

„PPP project of railway connection Prague - Václav Havel Airport Prague“

Clarification and amendment to the tender documentation - Annex to Amendment No. 6

Following Article 9 of the Invitation, the Contracting Authority provides this non-binding English translation of selected parts of Appendix 6. For the purposes of this procurement procedure, only the Czech language version of the Invitation and its amendments is considered to be binding. Furthermore, in accordance with Article 9 of the Invitation, the Contracting Authority hereby reminds that all communication with the Contracting Authority during the period for submission of the request to participate must be conducted exclusively in the Czech language.

Article I

*"The Contracting Authority hereby clarifies that the supplier **is not required to demonstrate experience in all professions within each single (1) reference project** according to Article 10.11(a) of the Invitation, as specified within the definition of the term 'Railway Project' (railway superstructure, railway substructure, traction lines, railway bridge, heavy current devices, and signalling and communication devices). It is sufficient if, within this one (1) Railway Project, the contractor has carried out at least one (1) of these seven (7) professions, provided that other requirements set forth in the Invitation are met.*

Therefore, if the contractor has carried out at least one (1) of the above-mentioned seven (7) professions within the Railway Project, such a Railway Project can be used to demonstrate the qualification under Article 10.11(a).

To demonstrate technical qualifications under Article 10.11(a) of the Invitation, it is sufficient if the contractor proves fulfilment of all seven (7) professions included in the definition of a Railway Project across seven (7) different Railway Projects. It is sufficient if each of these seven (7) professions is demonstrated at least once (1x).

In all cases, the following shall apply to demonstrate technical qualification under Article 10.11(a)

- (i) only such a project that meets the definition of a Railway Project can be used, i.e., it must, among other things, include all seven (7) professions;*
- (ii) at least two (2) of the reference projects submitted must include a Railway Station and it is not necessary that the Contractor also implement it;*
- (iii) the contractor must always submit at least five (5) Railway Projects."*

In connection with this Article I of the Amendment, **annexes no. 3 and 5 of the Invitation are also adjusted**. The new wording of annexes no. 3 and 5 of the Invitation is included in Annex no. 2 of this Amendment.

Article III

In connection with Article I of this Amendment, **the following text is inserted** into Article 8.3.2 of the Invitation after the sentence: *"For reference projects which meet the requirements of **Article 10.11(a) of the Invitation, a participant may receive a maximum of 10 points** if ten reference projects presented meet the requirements of Article 10.11(a) of the Invitation":*

"With respect to reference projects under Article 10.11(a) of the Invitation, the Contracting Authority clarifies that one (1) point will be awarded for a reference project that meets the requirements of one (1) Railway Project under Article 10.11(a) of the Invitation, regardless of the number of professions according to the definition of the Railway Project that will be demonstrated by such reference project (assuming that within it, the contractor executed at least one of these seven professions), and also regardless of whether the specific reference project will include new construction or reconstruction of a

Railway Station or not; the requirement of the Invitation that at least two (2) reference projects must include a Railway Station remains in force."

Article V

Into Article 10.11, **the following text** is inserted after the sentence: "*If the participant or the person through whom the participant proves qualification (as defined in Article 10.6 of the Invitation) has participated in the reference project pursuant to Article 10.11(b) or (c) of the Invitation as a shareholder of the SPV, the participant or the person must have held a share of at least 15% of the voting rights in the SPV for at least 3 consecutive years during the last 10 years prior to the start of the procurement procedure for the reference project to be acknowledged by the Contracting Authority. "*

"In the event that the Financial Close occurred later than three years prior to the commencement of the procurement procedure, it shall be sufficient, in relation to the qualification under point 10.11(c) of the Invitation, to demonstrate the share of voting rights for the period since the Financial Close, irrespective of its duration."