



REF. NO.: LOM/2022/ÚS-17515

TENDER DOCUMENTATION

for the introduction of a dynamic purchasing system pursuant to §138 (1) of Act 134/2016 on Public Procurement, as amended ("Act"), in which the contracting authority is acting in accordance with the rules for a streamlined procedure under §58 and §59 of the Act and to submit requests for participation under §140 (1) of the Act

NAME OF THE PUBLIC CONTRACT

**Dynamic Purchasing System
for Supplies of Aviation Oil, Lubricants and Fluids**

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1. Basic details of the procurement procedure

Name of the public contract:	Dynamic Purchasing System for Supplies of Aviation Oils, Lubricants and Fluids	
CONTRACTING AUTHORITY		
Business name:	LOM PRAHA s. p.	
Registered office:	Tiskařská 270/8, Prague 10, Malešice, Postal Code 108 00	
Company identification number:	00000515	
Person authorised to act on behalf of the contracting authority:	Mgr. Jiří Protiva, Director	
Contracting authority's contact person for the procurement procedure:	Ing. Ivana Crhová, Public Procurement Specialist	
Phone, mobile:	+420 296 505 435 / +420 702 248 715	
Email:	ivana.crhova@lompraha.cz	
Subject of the procurement procedure:	Supplies of Aviation Oil, Grease and Fluids	
Duration of the Dynamic Purchasing System:	10 years	
Estimated value:	CZK 25,000,000 excluding VAT	
Division of the Dynamic Purchasing System into categories:	NO	
Reserved commitment change:	NO	
CPV code:	09211000-1 09211100-2 09211300-4	lubricating oils and lubricating agents motor oils turbine lube oils
Submission of requests to participate in the procurement procedure:	Electronically, using the E-ZAK electronic platform at https://zakazky.lompraha.cz/	
Language in which requests to participate may be submitted:	Czech (Slovak), English, Russian	
Deadline for filing requests to participate in the procurement procedure:	By 15/02/ 2023 at 1:00 p.m.	
Deadline for submitting tenders after distribution of the invitation to tender:	No less than 10 days	
Responsible procurement:	The contracting authority is interested in awarding public contracts in the Dynamic Purchasing System in accordance with the principles of socially responsible public procurement. Socially responsible public procurement, in addition to the emphasis on purely economic parameters, also takes into account the related impacts of the contract, especially with respect to employment, and social and labour rights.	

Aspects of socially responsible public procurement will be taken into account in individual invitations to tender in the Dynamic Purchasing System.

2. Subject and conditions of the procurement procedure for the introduction of the Dynamic Purchasing System

- 2.1. The contracting authority LOM PRAHA s.p. (“contracting authority”) commenced the procurement procedure for the introduction of the Dynamic Purchasing System upon the publication of the public procurement notice for the introduction of the Dynamic Purchasing System in the Public Procurement Bulletin on 05/01/ 2023. The procurement procedure was published in the Public Procurement Bulletin under contract no. Z2023-000874.
- 2.2. The subject of the procurement procedure is the introduction of Dynamic Purchasing System for Supplies of Aviation Oils, Lubricants and Fluids (“goods”). The contracting authority anticipates public contracts to be awarded (“mini-tenders”) in the Dynamic Purchasing System at irregular and undefined intervals and in various volumes, primarily dependent upon the contracting authority’s needs.
- 2.3. The mini-tenders awarded using the Dynamic Purchasing System will be for deliveries of the goods, whereby the subject of the mini-tenders awarded using the Dynamic Purchasing System, including technical, business and contractual terms and conditions, shall be defined in the invitations to tender pursuant to §141 of the Act (“invitation”); a sample invitation forms Annex 4 hereto.
- 2.4. Classification of the subject of the procurement procedure per the Common Procurement Vocabulary (“CPV codes”):
 - 09211000-1 lubricating oils and lubricating agents
 - 09211100-2 motor oils
 - 09211300-4 turbine lube oils
- 2.5. The expected list of the individual goods forms Annex 3 hereto. The contracting authority reserves the right to request other goods in accordance with Subsection 2.4 herein, and which are not specified in the overall list of goods, i.e. in Annex 3 hereto, so long as such request involves similar goods, or a new type of goods that may be used in aviation and which the contracting authority was unaware of at the time the Dynamic Purchasing System was announced.
- 2.6. The individual types of goods will be delivered on the basis of concluded purchase agreements, which are the outcome of a contract (mini-tender) within the Dynamic Purchasing System. The contracting authority shall award contracts (mini-tenders) based on its current needs and to ensure smooth production and operations and to obtain the most beneficial price possible for the requested goods. Public contracts awarded in the Dynamic Purchasing System are considered public contracts pursuant to §14 (1) of the Act.
- 2.7. By publishing the public procurement notice for the introduction of the Dynamic Purchasing System and this tender documentation, the contracting authority invites an undefined number of suppliers to submit requests to participate in this procurement procedure to introduce the Dynamic Purchasing System and to demonstrate the fulfilment

of the qualifications and conditions for inclusion in the Dynamic Purchasing System. The Dynamic Purchasing System is a fully electronic and open system for awarding public contracts for the delivery of goods.

- 2.8. The contracting authority shall include all suppliers in the Dynamic Purchasing System who submit requests to participate in the procurement procedure: and who demonstrate fulfilment of the basic competence per §74 of the Act and professional competence per §75 of the Act and other conditions laid down by the contracting authority.
- 2.9. The contracting authority shall assess the conformity of the requests to participate received in the period for submitting requests to participate with the tender conditions. The contracting authority will not include participants in the Dynamic Purchasing System whose requests to participate do not fulfil the tender conditions. The contracting authority will include parties to the procurement procedure who fulfil the tender and qualification requirements in the Dynamic Purchasing System. The contracting authority shall notify the participants in the procurement procedure of their inclusion or exclusion from the Dynamic Purchasing System without undue delay.
- 2.10. The contracting authority shall provide suppliers with unlimited remote access to the tender documentation from publication of the public procurement notice for the introduction of the Dynamic Purchasing System and for as long as the Dynamic Purchasing System exists.
- 2.11. The contracting authority will allow every supplier to submit a request to participate and for inclusion in the Dynamic Purchasing System using the E-ZAK electronic platform for as long as the Dynamic Purchasing System exists. Together with the request to participate, a supplier shall submit documents to the contracting authority demonstrating the fulfilment of basic and professional competence and other conditions required by the contracting authority. The contracting authority shall consider all requests to participate delivered after the introduction of the Dynamic Purchasing System within the statutory term. The contracting authority shall send suppliers notice of their inclusion in the Dynamic Purchasing System or of their exclusion.
- 2.12. **The deadline for submitting tenders will be at least 10 days from the sending of the invitation.** In an invitation, the contracting authority shall clarify the list of requested goods, selected in particular from the overall list of goods provided in Annex 3.
- 2.13. The contracting authority shall review the submitted tenders and notify all suppliers included in the Dynamic Purchasing System and who submitted a tender of the selected supplier and justification for such decision. If a public contract awarded using the Dynamic Purchasing System is divided into parts, the contracting authority shall award delivery of the individual parts of the public contract to the supplier who provided the most advantageous tender for this part of the public contract as determined using the evaluation criteria. The contracting authority will then conclude a purchase agreement with the selected supplier for the delivery of the goods or goods in the part of the public contract for which the supplier submitted the most advantageous tender.
- 2.14. Rights and obligations in the Dynamic Purchasing System are established when a purchase agreement is concluded based on an invitation for the delivery of goods which will last until the end of their performance.
- 2.15. Commitments to deliver and accept aviation oils, lubricants and fluids are established at the moment the parties sign the purchase agreement. The conditions of the process for

awarding a contract in the Dynamic Purchasing System and the procedure leading to conclusion of a purchase agreement and the basic conditions for deliveries of aviation oils, lubricants and fluids are specified in Article III of the draft purchase agreement.

- 2.16. Every delivery 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 specified shelf life or use-by period of the goods may be exhausted at the time of delivery.

3. Supplier qualifications

- 3.1. A supplier is considered to fulfil the required qualifications by demonstrating:
- basic competence per §74 of the Act,
 - professional competence per §77 of the Act.
- 3.2. The contracting authority is bound to §211 (3) of the Act requiring **written electronic communication** between the contracting authority and the supplier, and which applies in kind to all submitted documents. **Documents demonstrating basic competence per §74 of the Act and professional competence per §77 (1) of the Act must demonstrate compliance with the required competence criteria no later than 3 months before the start of the procurement procedure**
- 3.3. Submission of documents
- a) The supplier shall submit documents demonstrating fulfilment of the qualification requirements **in original electronic form with the valid electronic signature** of the authorised institution that issues such document electronically via the E-ZAK electronic platform at <https://zakazky.lompraha.cz/>.
 - b) In cases where the law or the contracting authority requires in the tender conditions that the selected supplier shall submit original documents or their certified copies which only exist in paper form, they will need to be converted to electronic form pursuant to §22 of Act 300/2008 on Electronic Transactions and Authorised Conversion of Documents, as amended.
 - c) Suppliers unable to provide verifiable electronic signatures shall send the required documents to demonstrate their competence to the contracting authority in the original form or as an officially certified copy in paper form through a postal service provider.
 - d) The contracting authority precludes the demonstration of qualifications using an affidavit per the provisions of §86 (2) of the Act.
 - e) Suppliers who are added after the introduction of the Dynamic Purchasing System may not submit documents more than 3 months old as of the date on which the request to participate is submitted pursuant to §86 (5).
- 3.4. **Basic competence**
- 3.4.1 A supplier is not considered competent if:
- a) it has been convicted in its country of residence of any crime listed in Annex 3 to the Act or a similar offence under the law of the supplier'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 its country of residence,
 - c) has arrears involving insurance premiums or public health insurance penalties in the Czech Republic or in its country of residence,
 - d) has arrears involving insurance premiums, social security contributions, or state employment policy contributions in the Czech Republic or in its country of residence,
 - 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 supplier's country of residence.

3.4.2 **If the supplier is a legal entity**, the requirement under Subsection 3.4.1 (a) must be met by this legal entity and by every statutory body member.

If a legal entity is a member of the supplier's statutory body, the condition under Subsection 3.4.1 (a) above must be fulfilled 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.

3.4.3 If the participant in the procurement procedure is a **branch plant**, the requirement under Subsection 3.4.1 (a) must be met:

- a) **for foreign legal entities**, by this legal entity and the branch plant manager,
- b) **Czech legal entities**, by this legal entity, every member of the statutory body of this legal entity, the person representing this legal entity in the supplier's statutory body, and the branch plant manager.

3.4.4 **The supplier demonstrates compliance with condition of basic competence by submitting:**

- a) **an excerpt from the Register of Criminal Records** (for legal entities and natural persons) pursuant to §75 (1)(a) of the Act, **in its country of residence** from which it will be clear that the supplier has not been convicted of any criminal offence committed in favour of an organised criminal group or a criminal offence of participation in an organised 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 laws of the Czech Republic or a similar criminal offence under the law of the supplier's country of residence; expunged convictions are not taken into account.
- b) **confirmation from the relevant financial authority** pursuant to §75 (1)(b) of the Act that it has no due tax arrears in the tax records in the Czech Republic or in its country of residence;
- c) **confirmation from the relevant authority or institution (district social security administration in the Czech Republic)**, pursuant to §75 (1)(e) of the Act from which it is clear the supplier has no due arrears involving insurance premiums, social security contributions, or state employment policy contributions in the Czech Republic or its country of residence.
- d) **a written affidavit** pursuant to §75 (1)(c) of the Act that it has no arrears due in

- relation to excise duty in the Czech Republic or in its country of residence;
- e) **a written affidavit** pursuant to §75 (1)(d) of the Act that it has no arrears involving insurance premiums or public health insurance penalties in the Czech Republic or in its country of residence;
 - f) **an excerpt from the Commercial Register**, or by submitting a written affidavit if not registered in the Commercial Register pursuant to §75 (1)(f) of the Act in relation to §74 (1)(e) of the Act.
 - g) A sample affidavit pursuant to Subsection 3.4.4. (d), (e) and (f) forms **Annex 2** hereto.

3.5. **Professional competence**

The supplier shall demonstrate its professional competence in the Czech Republic by submitting:

- a) **an 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 in the scope corresponding to the subject of the public contract, if other legal regulations require such authorisation, in particular **a document demonstrating the relevant trade licensing**, and specifically trade licensing for the production of dangerous chemical substances and dangerous chemical mixtures and the sale of chemical substances and chemical mixtures classified as highly toxic and toxic.

The contractor does not have to submit proof of professional competence if the legislation in its country of residence does not require similar professional qualifications.

3.6. **Fulfilment of qualifications by a foreign supplier**

Pursuant to §45 (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 country in which the document is issued** (supplier's country of residence); this document shall be submitted with its translation into Czech. If the contracting authority has any doubts about the accuracy of the translation, it may request the submission of an officially certified translation of the document into the Czech completed by an interpreter registered on the list of experts and interpreters. Documents in Slovak are submitted without translations.

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.

3.7. **Changes in the qualifications of a participant in the procurement procedure**

If a DNS supplier's qualifications change after submission of documents or a declaration of qualifications over the duration of the Dynamic Purchasing System, the supplier shall report such change to the contracting authority within 5 business days and submit new documents or a declaration of qualifications within 10 business days from this above notification; the contracting authority may extend this deadline, or excuse the supplier for missing the deadline.

If the contracting authority determines that a Dynamic Purchasing System supplier does not fulfil the above obligation, the contracting authority shall exclude them from the Dynamic Purchasing System without delay.

- 3.8. At any point over the duration of the Dynamic Purchasing System, the contracting authority may require that suppliers enrolled in the Dynamic Purchasing System submit

updated documents to demonstrate the fulfilment of the tender conditions and qualification prerequisites. A supplier may demonstrate the fulfilment of the qualification prerequisites by submitting a **European Single Procurement Document (ESPD)** (in accordance with §87 of the Act) or its excerpt from the **List of Qualified Suppliers** or the original or officially certified copies of **the required document(s)**.

3.9. **Identification of the beneficial owners of legal entities**

If the contracting authority is unable to identify the beneficial owner(s) of a supplier in the records of beneficial owners, the contracting authority shall call on the selected supplier to submit its excerpt from these records, similar evidence as to the identify of the beneficial owner(s) or the details specified in Annex 7 hereto.

3.10. An overview of the documents required to demonstrate the fulfilment of basic and professional competence and the tender conditions is provided in Annex 6 hereto.

3.11. **Verification of data**

The contracting authority reserves the right to verify the data and information provided in requests to participate with third parties. By submitting a request, the supplier gives its consent to the contracting authority to perform such verification of facts and commits to provide the contracting authority with all the cooperation to verify them.

4 Subcontracting

4.1. If a participant in the procurement procedure intends to use a subcontractor in the performance of the public contract, it **must specify such fact** in its tender

- 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 participant in the procurement procedure, and identify which part of the public contract would be fulfilled by individual subcontractors.

4.2. The selected supplier shall submit identification details for all subcontractors to the contracting authority within 10 days of delivery of the supplier selection notice at the latest if known to them and if not otherwise specified in their tender.

4.3. The selected supplier must identify all subcontractors not identified in the tender from the selected supplier and / or those identified after delivery of the supplier selection notice per the previous subsection and who are to be engaged in the fulfilment of the public contract (agreement) to the contracting authority at least 5 (five) business days prior to fulfilment of the public contract by the given subcontractor.

4.4. If international sanctions under the provisions of §48a (1) of the Act apply to subcontractors, the contracting authority may require the subcontractor be replaced in accordance with the provisions of §48a (3)(a) of the Act. In such case, the supplier shall replace the subcontractor by the end of an adequate period stipulated by the contracting authority at the latest. If such subcontractor is not replaced, the participant in the procurement procedure is considered subject to the ban on award of the public contract.

5 Contracting authority's requirements for the content and form of submitted requests

- 5.1. A supplier's request to participate and for inclusion in the Dynamic Purchasing System is filed in **Czech, Russian, or English** using the E - ZAK electronic platform. All documents uploaded to the E-ZAK electronic platform must be ordered numerically: 01, 02, 03,....etc.
- 5.2. The supplier shall submit documents demonstrating the fulfilment of qualifications in Czech, Russian or English, with a translation into Czech.
- 5.3. **The contracting authority requires that documents related to a request to participate and for inclusion into the Dynamic Purchasing System be structured as follows:**
 - 5.3.1 **Cover sheet – request for inclusion in the Dynamic Purchasing System**

The cover sheet will state the name of the procurement procedure, which will be dated, stamped and signed by the supplier, or the supplier's statutory body, authorised agent, or attorney, along with the supplier's basic identification details (name, legal form, registered office, or mailing address, if different from the registered office, company identification number, tax identification number, authorised representative for negotiations, phone number, and email address). A binding template for the cover sheet and for the request for inclusion in the Dynamic Purchasing System forms Annex 1 hereto.
 - 5.3.2 **Contents of a request to participate**

With a listing of individual parts of the request and inserted documents with a reference to the page of the request and specification of the total number of pages.
 - 5.3.3 **Demonstration of qualifications**

Per Chapter 3 hereof.
 - 5.3.4 **Additional information** required by this tender documentation or information that is relevant for the implementation of the procurement procedure.
- 5.4. The supplier shall submit the request to participate and for inclusion in the Dynamic Purchasing System in this procurement procedure and documents demonstrating the fulfilment of qualifications electronically using the E-ZAK electronic platform accessed at <https://zakazky.lompraha.cz/>.
- 5.5. The period for filing requests to participate is the period in which a supplier can deliver its request to participate and for inclusion in the Dynamic Purchasing System in this procurement procedure and demonstrate the fulfilment of the required qualifications.
- 5.6. The contracting authority draws attention to the fact that it is bound by §211 (1) of the Act stipulating the obligation of written electronic communication between the contracting authority and supplier which applies to all documents submitted including those submitted by the selected supplier under a call pursuant to §122 (3) and (5) of the Act. In cases where the law or the contracting authority requires in the tender conditions that the selected supplier shall submit original documents or their certified copies which only exist in paper form, they will need to be converted to electronic form pursuant to §22 of Act 300/2008 on Electronic Transactions and Authorised Conversion of Documents, as amended. If a foreign legal system does not allow for the certified

conversion of documents, the supplier shall submit the required documents in the original form or as an officially certified copy in paper form through a postal service provider.

6 Clarification or amendment of the tender documentation

- 6.1. A participant in the procurement procedure may request the contracting authority provide written clarification of the tender documentation in the manner pursuant to §98 of the Act.
- 6.2. The request for clarification of the tender documentation may be delivered in writing in electronic form, by means of the electronic platform, data box, or via an e-mail to the contact person, no later than 8 business days before the deadline for submission of a request to participate.
- 6.3. 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 supplier's request pursuant to §98 (4) of the Act.
- 6.4. The contracting authority shall publish the clarification of the tender documentation on its profile no later than 5 business days before the deadline for submission of a request to participate. The contracting authority may also clarify the tender documentation without a prior request.

7 Other rights and conditions reserved by the contracting authority

- 7.1. The purchase agreement shall be prepared in Czech, and if the agreement is concluded with a foreign supplier, it may be concluded in Czech and Russian, or in Czech and English.
- 7.2. The contracting authority reserves the right to amend the tender documentation under §99 of the Act within the period for submitting requests to participate in this procurement procedure whereby such period shall be extended appropriately given the type of amendment involved; all known suppliers will be notified of any such changes to the tender conditions. The contracting authority has the right to terminate the procurement procedure under the conditions specified in the Act.
- 7.3. In accordance with provisions of §48a of the Act, the contracting authority shall perform a review of the grounds for a ban on award of the public contract applicable to a participant or selected supplier.
- 7.4. The supplier has no right to reimbursement for the costs associated with participating in the procurement procedure.

8 Annexe

- Annex 1 – Sample Request to Participate
- Annex 2 – Sample Affidavit
- Annex 2a – Sample Affidavit
- Annex 3 – List of Aviation Oils, Lubricants and Fluids

Annex 4 – Sample of the Invitation to Tender
Annex 5 – Draft Purchase Agreement (including Annexes P1 and P2a)
Annex 6 – List of Required Documents
Annex 7 – Details of Beneficial Owner(s)

LOM PRAHA s.p.
Mgr. Jiří Protiva
Director