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Datum 23. 04. 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) Based on tender conditions of the tender procedure, our company asked our supplier „*“ (the manufacturer of products „A“ and „B“) for the relevant time of realization of the sent orders, see Annex No.1 RD, cite: „For manufacturers of Goods based in EU countries, the maximum delivery time prescribed by the Contracting Entity is 21 calendar days.“ And Article VII Sanctions for Non-Compliance with the Set Conditions.

The answer of our supplier „*“ was that due to the current market situation, where due to the restriction of worldwide transport there is a failure of the production of basic oils for further production and they are insufficient, „*“ can not guarantee a delivery time that would correspond to your tender.

Therefore, we propose either to change the delivery time requirement from 21 calendar days to the delivery time confirmed by „*“ at the time of ordering the product, or not to insist on sanction for non-compliance with the established conditions of the Framework agreement for the supply of aviation oil, grease and fluids.¹

2. Explanation tender documentation by Contracting authority

- 1) Request to change delivery time from 21 calendar days to the delivery time confirmed by „*“ or not to insist on sanction for non-compliance with the delivery time is unacceptable for the contracting authority.

¹ Company name and products specified in the query were anonymised.

According to Annex No. 1 RD, columns „I“ the tenderer is to offer the delivery date of the goods in calendar days, which may not be longer than 21 calendar days. For evaluation purposes only, it is stipulated that for manufactures of goods based in EU contries, the delivery time is set by the contracitng authority at a maximum of 21 calendar days, and for manufaturers of goods based in non-EU contries a demonstrable period will be added to the delivery date specified in the offer, for processing the necessary permits, ceritcates or licenses, however, for a maximum of 2 calendar months. For the purposes of evaluation, one celendar month means 30 calendar days. The contracting authority doesn't allow exceeding the set maximum delivery date.

The same is stated in Article VII, point 7.3.2. *Delivery date wiht a weight rating of 40%*. Where i tis stipulated that within this partial evaluation criterion the delivery date will be evaluated in calendar days, max. 21 calendar days. The contracting authority doesn't allow the manufacturer of goods based in the Czech Republic and EU contries to exceed the specified maximum delivery date. For manufaturers of goods based in non-EU contries a demonstrable period will be added to the delivery date specified in the offer, for processing the necessary permits, ceritcates or licenses, however, for a maximum of 2 calendar months. For the purposes of evaluation, one celendar month means 30 calendar days. Exceeding the specified maximum delivery time is not permitted.

In the event. Of the event. Decribed by you, where „* “ due to worldwide traffic restrictions will have a production failure that isn't his own fault, you can apply Article VIII „Circumstance Excluding Liability“ because the reason for delay is considered a delay due to circumstances of force majeure.

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LOM PRAHA s.p.
Elektronically signed by
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Sales and Logistics Director