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Datum 31. 03. 2021

### **EXPLANATION TENDER DOCUMENTATION**

under Section 98 of Act No. 134/2016 Coll., on Public Procurement, as amended  
(hereinafter referred to as „the Act“)

Name of public tender: SUPPLIES OF AVIATION OIL, GREASE AND FLUIDS

#### **1. The customer received the following inquiries from the supplier**

- 1) Our company „\*“ can offer our products „B“ and „C“ instead of MOBIL JET OIL II and AEROSHELL OIL W 560. Our products are approved and listed against standard MIL-PRF-23699F. Can we participate this public tender? How could we request that?<sup>1</sup>
- 2) Please consider the issue related to the stability of prices for the products in question during the term of the agreement. Due to the ongoing COVID crisis, prices for basic materials, goods and services have skyrocketed in recent months. Only in the case of oils and working fluids this year, some manufacturers are raising prices for the second time, and further increases have been announced. Please consider modifying the framework agreement to allow the supplier to withdraw from the contract in the event of an unexpected increase in the price of a product or service (container shipping).

#### **2. Explanation tender documentation by Contracting authority**

- 1) Aviation oils MOBIL JET OIL II. and AEROSHELL OIL W 560 are approved by the helicopter manufacturer MIL as a replacement for the original B3V engine oil. Products "B" and "C" in your offer comply with MIL-PRF-23699F, however „\*“ oils are not listed on the MIL List of Approved Lubricant Substitutes. For this reason, „\*“ oils do not meet our requirements and do not allow them to be used in the maintenance and operation of MIL helicopters.

If you want to participate with the products MOBIL JET OIL II and AEROSHELL OIL W 560. Please, send an e-mail monika.drevova@lompraha.cz application for pre-registration in the electronic tool E-ZAK.

<sup>1</sup> Company name and products specified in the query were anonymised.

- 2) The customer takes note of the supplier's argument about the price volatility in the market for the relevant products during the contract period and has decided on the following changes to the framework agreement:
- Clause 5.1. The agreements are amended and replaced by the following: *The prices of the goods listed in Annex No. 1 to this Agreement are in Czech crowns (CZK) without VAT (or in EUR or USD). The unit prices listed in Annex No. 1 are the highest permissible prices and are valid until 31 December 2021. The change in the price for the next period will be determined by agreement of the contracting parties always according to the current development of prices of petroleum products on the market; it must always be the usual price at the place and time, not higher than the one at which the supplier sells the goods to other customers. In the event that neither party exercises the rights to change the price for the following period no later than November 30, 2021, the price shall be deemed to remain unchanged.*
  - Clause 9.5 The agreements are amended and replaced by the following: *„This Agreement can be terminated by written agreement of the Parties at any time during its term. The Agreement can be terminated before the time period under point 8.3. of this Article by either Party even without giving reasons subject to a notice period of 30 (thirty) days following the delivery of the notice of termination to the other Party. Early termination of the contract by the client does not mean the contractor's right to compensation for lost profits.“*

In connection with the above issue, Appendix No. 3 of the tender documentation - Binding Draft Framework Agreement was updated. Due to the fact that in this case we are talking about changing the tender documents in accordance with paragraph 2 of Article 99 of the Law, the customer extends the deadline for submitting tenders by 19 days. The new application deadline is 3 May 2021, 10:00 a.m.

The customer has published an updated document on the profile of the customer organization: Appendix No. 3\_ Binding draft of the framework agreement.

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