

### EXPLANATION OF THE COMPETITION TERMS AND CONDITIONS NO. 3

Správa železnic, státní organizace, with its registered office at Dlážděná 1003/7, Prague 1, Postcode 110 00, Czech Republic, ID No.: 709 94 234 (the "**Contracting Authority**"), commenced a procurement procedure regarding the design competition entitled "**Správa železnic Headquarters**", published in the Tenders Electronic Journal under registration no. Z2020-034118 (the "**Competition**"). The Competition has been announced as an open design competition pursuant to Section 145 of Act No. 134/2016 Sb., on Public Procurement, as amended (the "**PPA**").

The Contracting Authority has received a written request for explanation of the Competition Terms and Conditions pursuant to Section 144(2) of the PPA from a prospective participant interested in participating in the Competition. The Contracting Authority hereby provides an explanation of the Competition Terms and Conditions in both Czech and English languages including the exact wording of the request for explanation of the Competition Terms and Conditions, without identification details of the prospective participant who has requested the explanation.

	<b><i>Request of the participant where the explanation was provided based on a request for explanation</i></b>	<b><i>Explanation of the Contracting Authority</i></b>
1.	<p><i>Original request:</i> To submit electronically the competition I need a sign certificated. I am from XXX so how can I get obtain it? In my conuntry I have electronically sign through a Identification but I don´t have a .p12 .pfx file...</p>	<p>The Contracting Authority advises as follows regarding the participant's request:</p> <ol style="list-style-type: none"> <li>For the purposes of electronic submission of a competition entry the participant must be registered at the Contracting Authority's profile at: <a href="https://zakazky.spravazeleznice.cz">https://zakazky.spravazeleznice.cz</a></li> <li>During the registration the participant will be prompted by the system to provide/enter a recognised electronic signature. The possibilities of obtaining a recognised electronic signature are specified in annex <b>P19</b> of the Competition Terms and Conditions. Without obtaining a recognised electronic signature the participant will not be able to complete registration in the Contracting Authority's profile.</li> <li>To make registration in the profile easier for participants the Contracting Authority offers the participants so called <b>pre-registration</b> (see Explanation of the Competition Terms and Conditions no. 1).</li> </ol> <p>If pre-registered, the participant is registered at request directly by</p>

		<p>the Contracting Authority's appointed staff members. In such a case the participant should send the Contracting Authority a completed pre-registration application (a sample pre-registration application forms a part of Explanation of the Competition Terms and Conditions no. 1). This application must be also signed by the participant with the use of ordinary electronic signature, (i.e. such a signature need not be in the format of a recognised electronic signature - .pfx for instance). After submitting the application the Contracting Authority the participant will be registered in the Contracting Authority's profile and subsequently the participant will obtain access credentials for the Contracting Authority's profile.</p> <p>For the purposes of pre-registration the Contracting Authority recommends reviewing Explanation of the Competition Terms and Conditions no. 1 available here: <a href="https://zakazky.spravazeleznic.cz/contract_display_8301.html">https://zakazky.spravazeleznic.cz/contract_display_8301.html</a>.</p> <p>At the same time, the Contracting Authority below refers again to the relevant part of Explanation of the Competition Terms and Conditions no. 1:</p> <p><i>The Contracting Authority reminds that all prospective participants wishing to successfully file their participation applications must be registered in the EZAK electronic tool at:</i> <a href="https://zakazky.spravazeleznic.cz/register.html">https://zakazky.spravazeleznic.cz/register.html</a>.</p> <p><i>The Contracting Authority states that prospective participants can register</i></p>
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		<p>either in the electronic tool or request pre-registration in the Contracting Authority's electronic tool by sending a completed form titled "Žádost o předregistraci do elektronického nástroje" (Request for pre-registration in the electronic tool; "<b>Request</b>"), which is attached to this Explanation, by email to: <a href="mailto:zakazky@spravazeleznic.cz">zakazky@spravazeleznic.cz</a>.</p> <p>The Contracting Authority points out that the above-stated Request must be signed by the applicant using its <b>advanced electronic signature</b> based on a qualified certificate; otherwise the Request cannot be granted.</p> <p>The Contracting Authority strongly recommends that any prospective participant send the aforesaid Request <b>well in advance</b> before the deadline for the competition entries submission.</p> <p>The Contracting Authority processes duly completed Request forms signed by advanced electronic signature and delivered <b>on business days by 3 p.m.</b> on the same day. Requests delivered at a later point of time will be processed on the following business day. The Contracting Authority will send information about the pre-registration and data for accessing the electronic tool to the email address of the prospective participants from which they submitted the Request.</p> <p>The Contracting Authority points out that the above-stated <b>Request must be signed by the applicant using its advanced electronic signature</b> based on a qualified certificate; otherwise the Request cannot be granted.</p> <p>The Contracting Authority strongly recommends that any prospective participant send the aforesaid Request <b>well in advance</b> before the deadline for the competition entries submission.</p>
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<p>2.</p>	<p><i>Original request:</i> Being a certificated architect in my country, can I participated in the competition?</p>	<p>The Contracting Authority advises regarding the participant's request that one of the conditions for participation in the Competition is proving compliance with the conditions for participation in the Competition (see clause 4.1 of the Competition Terms and Conditions).</p> <p>One of the conditions for participation in the Competition is that the participant submits a list of members of the implementation team which includes at least an architect and a building structure designer.</p> <p>An architect must be a certified person pursuant to Section 4(2)(a) of the Act on Construction Professionals, or a certified person pursuant to Section 4(3) of the Act on Construction Professionals (holding a certification with general applicability), <b><u>or a certified architect under the law of the country of which the architect is a national or in which it is based,</u></b> i.e. required is CCA certification with general applicability under numeric code A.0 or certification for architecture under numeric code A.1, or <b><u>a foreign equivalent (with the exception of cases in which such a certificate is not issued under the law of the country in which the architect is based).</u></b></p> <p>To comply with the conditions for participation in accordance with the</p>

		<p>Competition Terms and Conditions p (see clause 4.2.1 of the Competition Terms and Conditions) the participant is required to submit a completed and signed affidavit a sample of which is attached as annex <b>P15</b> to the Competition Terms and Conditions (precisely, for a sample of the affidavit see annex <b>P15.1</b> of the Competition Terms and Conditions).</p>
<p>3.</p>	<p><i>Original request:</i> Whis is exactly a building structure designer? Is it the designer of the structure of the buildin or the person who have calculated the structure?</p>	<p>In the Contracting Authority's understanding the participant requests explanation of the term "building structure designer".</p> <p>A building structure designer is a mandatory member of the participant's implementation team who will participate in the creation of the competition entry; if the Ensuing Contract is concluded with the participant as a member of the participant's implementation team must participate also in the performance of the Ensuing Contract.</p> <p>A building structure designer is typically a person having experience with the preparation of documentation based on which a building is placed or approved.</p> <p>It is required for the purposes of the Competition that a building structure designer is a person with the relevant experience as per clause 4.1.1. (e) (2) of the Competition Terms and Conditions, in the last 10 years before the start of the Competition, the designer prepared at least in 1 case Documentation<sup>1</sup> / for the design of a new building / a set of new buildings<sup>2</sup></p>

<sup>1</sup> **Definition of "Documentation"** - see definitions in the initial section of the **Competition Terms and Conditions** = Documentation for the issuance of a siting decision, or documentation for the issuance of a consolidated permit, or project documentation for the issuance of a building permit, all within the meaning of Decree no. 499/2006 Sb. of the Ministry for Regional Development on documentation for building structures, as amended, or a foreign equivalent of such documentation (especially documentation for planning permit or building permit).

<sup>2</sup> **Definition in the Competition Terms and Conditions** = A new building / set of new buildings in relation to the specification of referrals of the "building structure designer" is understood to also mean an extension of a building as part of reconstruction if the extension alone meets the following requirements: it is a Civil Building Structure with a gross floorage of at least 15,000 m<sup>2</sup> and simultaneously with estimated investment costs of at least CZK 500,000,000 excl. VAT.

		of a Civil Building Structure <sup>3</sup> with a gross floorage <sup>4</sup> of at least 15,000 m <sup>2</sup> and simultaneously with estimated investment costs of at least CZK 500,000,000 excl. VAT <sup>5</sup> .
4.	<i>Original request:</i> The 6 panel of the graphic documentation must be in B1(700x1000) size, Can we change this size to 610x1000. B1 size in my country is so extrange size and is to expensive to print in that size.	<p>In clause 6.2.1 of the Competition Terms and Conditions the Contracting Authority states that it requires the submission of 6 panels and <b><u>further recommended that these panels are of B1 size, vertically oriented and with the layout and content as further specified in clause 6.2.1 of the Competition Terms and Conditions.</u></b></p> <p>The Contracting Authority made this recommendation in order to obtain easily comparable competition entries from the individual participants. Choosing a different panel size or different layout and content of the panels will not entail exclusion of the participant from the Competition, nevertheless it may compromise clarity of the participant's competition entry for the jury and its evaluation of the competition entry.</p>
5.	<i>Original request:</i> In the panels Is it necessary to follow the indications of the layout?	<p>In clause 6.2.1 of the Competition Terms and Conditions the Contracting Authority states that it requires the submission of 6 panels and <b><u>further recommended that these panels are of B1 size, vertically oriented and with the layout and content as further specified in clause 6.2.1 of the Competition Terms and Conditions.</u></b></p> <p>The Contracting Authority made this recommendation in order to obtain</p>

<sup>3</sup> For a definition of "Civil Building Structure" see definitions in the initial section of the **Competition Terms and Conditions** = Any building falling, based on its functions, into category 801 "Civil Building Structures" under the Classification of Building and Engineering Structures pursuant to Section 4(2) of Decree no. 169/2016 Sb. The relevant section of the Classification of Building and Engineering Structures is attached as annex **P15**.

<sup>4</sup> It is the area of one level measured from the external walls inwards.

<sup>5</sup> For the purposes of converting investment costs from a foreign currency to CZK the participants should apply the foreign exchange rate fixed by the Czech National Bank on the date of commencement of the Competition (i.e. on the date of dispatch of a notice on the commencement of the Design Competition for publication pursuant to Section 212 PPA); foreign exchange market exchange rates are available at: <https://www.cnb.cz/en/financial-markets/foreign-exchange-market/central-bank-exchange-rate-fixing/central-bank-exchange-rate-fixing/>

		easily comparable competition entries from the individual participants. Choosing a different panel size or different layout and content of the panels will not entail exclusion of the participant from the Competition, nevertheless it may compromise clarity of the participant's competition entry for the jury and its evaluation of the competition entry.
<b>6.</b>	<i>Original request:</i> About the underground perimeter, can you delimitate in a floor plan?	In annex P.05_OCHRANNÝ SYSTÉM METRA_HRANICE [METRO PROTECTION SYSTEM_PERIMETER] the Contracting Authority added a perimeter of the metro protection system of the area concerned on underground floors. This annex is published as an inseparable part of this Explanation of the Competition Terms and Conditions. The Contracting Authority adds that the data stated in the attached annex P.05_OCHRANNÝ SYSTÉM METRA_HRANICE [METRO PROTECTION SYSTEM_PERIMETER] otherwise follow from the original text of the Competition Terms and Conditions; thus, this case does not constitute a change to the Competition Terms and Conditions.
<b>7.</b>	<i>Original request:</i> Can we link the building B with the building C with a bridge?	Under point 11. of annex P06_REGULATION of the Competition Terms and Conditions the Contracting Authority stated the following: Possible location of a structure horizontally interconnecting the main buildings at the level of the same floor. This structure should be of a subtle character in the form of a footbridge used only as a route between buildings and must not visually interrupt the protected view-through.
<b>8.</b>	<i>Original request:</i> We are very interested in this project and will prepare a team to participate. However, in terms of submission, due to the pandemic complication, hardcopy will be difficult to post on time, therefore we wonder if sending hard copy is a Must or we can just submit soft copy as instructed	In response to the participant's request the Contracting Authority advises that the submission of a competition entry (the graphical part of the competition entry) in hard copy is a condition for participation in the competition.  It is set out in clause 7.3.4. of the Competition Terms and Conditions that if a participant fails to ensure

		<p>timely submission of the graphical part of the competition entry in hard copy (despite submitting the graphical part in electronic form timely), such participant will be excluded from participation in the Competition. The Competition Jury will always assess and evaluate only graphical parts of the competition entries submitted in hard copy (to ensure authenticity of these competition entries; if the Contracting Authority accepted the graphical part of competition entries and subsequently printed them out by its own means, the colours of these graphical parts could be distorted as compared to the participant's original design).</p> <p>At the same time, the Contracting Authority states that it fully understands the current pandemic situation and therefore it set out its requirements for the graphical part of the competition entries (the size and layout of panels) in clause 6.2.1 of the Competition Terms and Conditions only as recommendations.</p> <p>Although the Contracting Authority recommends the participants to adhere to such recommended requirements for the graphical part of competition entries, if a participant does not follow these recommendations and submits for example the graphical part of the competition entry with panels of a different size, such submission will not be regarded as grounds for exclusion of the participant from the Competition.</p> <p>At the same time, the Contracting Authority advises that the participant need not deliver the competition entry in hard copy to the address set out in clause 7.1.5 of the Competition Terms and Conditions personally but may send it by mail or via other public delivery service. However, in such a case the Contracting Authority points out that the participant must ensure that their competition entry in hard</p>
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		<p>copy is delivered to the Contracting Authority by the deadline for the submission of competition entries – <b>i.e. 12 January 2021, 5:00 p.m. CET (Central European Time).</b></p>
<p>9.</p>	<p><i>Original request:</i> I am interested in the Správa železnic Headquarters competition in Prague. However, when I click on the “Enter the Competition” button at the bottom of the competition page: <a href="https://www.spravazeleznic.cz/web/en/headquarters/the-competition">https://www.spravazeleznic.cz/web/en/headquarters/the-competition</a> it takes me to a page in Czech which I am not able to turn into English. I need to read more about the competition entries in order to decide if I enrol.... Is there a possibility of having that information in English?</p>	<p>In response to the participant's request the Contracting Authority advises as follows:</p> <ol style="list-style-type: none"> <li>1) The web site <a href="https://www.spravazeleznic.cz/web/en/headquarters/the-competition">https://www.spravazeleznic.cz/web/en/headquarters/the-competition</a> is a presentation of the Competition and provides general information about the Competition.</li> <li>2) By clicking the “Vstup do soutěže” [Enter the Competition] button you will be directed to the Contracting Authority's profile at <a href="https://zakazky.spravazeleznic.cz/contract_display_8301.html">https://zakazky.spravazeleznic.cz/contract_display_8301.html</a> where the Contracting Authority is unable to provide the main titles of the respective parts of Contracting Authority's profile in English. However, complete information regarding the Competition must be published only on this website, i.e. the Contracting Authority's profile.</li> <li>3) The full version of the Competition Terms and Conditions is available at the Contracting Authority's profile under the item designated in Czech as “Zadávací dokumentace” [Tender Documentation]. You can find the full English version of the Competition Terms and Conditions there.</li> <li>4) Any Explanations of the Competition Terms and Conditions are published by the Contracting Authority at the Contracting Authority's profile under the item labelled as “Vysvětlení/ doplnění/ změny Zadávací dokumentace”</li> </ol>

		[Explanations/Additions/Changes to Tender Documentation].
10.	<p><i>Original request:</i> I have an important doubt about the electronic signature when have to register in the Contracting Authority's electronic tool EZAK.</p> <p>I have an electronic signature based on a qualified certificate issued by a foreign provider according to the list published on <a href="http://euts1.3xasecurity.com/tools/index.jsp">http://euts1.3xasecurity.com/tools/index.jsp</a>. But when I try to register in the platform there is an error with the signature and the platform. The error is attached with this email. Please how can I solve this problem? This is very important because if I don't get the register I can't participate in the competition.</p>	<p>In response to this request the Contracting Authority states that in the case of any technical problems experienced by participants during registration in the Contracting Authority's profile the participants may <b>pre-register</b> which means that based on an application sent to the Contracting Authority staff members appointed by the Contracting Authority will register the participants in the Contracting Authority's profile.</p> <p>When filing a pre-registration application the participants are kindly requested to proceed in accordance with Explanation of the Competition Terms and Conditions no. 1 and/or as reminded under point 1. (Contracting Authority's answer to request no. 1) of Explanation of the Competition Terms and Conditions no. 3.</p>

[Contracting Authority's note: the yellow marked places were anonymized so it is not possible to identify the place of operation of the participant]

**For the avoidance of any doubt, the Contracting Authority asserts that the provision of the above explanation does not imply a change in the Competition Terms and Conditions within the meaning of Section 98(5) and Section 99 of the PPA and that the deadline for submission of competition entries remains unaffected.**

**Annex:**

- 1) Template – Request for pre-registration in the Electronic Tool (see point 1. above)
- 2) P.05\_OCHRANNÝ SYSTÉM METRA\_HRANICE [METRO PROTECTION SYSTEM\_PERIMETER]

**Prague 21 October 2020**