Services

Annex 4 – Binding Framework Agreement Template

.....
LOM PRAHA s.p.
Electronically signed by
David Rod, MSc., LL.M.
Chief Executive Officer