



REF. NO. LOM/2020/ÚOL-19677

## **TENDER DOCUMENTATION**

to the public contract concerning

### **SUPPLIES OF AVIATION OIL, GREASE AND FLUIDS**

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 THE PUBLIC CONTRACT ..... 3**
- 2. PUBLIC CONTRACT SUBJECT ..... 3**
- 3. PLACE AND TERM OF THE PUBLIC CONTRACT ..... 4**
- 4. CONTRACTOR QUALIFICATION ..... 5**
- 5. SUBCONTRACTING ..... 8**
- 6. REQUIREMENTS FOR THE METHOD OF PROCESSING THE BID PRICEY ..... 8**
- 7. PROPOSAL EVALUATION CRITERIA AND METHOD..... 9**
- 8. DRAFT FRAMEWORK AGREEMENT, BUSINESS AND PAYMENT TERMS ..... 10**
- 9. BID PROCESSING GUIDELINES ..... 10**
- 10. BID SUBMISSION DEADLINE AND METHOD ..... 11**
- 11. TERMS AND CONDITIONS FOR CONTRACTORS ..... 12**
- 12. TENDER DOCUMENTATION EXPLANATION, AMENDMENT, OR ADDITION... 13**
- 13. RIGHTS AND OBLIGATIONS OF THE CONTRACTING ENTITY ..... 13**
- 14. TENDER DOCUMENTATION ANNEXES..... 14**

<b>public contract name:</b>	<b>SUPPLIES OF AVIATION OIL, GREASE AND FLUIDS</b>
<b>CONTRACTING ENTITY</b>	
<b>Business company:</b>	<b>LOM PRAHA s.p.</b>
<b>Registered office address:</b>	Tiskařská 270/8, Prague 10, Malešice, Postal Code 108 00
<b>Company Registration Number:</b>	00000515
<b>A person authorized to act on behalf of the Contracting Entity:</b>	Ing. Bc. Radomír Daňhel, MBA, LL.M., Director of Sales and Logistics
<b>The Contracting Entity's contact person for the tender:</b>	Ing. Monika Dřevová Public Procurement Specialist
<b>Phone, mobile:</b>	+420 296 505 458 / +420 702 239 281
<b>E-mail:</b>	monika.drevova@lompraha.cz

## 1. Basic Data on the Public Contract

Public contract type:	supply
Public contract mode:	over-limit
Tender type:	open
CPV code:	09211000-1 lubricating oils and lubricating agents 09211100-2 motor oils 09211300-4 turbine lube oils
Public contract subject:	Supply of aviation oil, grease and fluids (hereinafter the "Goods") on the basis of the Contracting Entity's individual orders. For more information see Art. 2 of this tender documentation (hereinafter the "TD").
Performance term:	1 year following the signature of the Framework Agreement or until the financial limit is reached
Estimated value:	CZK 11,500,000 excluding VAT.
Reserved commitment changes:	no
Admissibility of bid variability:	no
Division of public contract into parts:	yes (32 parts)
Tender result:	Conclusion of a Framework Agreement with 1 Contractor (hereinafter also the "tender participant") for individual parts of the public contract.

## 2. Public Contract Subject

**2.1.** The subject of performance of the public contract is the conclusion of a Framework Agreement for the supply of aviation oil, grease and fluids (hereinafter the "Goods") on

the basis of the Contracting Entity's individual orders. Orders shall be placed according to current needs of the Contracting Entity so as to ensure smooth production for the whole validity and effectiveness of the Framework Agreement. For the purposes of the Framework Agreement, an order means e-mail communication between the Contracting Entity and the Contractor from which it is obvious that the Contracting Entity places and the Contractor accepts an order. Orders shall include type and quantity of Goods and specific place of performance.

- 2.2. The Contracting Entity divides the subject of performance into thirty-two (32) parts. A full list of all 32 parts of Goods with specifications under valid standards, estimated annual consumption and information on the required packaging forms *Annex 1 PI RD* to this TD. A tender participant can submit a bid for a single part, multiple parts or all parts of the public contract. Each part of the public contract will be evaluated separately.
- 2.3. The Contracting Entity shall conclude a Framework Agreement for the supply of Goods for each part of the public contract with the winning participant of the tender within the respective part of the public contract, namely with such tender participant who meets the qualification and terms and conditions of the public contract and whose bid is evaluated as the most advantageous according to the conditions listed in point 7 of this TD. If a bid of a tender participant is evaluated as the most advantageous for multiple parts, the Contracting Entity shall conclude a single Framework Agreement with the selected tender participant for such parts. The Framework Agreement shall be concluded for a definite period of either 1 year or until the financial limit of each part of the public contract is reached.
- 2.4. Financial limit for parts no. 1 to 26 of the public contract is set to CZK 250,000 excluding VAT per part. Financial limit for parts no. 27 to 32 of the public contract is set to CZK 750,000 excluding VAT per part. Overall financial limit for all thirty-two parts of the public contract is set to CZK 11,500,000 excluding VAT.
- 2.5. The Contracting Entity reserves the right not to accept the estimated quantity listed in *Annex PI RD* of this TD, to order lower or higher quantity or not to order anything as the quantity consumed shall always be based solely on the Contracting Entity's operational needs. The Contractor shall not be entitled to charge any compensation, sanctions or contractual penalties in this regard.
- 2.6. Each supply of Goods shall be accompanied by delivery notes and documents which sufficiently demonstrate the required quality and origin of Goods and list other parameters necessary for their use in aviation (safety data sheets, certificates etc.). Such accompanying documents shall be legible and in the format required. A maximum of 20% of the expiration time / shelf life of the Goods may be exhausted at the time of delivery.

### 3. Place and Term of the Public Contract

- 3.1. The place of the public contract shall be the Contracting Entity's registered office or premises at the following addresses:

- LOM PRAHA s.p., Tiskařská 270/8, Praha 10 – Malešice, Post Code 108 00;
- LOM PRAHA s.p., Toužimská 1058, Praha 9 – Kbely, Post Code 197 00;
- LOM PRAHA s.p., Pražská 100, Pardubice, Post Code 530 06.

The place of performance shall always be specified in individual orders.

### 3.2. The delivery condition is set as follows:

- for manufacturers of goods based in the Czech Republic and in the EU member states, the transport to the place of performance listed in para. 3.1 shall take place according to the DDP INCOTERMS® 2020 delivery condition
- for manufacturers of goods based outside the EU, the transport shall take place according to the DAP INCOTERMS® 2020 delivery condition and the place of delivery shall be, subject to the selected mode of transport:
  - air – Václav Havel International Airport – Ruzyně, Czech Republic.
  - land – the Client’s registered office or premises under para. 3.1.

### 3.3. Public contract term:

- The term of performance of the public contract subject indicated by the tender participant shall be 1 year following the effective date of the Framework Agreement concluded with the winning participant for an individual part of the public contract.

## 4. Contractor Qualification

### 4.1. Qualification is met by a contractor who:

- Proves the fulfilment of the basic competence according to Article 74 of the Act,
- Proves the fulfilment of the professional competence according to Article 77 of the Act,

### 4.2. Basic Competence

A competent contractor is not a contractor who:

- a) has been convicted in the country of its registered seat for a criminal act listed in Annex 3 to the Act or a similar offence under the law of the Contractor’s country of residence within the last five years prior to the commencement of the procurement procedure; annulled convictions shall be disregarded,
- b) has tax arrears recorded in the Czech Republic or in the country of its registered office,
- c) has arrears on insurance premiums or penalty on public health insurance in the Czech Republic or in the country of its registered office,
- d) has arrears on insurance premiums or penalty on social security and contribution to the state employment policy in the Czech Republic or in the country of its registered office,
- e) is in liquidation, a bankruptcy order was issued against them, a forced administration was ordered for them under different legislation or is in a similar situation under the law of the country of their registered office.

**If the Contractor is a legal entity**, the condition under point 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 point 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 the tender, the condition under point a) must be met by this legal entity and the branch manager. If a **branch of a Czech legal entity** is involved in the tender, the condition under point a) must be met by every

member of the statutory body of this legal entity, and the person representing this legal entity in the contractor's statutory body and the branch manager.

**The Contractor demonstrates compliance with basic competence conditions in the Czech Republic and in the country of its registered office by submitting:**

- a) excerpt from the criminal record register (point a)),
- b) confirmation issued by the relevant tax authority (point b)),
- c) written affidavit in relation to excise duty (point b)),
- d) written affidavit in relation to point c),
- e) confirmation of the relevant District Social Security Administration (point d)),
- f) excerpt from the Commercial Register, or by submitting a written affidavit if they are not registered in the Commercial Register, (point e)).

**4.3. Professional Competence**

**The Contractor demonstrates compliance with the professional competence in the Czech Republic and in the country of its registered office by submitting:**

- a) excerpt from the Commercial Register or other similar register if another legal regulation requires such registration.
- b) proof that they are authorized to do business to the extent corresponding with the subject of the public contract if required by other legislation, in particular an authorization under the Trade Licensing Act.

The Contractor does not have to submit documents under points a) or b) unless the legislation in the country of its registered office requires similar professional qualifications.

**4.4. Submission of Documents**

- a) Documents proving the fulfilment of the qualification shall be submitted by the supplier in the original in electronic form with a valid electronic signature of the authorized person (institution) who issued the given document electronically via the electronic tool E-ZAK at <https://zakazky.lompraha.cz/>.
- b) Suppliers who are unable to provide verifiable electronic signatures shall send the required documents to prove their eligibility to the contracting authority in the original or an officially certified copy in paper form through the postal service provider.

**Documents proving the basic competences under Section 74 and the professional competence under Section 77 (1) must prove the compliance with the required competence criteria no later than 3 months before the start of the tender.**

- 4.5. The Contractor can submit a similar document in accordance with the law of the country in which the document is issued; such document must be accompanied **by its translation to Czech language**. This condition shall not apply to documents issued in Slovak language. If the Contracting Entity has doubts regarding the translation accuracy, it may request the submission of the document's certified translation into Czech language by an interpreter registered in the list of experts and interpreters. Documents issued in Slovak language 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.

**4.6.** The obligation to submit a document may be completed by the Contractor by **reference** to the relevant information kept 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.

**4.7.** The Contractor can prove basic and professional competence through an **excerpt from the list of qualified contractors**, which cannot be older than 3 months as of the last day on which the basic and professional competences are to be demonstrated.

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

The Contractor may prove a certain part of his professional competence, with the exception of the criteria under Section 77 (1) of the Act, required by the Contracting Entity through other persons. In such case, the Contractor shall submit the following documents to the Contracting Entity:

- a) documents proving compliance with the required professional competence under Section 77 (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 under Section 74 of the Act by another person, and
- d) a written commitment of another person to provide performance for the fulfilment of a public contract or to provide goods or rights which the Contractor would be entitled to utilize within the public contract, at least to the extent that another person proved their qualification on behalf of the Contractor.

It is considered that the requirement under point d) above is satisfied if the content of the written commitment of another person is a joint and several liability of that person for the performance of the public contract together with the Contractor.

#### **4.9. Joint Qualification Demonstration**

If the subject of a public contract is fulfilled jointly by several Contractors, who submit their joint proposal for this purpose, each of the Contractors shall prove their basic and professional competences under Section 77 (1) of the Act separately. Other qualifications shall be demonstrated jointly by the contractors. Contractors are also required to submit a contract containing the commitment that all such contractors will be jointly and severally liable to the Contracting Entity and third parties within any legal relationship arising out of this public contract throughout the term of the public contract.

#### **4.10. Changes in the tender participant's qualification**

If, following the submission of documents or a qualification statement, a change in the qualification of a tender participant occurs during the tender, the tender participant is required to notify the Contracting Entity 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 tender participant if the qualification changes in such a way that

- a) the qualification requirements are still met;
- b) the criteria for reducing the number of tender participants or bids were not affected, and
- c) there has been no impact on the proposal evaluation criteria.

**4.11. 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 Framework Agreement, or fails to submit any other requested documents or information according to the provisions of Section 122 (5) of the Act, they will be excluded from participating in the tender by the Contracting Entity in accordance with Section 122 (7) of the Act.**

## 5. Subcontracting

- 5.1. If a tender participant intends to use a subcontractor for the performance of a public contract, they are **obliged** in their bid to:
- a) identify the parts of the **public contract** which they intend to fulfil through subcontractors; or
  - b) **submit a list of subcontractors** if they are known to the tender participant and state which part of the public contract would be fulfilled by individual subcontractors.
- 5.2. The tender participant shall be entitled to change their subcontractors only with the prior written consent of the Contracting Entity.
- 5.3. The Contracting Entity explicitly forbids chaining of subcontractors, i.e. the subcontractor must be the direct contractor of the tender participant.

## 6. Requirements for the Method of Processing the Bid Price

- 6.1. The Contracting Entity requires the tender participant to fill in their bid price and delivery time in the *Annex PI RD* to this TD for those parts of the public contract for which it intends to submit its bid, in the following manner:
- 6.1.1. The bid price in CZK, EUR or USD excluding VAT for 1 package, including any transport costs, packaging costs and other entry costs, see points 6.4 and 6.5 of this TD.
  - 6.1.2. Delivery time in calendar days.
  - 6.1.3. Delivery specification and place of delivery under point 3.2.
- Such completed *Annex no. PI RD* to this TD shall be the basis for evaluation of individual bids for each part of the public contract.
- 6.2. **Bid prices for individual parts of the public contract as stated by the tender participant shall include all costs and expenses necessary for the implementation of the subject of performance (including transport costs, packaging costs, fumigation costs, custom duties, export licences and other entry costs).**
- 6.3. All data and values of the bid price including all partial prices and related price information **shall be stated** by the tender participant **in the Draft Framework Agreement**.
- 6.4. **The bid price shall be set as the maximum permissible one which cannot be exceeded or modified** for the whole term of validity and effectiveness of the Framework Agreement.
- 6.5. The tender participant can submit a price bid in Czech crowns (CZK), US dollars (USD) or in the European currency (EUR). The tender participant can choose any of the above currencies. Any foreign currency will be converted to Czech crowns (CZK) using the exchange rate published by the Czech National Bank on the day the offer is made available.



## 7. Proposal Evaluation Criteria and Method

7.1. Bids submitted for individual parts of the public contract shall be evaluated and assessed separately by the Contracting Entity.

7.2. The bids shall be evaluated according to their **economic advantageousness according to set partial criteria** and their weight in percent (%).

7.3. The partial evaluation criteria are:

**7.3.1. Lowest bid price with weighted evaluation 60%**

*Within this partial criterion, the total bid price excluding VAT for each part of the public contract will be evaluated. The bid price shall mean the price in CZK (excluding VAT) for 1 package of Goods and according to the place of registered office of the manufacturer of the Goods:*

*a) for manufacturers of Goods based in the Czech Republic and in the EU member states and delivery specification **DDP INCOTERMS® 2020** as set by the Contracting Entity, the price stated by the tender participant in its bid shall be evaluated,*

*b) for manufacturers of Goods based outside the European Union and delivery specification **DAP INCOTERMS® 2020** with a place of delivery in the Czech Republic which is not premises or registered office of the Contracting Entity (e.g. Václav Havel Airport terminal – Praha Ruzyně), for evaluation purposes, the bid price excluding VAT shall be increased by customs duty, insurance, handling and transport costs from the place of delivery to the Contracting Entity's premises in the amount of **6.5% of the bid price of the Goods delivered excluding VAT.***

**7.3.2. Delivery time with weighted evaluation 40%**

*Within this partial evaluation criterion, the delivery time in calendar days will be evaluated, with a max. of 21 calendar days. For manufacturers of Goods based in the Czech Republic and in the EU member states, the Contracting Entity does not allow exceeding the max. delivery time. For manufacturers of goods based outside the EU, a demonstrable time period required for processing any necessary permits, certificates or licenses of up to 2 months shall be added to the delivery time specified in the bid. For evaluation purposes, a calendar month shall mean 30 calendar days. Exceeding the max. delivery time is not allowed.*

7.4. The bid evaluation will be based on a scoring method. The final bid will be evaluated on a 0 to 100 scoring scale. Within a sub-criterion, every individual bid of the tender part will be assigned a score reflecting the rate of success of the respective bid according to such sub-criterion.

7.4.1. Within the “**lowest bid price**” partial evaluation criterion, the bid with the lowest bid price excluding VAT gets 100 points. Every other evaluated bid gets a number of points calculated by multiplying the ratio of the most advantageous bid and the evaluated bid by 100. The result will be further multiplied by the respective weight of the partial evaluation criterion.

7.4.2. Within the “**delivery time**” partial criterion, the bid with the shortest delivery time gets 100 points. Every other evaluated bid gets a number of points calculated by multiplying the ratio of the most advantageous bid and the evaluated bid by 100. The result will be further multiplied by the respective weight of the partial evaluation criterion.

The overall rating will be determined based on the sum of resulting values from individual partial criteria listed in individual points of this Article. Finally, individual bids shall be ranked in terms of success by the highest-scoring bid in terms of the overall evaluation index being designated as the most advantageous one.

#### **7.5. Procedure in Case of Identical Bids**

If the bid prices contained in the proposals which placed first are identical, the Contracting Entity shall determine the winning bid by drawing. The drawing will be carried out in accordance with the principles specified in Section 6 (1) and (2) of the Act. The tender participants whose bids are subject to the draw are entitled to be present at the draw. The Contracting Entity shall announce the date and time of the draw in writing no later than 3 business days before the draw takes place.

**7.6.** In order to allow the receipt of bids only in electronic form, opening of bids is private. Opening of bids shall take place in accordance with Section 109 of the Act.

### **8. Draft Framework Agreement, Business and Payment Terms**

**8.1.** The Contracting Entity shall conclude a Framework Agreement for each part of the public contract with the winning participant of the tender within the respective part of the public contract. If a tender participant wins in multiple parts of the public contract, supplies of Goods within such parts of the public contract shall be combined into a single Framework Agreement.

**8.2.** The Framework Agreement shall be valid until the earlier of 1 year following the effective date of the Framework Agreement, or the set financial limit for individual parts of the public contract is exhausted.

**8.3.** The binding Framework Agreement template is provided in *Annex 3* to this TD. The tender participant shall fill in their identification data to the Framework Agreement template. The tender participant shall not be entitled to alter, modify or add anything to the draft Framework Agreement.

**8.4.** The binding Framework Agreement template includes all the business, payment, delivery, and other terms and conditions. These terms and conditions are binding for the tender participant who is not authorized to change them in any way.

**8.5.** Within its bid, the tender participant shall submit the Framework Agreement in the .doc format; the Framework Agreement shall include the Contractor's identification data.

### **9. Bid Processing Guidelines**

#### **9.1. Contracting Entity's Bid Processing Requirements**

- Bids must be processed in **Czech, Russian or English language**.
- Documents proving the qualification of a tender participant shall be submitted in Czech, English or Russian language with translation into Czech language.
- The bid shall be processed **in electronic form** and must be **clearly legible**.
- Bids and all documents included in them which are required by law and this tender documentation must be **signed** by the tender participant or the tender participant's statutory body or the authorized agent; this shall not apply to the binding Framework Agreement and Annex P1 RD template. If one's proposal is signed by a different

person, the proposal must include the authorization of the person to represent the tender participant with the officially verified signature of the tender participant or their statutory body.

- The bid shall include **the binding Framework Agreement template in the .doc format**, supplemented by the required data, which forms *Annex 3* to this TD.
- The bid shall include the supplemented *Annex PI RD* in the .xlsx format which shall form an integral part of the Framework Agreement.
- The appropriate box on the bid cover sheet must contain a contact e-mail address to which the Contracting Entity can send correspondence to the tender participant during the tender, unless the tender participant receives correspondence via an electronic tool in the Contracting Entity's profile or via the participant's data box.

**9.2. The Contracting Entity recommends that the content of the bid is structured as follows:**

**Bid Cover Sheet** the binding template of which forms the *Annex 1* to this TD.

**Proof of Qualification**

In order to prove the qualification, the Contractor shall submit any copies of the documents required by law and by the Contracting Entity in Article 3 of this TD, an excerpt from the list of qualified contractors, or an affidavit within the bid.

A sample affidavit forms *Annex 2* to this TD.

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

**Draft Framework Agreement** in accordance with Art. 8 of this TD.

**9.3. Every tender participant is allowed to submit only one bid, either individually or together with other participants. A participant who has submitted a bid in a tender may not simultaneously be the person through whom another participant proves their qualification in the same tender.**

The Contracting Entity shall exclude any participant who submits more than one bid individually or jointly with other tender participants or submits a bid and at the same time they are the person through whom another participant proves their qualification in the same tender.

**9.4. The Contracting Entity does not allow for bid variants.**

**9.5. The Contracting Entity recommends tender participants to properly examine the tender documents before submitting the bid and follow the instructions given in the tender when processing the bid. Bids the content of which does not match the required structure or does not meet any of the other conditions set out in this tender documentation will be excluded from the tender in accordance with the law.**

## 10. Bid Submission Deadline and Method

**10.1.** Tender participants can submit their bids until **14. 04. 2021 at 10:00 a.m.**

**10.2.** The bids must be submitted exclusively in electronic form via the Contracting Entity's profile at <https://zakazky.lompraha.cz/>. The manual for Contractors is available on the following website: <https://zakazky.lompraha.cz/>.

**10.3. Bids which are not delivered via the electronic tool and within the set deadline will not be included in the tender.** The moment when a bid delivered via the above profile of the Contracting Entity shall be considered the moment of submitting the bid. Any bids received in a different manner than via the Contracting Entity's profile or after the specified deadline will not be taken into account.

**10.4.** By submitting a bid, the Contractor confirms that they are entitled to disclose all information contained therein to the Contracting Entity and is responsible for all consequences if such statement is false.

## 11. Terms and Conditions for Contractors

**11.1.** If the selected Contractor is a legal entity, it is obliged to submit the following documents to the Contracting Entity before concluding the Framework Agreement upon request made in accordance with provisions of 122 (3) of the Act, as a requirement for concluding the Framework Agreement, originals or documents converted into their electronic form of its qualification, if no longer available to the Contracting Entity.

The selected Contractor is also obliged before concluding the Framework Agreement, upon request made in accordance with provisions of Article 122 (3) of the Act as a requirement for concluding the Framework Agreement to submit the following documents to the Contracting Entity in accordance with provisions of: Article 122 (4) and (5) of the Act:

- a) 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 point b) to the participant; these documents include in particular
  1. excerpt from the Commercial Register or other similar register,
  2. list of shareholders,
  3. decision of the statutory body on the payment of the profit share,
  4. Articles of Association, Memorandum, or Articles of Incorporation.

**11.2. The Contracting Entity draws attention to the fact that it is bound by Section 211 (1) of the Act stipulating the obligation of written electronic communication between a contracting entity and a contractor which applies to all documents submitted including those submitted by the selected Contractor on the basis of a call pursuant to Section 122 (3) and (5) of the Act. In cases where the law or the Contracting Entity requires in the tender terms and conditions that the selected Contractor submits original documents or their certified copies which only exist in paper form, they will need to be converted to the electronic form in accordance with Section 22 of the Act No. 300/2008 Coll., on Electronic Transactions and Authorized Conversion of Documents, as amended.**

**11.3.** This tender documentation is only provided for the purpose of processing a bid with the aim to award the contract; the tender participant shall not use it for any other purposes.

**11.4.** The terms and conditions specified in the tender documentation, as well as in all the documentation related to the tender, are binding for the Contractor.

11.5. The tender participant shall submit their bid free of charge; no claim to the Contracting Entity can be made in association with a submitted bid.

## 12. Tender Documentation Explanation, Amendment, or Addition

- 12.1. The tender participant is entitled to request that the Contracting Entity provides written **clarifications of the tender documentation**, in a manner pursuant to Section 98 of the Act.
- 12.2. 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.
- 12.3. 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 Section 98 (4) of the Act.
- 12.4. The Contracting Entity shall publish the clarification of the tender documentation on its profile no later than 5 business days before the bid submission deadline. The Contracting Entity may also clarify the tender documentation without a prior request.

## 13. Rights and Obligations of the Contracting Entity

- 13.1. The Contracting Entity does not return the submitted bids and keeps them as proof of the course of the tender.
- 13.2. In accordance with provisions of Section 48 (9) of the Act, the Contracting Entity will verify fulfilment of the reason for exclusion **of a selected Contractor** (the Contracting Entity excludes 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 office abroad** who is a corporation or has a legal form similar to a corporation will be asked by the Contracting Entity to submit a written affidavit as to which persons are the owners of shares whose aggregate nominal value exceeds 10% of the participant's basic capital, indicating the source, from which the shareholder data is derived, within a reasonable period of time.

- 13.3. In accordance with provisions of Section 39 (4) of the Act, the Contracting Entity can **evaluate the fulfilment of terms and conditions of the participation** in the tender before or **after the evaluation of the bids**. In the case of the selected Contractor, it is always necessary to evaluate fulfilment of the terms and conditions of participation in the tender and evaluate its bid.
- 13.4. The Contracting Entity shall **publish the concluded Framework Contract**, including its amendments and appendices, in accordance with provisions of Section 219 of the Act and in accordance with the 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 shall be entitled to explicitly indicate any information in the Framework Agreement which shall not be published as required by **protection of information and data** under special legal regulations.

**13.5.** The Contracting Entity shall **publish**, in accordance with provisions of Section 219 (3) of the Act, **the amount actually paid** for performance of the Framework Agreement.

#### 14. Tender Documentation Annexes

Annex 1 – Bid Cover Sheet

Annex 2 – Affidavit

Annex 3 – Binding Framework Agreement Template

Annex 1 RD – List of Goods

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