

INTERNATIONAL URBAN-TRANSPORT-ARCHITECTURAL TWO-PHASE RESTRICTED PROJECT COMPETITION
FOR THE

"Brno New Main Train Station"

EXPLANATION OF COMPETITION CONDITIONS NO 4

Based on the previous requests of the participants in accordance with paragraph 6.3 of the Competition Conditions, the Contracting Authority provides the following explanation of the Competition Conditions.

Identification of the Contracting Authority:

Správa železnic, státní organizace (Railway Administration, State organisation)

based in Dlážděná 1003/7, 110 00 Praha 1

Company ID No: 709 94 234

Tax ID No: CZ 70994234

represented by Ing. Mojmír Nejezchleb, Deputy General Director of the Railway Administration for Railway Modernisation

and

Statutární město Brno (Statutory City of Brno)

based in Dominikánské nám. 196/1, 601 67 Brno

Company ID No: 449 92 785

Tax ID No: CZ44992785

represented by JUDr. Markéta Vaňková, Mayor of the City

Contact person: Ing. arch. Kristina Župková

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Inquiry No 13:

The competition supporting documentation designated P-02 – Model request (*.pdf, *.doc, *.docx) contains an introductory first page with the following text: "Delete the dotted lines.

blue texts – replace with your own text, colour black

red texts – delete

black texts – keep" May the participant delete this text and use this first sheet as the introductory page of the request with the participant's name and reference photo?

Answer:

The Contracting Authority states that the text on the introductory page of Annex P02 – Model Request to Participate may be replaced by a participant's text and this participant's text should be of black colour. Text formatting and graphic processing are up to the participants.

Inquiry No 14:

In the supporting documentation P-02 – Model request (*.pdf, *.doc, *.docx), there is the name of the request and the list of annexes on page 2. Can we add a photo of the reference to this page?

Answer:

The Contracting Authority states that the request to participate must contain the parts specified in paragraph 4.4.2 of the Competition Conditions and the portfolio shall be in the scope specified in paragraph 4.4.3 of the Competition Conditions and prepared according to model P02 "Model Request to Participate". It follows from the above that the Contracting Authority does not specify in any way the graphic design of the request to participate and the included portfolio of reference works.

Inquiry No 15:

Is it possible to supplement the request to participate with a summary of other selected projects beyond the 10 references with a miniature of the design and the name, city, client, author, programme, area, price and date?

Answer:

The Contracting Authority refers to paragraph 4.4.3 of the Competition Conditions, according to which, even though a participant may formally submit a total of more than 10 reference proposals (designs) within a portfolio, it must clearly indicate which 10 (at most) proposals it submits for portfolio evaluation purposes. The Contracting Authority warns that if the participant fail to mark such 10 proposals, the Contracting Authority will evaluate the first 10 reference proposals listed in the participant's portfolio and it will not take the others into account in the evaluation.

Inquiry No 16:

The company of the transport engineer, with whom we cooperate on our projects, is already part of another competition team. May a company provide references to multiple teams if the person of the transport engineer is different in each team? Alternatively, may a transport engineer be included in more than one team at a time?

Answer:

In order to ensure the maximum openness of the competition, the Contracting Authority informs the widest possible range of suppliers that the only restrictions within the meaning of the above inquiry result from paragraphs 9.6.5 (Phase 1) and 9.11.3 (Phase 2) of the Competition Conditions and from Section 143 of Act No 134/2016, on public procurement, as amended (hereinafter the "PPA"), in conjunction with Section 107(3), (4) and (5) of the PPA, from which it follows that

- i) each participant may submit only one competition proposal in the 1st and 2nd phase of the competition;
- ii) a participant who has submitted a competition proposal may not at the same time be the person through whom another participant in the competition demonstrates qualification;
- iii) The Contracting Authority shall exclude a participant of the competition who has submitted several competition proposal individually or together with other suppliers, or who has submitted a competition proposal and is at the same time a person through whom another participant of the competition demonstrates qualification in the same competition.

Inquiry No 17:

Application language

Could you please advise the language the application documents must be provided in?

Answer:

The requests to participate / confirmations of participation may be in Czech or English. See also the answer to Inquiry No 11.

Inquiry No 18:

Transportation structures engineer

Could you please specify which engineer office shall present the reference projects:

- a) structural engineer (calculation of the stability, strength and rigidity of built structures) or
- b) traffic engineer (engineering of traffic flow, transportation systems and simulation impacts of proposed traffic patterns)?

Answer:

The Contracting Authority set the requirements for the implementation team and its composition in paragraph 4.1.1(e)(1) and (2) of the Competition Conditions in a clear, definite and comprehensible manner. Within the request to participate, the Contracting Authority requires the participant to demonstrate that it has a team for implementation consisting of at the least the Architect and the Designer of transport constructions. The Contracting Authority does not require the inclusion of a structural engineer in the submitted list of members of the implementation team. However, cooperation with other persons of other expertise (than those required in the list of members of the implementation team) is up to the participant. The further composition of the implementation team is up to the participant. See also the answer to Inquiry No 2.

Inquiry No 19:

Project references status

Must the projects references be completed or do you also accept projects under construction and competition wins?

Answer:

The Contracting Authority states that "reference proposals" within the meaning of paragraph 4.1.1(e2) and (e3) and further within the meaning of paragraph 4.4.3 of the Competition Conditions shall only be "reference proposals" duly completed and handed over. Therefore, it is irrelevant whether the project is under construction or not. The Contracting Authority requires at least one awarded proposal (not necessarily the winning one) to be demonstrated in the competition as part of the requirement to demonstrate the experience of a member of the implementation team (the Architect) in paragraph 4.1.1(e)(e2) of the Competition Conditions.

Inquiry No 20:

Construction and project budget

Could you please specify the estimated construction costs and project costs?

Answer:

The amounts of investment costs estimated by the Contracting Authority for the construction of buildings are specified in paragraphs 3.3.1 and 3.3.2 of the Competition Conditions (CZK 13,400,000,000 excluding VAT for Subsequent Contract No 1 and CZK 3,160,000,000 excluding VAT for Subsequent Contract No 2). As far as the project is concerned, the Contracting Authority has determined only the expected values of the performance of Subsequent Contract No 1 (paragraph 3.3.1 of the Competition Conditions) and Subsequent Contract No 2 (paragraph 3.3.2 of the Competition Conditions), which do not represent the expected value of preparing the complete project documentation.

Inquiry No 21:

Assignment of the subsequent working stages

Could you please comment on the assignment of the working stages FS3-FS7?

Will the team awarded with the stages FS1 and FS2 be subsequently awarded with the next project stages?

Would the contractual conditions stipulated for the stages FS1 and FS2 also apply to stages FS3-FS7?

Answer:

The Contracting Authority states that the subject-matter of Subsequent Contract No 1 and Subsequent Contract No 2 will be exclusively the preparation of phases FS1 and FS2 of the project documentation and other performance specified in paragraphs 3.3.1 and 3.3.2 of the Competition Conditions. Therefore, the subject-matter of these subsequent procurement procedures (negotiated procedures without prior publication) and non-binding draft contracts (Annexes P23 and P24 to the Competition Conditions) does not include the next phases FS3–FS7. These performances will be procured by the Contracting Authority in completely separate procurement procedures that will be independent of the Competition and the subsequent negotiated procedures without prior publication.

Inquiry No 22:

The Tender Documentation requires all documentation for the competition to be prepared in Czech "AND" English. Is it possible to use only one of these languages instead of both, especially in the case of the request to participate?

Answer:

The Contracting Authority refers to the answers to Inquiries Nos 11 and 17.

Inquiry No 23:

Is the Competition eligible for foreign architects?

Answer:

Yes, this is an international competition.

Inquiry No 24:

I am unable to download brief and site materials.

Answer:

In case of technical problems, please contact the E-ZAK technical support, which is available on working days from 8.00 a.m. to 5.00 p.m. CET via phone +420 538 702 719, or by email: podpora@ezak.cz. More information can be found here: <https://www.ezak.cz/kontakt>.

Inquiry No 25:

Where can I register myself for this competition?

Answer:

The Contracting Authority refers to paragraph 9.5.2 of the Competition Conditions, according to which a participant must be registered in the Electronic Tool E-ZAK(<https://zakazky.spravazeleznic.cz/>) for the electronic submission of a request to participate. The User's Manual for the Electronic Tool forms Annex P25 to the Competition Conditions. Regarding this inquiry, the Contracting Authority further refers to Explanation of Competition Conditions No 1.

Inquiry No 26:

If more than one legal entity participates in the contract, is it necessary to create a consortium for these purposes for the Request to participate phase or to demonstrate a formal relationship between the entities by a contract?

So, shall the data on all participants be filled in separately in Annex P02 in the section Participant's details on page 3 or shall the representative be exactly one legal entity?

Answer:

In the case a request to participate / confirmation of participation is submitted by several legal persons, the Contracting Authority does not require a partnership (consortium) agreement or other similar document to be presented. The Contracting Authority refers to the answers to Inquiry No 6. In case of participation of several legal entities on the part of the participant, the data on the participant on pages 3 and 4 of Annex P02 – Model Request to Participate may be repeated as many times as is the number of legal entities (e.g. consortium members) on the participant's side.

Inquiry No 27:

COPYRIGHT TO THE PROPOSAL

The specified scope of the licence is not clear from the Competition Conditions, does the Contracting Authority guarantee that the competition proposal may not be further developed by anyone other than the participant? What does it mean that the proposal becomes the property of the contracting authority? How is the copyright to the work itself (design) protected?

This applies in particular to the paragraphs of the Competition Conditions below:

11.2. Ensuring copyright protection of the design in the participant-contracting authority relationship

11.2.3 The awarded competition proposals become the property of the Contracting Authority. The authors of these competition proposals grant the Contracting Authority the consent to use their author's works for the purposes of this Competition. The use of the proposals or parts thereof for purposes other than those specified in these Competition Conditions is subject to the express permission of the authors.

Answer:

The Contracting Authority warns that it is not entitled to provide advice on the processing and submission of requests to participate / confirmations of participation. In order to ensure maximum openness and accessibility of the competition to the widest possible range of suppliers, the Contracting Authority informs that for the purposes of the competition, the scope of use of the author's work is limited by the competition conditions exclusively to fulfil the purpose of the competition. This also excludes any intervention of persons other than the author / participant in the competition with the competition proposal, as the elaboration of the competition proposal is not the subject of the competition. The competition proposals will be used in the competition exclusively for the promotion of the competition and its results. The prior consent of the author is required to use the competition proposal to fulfil the purpose of the competition.

For the purposes of the competition, the physical carrier (medium) of the competition design becomes the property of the Contracting Authority, which is to be used for the presentation of the competition and its results with the consent of the author / participant. This does not affect the copyright in any way.

Inquiry No 28:

BINDING CONDITIONS OF THE PROPOSAL

What exactly is meant by "the requirement for the possibility of independent implementation of part of the competition proposal"?

Does the requirement for the possibility of independent implementation of part of the competition proposal mean the phasing of the project so that it is possible to implement the individual parts separately? Does not "independent" also mean without the cooperation of the author of the proposal; is the cooperation of the author expected?

This applies in particular to the paragraphs of the Competition Conditions below:

2.2.1 The Contracting Authority requires binding compliance with the following

The Contracting Authority requires binding compliance with the following:

(a) the technical solution of the trackage and its directional guidance defined by the Feasibility Study (P18 – Technical solution of the trackage), including the railway platforms;

(b) track level (top of rail), which is 206.75 metres in the Baltic system of altitudes after adjustment

(c) the North-South Railway Diameter (SJKD) route as a reserve;

(d) solution of flood control in accordance with P20;

(e) items of the building programme marked as binding in the supporting document P21 – Building programme, which forms an annex to these Competition Conditions; this building programme must be complied with within the solved area, unless the supporting document P21 – Building programme indicates otherwise (this does not apply to items of the building programme, which are marked as recommended, see P21 – Building programme);

(f) requirement for the possibility of independent implementation of part of the competition proposal so that the train station and its necessary connection to transport and technical infrastructure may be implemented by investors independently without the condition of implementation of other parts of the competition proposal in accordance with Chapter 1.8 of the supporting document P01 – Brief, the method of demonstrating the fulfilment of the requirement must be demonstrably documented in the competition proposal;

(g) location of the bus station within the solved area.

Answer:

The binding requirement specified in paragraph 2.2.1(f) means the feasibility of separate implementation of a building with regard to two different investors – the Railway Administration, State organisation and the Statutory City of Brno (Co-Contracting Authority 1 and Co-Contracting Authority 2), so that it is possible to implement individual parts of the competition proposal separately from the operational, design and financial point of view. This requirement does not apply to the provision of cooperation, which will be the subject-matter of Subsequent Contracts Nos 1 and 2.

Inquiry No 29:

We believe that the deadline for submitting a request to participate is disproportionately short for setting up a quality bidding team. This is a prestigious contract with the amount of investment costs that have not occurred in the Czech Republic for several years. We ask the contracting authority to reconsider the deadline for submitting the application on 25 September 2020 – among other things, we feel disadvantaged compared to the invited participants listed in point 4.3.1 of the Competition Conditions.

Answer:

The Contracting Authority states that in accordance with Section 146(2) of Act No 134/2016, on public procurement, as amended, the deadline for submitting requests to participate may not be less than 20 days from the date of sending the notification about launching a Competition. At the same time, precisely with regard to the prestige of the competition, the Contracting Authority set a longer period. However, in addition to the above, the Contracting Authority states that the deadline for submitting requests to participate was extended (see Explanation of Competition Conditions No 3).

Inquiry No 30:

Even though the competition was already launched on 31 August 2020, the competition conditions have been published on the Contracting Authority's profile since 3 September 2020, which is, in our opinion and with regard to the time limit for submission of requests to participate by 25 September 2020, too short a time to put together an implementation team, especially with regard to prospective negotiations with potential foreign partners. We hereby ask you to extend the deadline for submitting a request to participate, especially taking into account the fact that this is an important and strategic project in the Czech Republic and it is in the investor's interest that quality domestic and foreign offices participate in the competition.

Answer:

The Contracting Authority refers to the answer to inquiry No 29.

In Brno on 17 September 2020

doc. Ing. arch. Michal Sedláček
Director of the Brno City's Architect Office, Contributory organisation