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THE INVITATION TO PARTICIPATION IN A PRELIMINARY MARKET CONSULTATION

Dear Sir or Madam,

Správa železnic, státní organizace (the "**Contracting Authority**") hereby wishes to address and respectfully request relevant suppliers to participate in the preliminary market consultation. The preliminary market consultation will be conducted in order to prepare the tender conditions and to inform the potential suppliers about the intentions and requirements of the Contracting Authority for the performance of the public contract "**Geologické průzkumy pro stavbu VRT Drážďany – Praha, RS 4, úsek Ústí nad Labem – státní hranice ČR/SRN**" (the "**Public Contract**").

The Public Contract is to be carried out within the framework of a joint project between the Contracting Authority and DB Netz AG, consisting in the project preparation and future construction of a cross-border tunnel in the Ore Mountains (the "**Joint Project**"). The tunnel connection will be part of the Dresden-Prague railway line, which is an important link in cross-border rail transport – both for the Federal Republic of Germany, and the Czech Republic and the south-eastern neighbouring countries of both countries. The purpose of the Joint Project is to extend and accelerate the existing railway connection between Dresden and Prague in the Elbe Valley section, which cannot currently be extended or accelerated for environmental and topographical reasons. The transport objective of the measure is to achieve a significant reduction in journey times between Berlin and Prague.

The Public Contract will be awarded exclusively by the Contracting Authority (i.e. it is not a joint procurement between the Contracting Authority and DB Netz AG), i.e. the Czech public procurement legislation will be followed.

The subject of the Public Contract under consideration is the design, execution and evaluation of exploratory geological work, including a detailed engineering geological survey within the meaning of Section 3 Paragraph 4, letter b) of Decree No 369/2004 Coll., on the design, execution and evaluation of geological works, notification of geological factors and on the procedure for calculating the reserves of exclusive deposits (the "**Decree**"), and the related hydrogeological and geophysical survey, including all technical work (drilling work, field and laboratory tests, surface geophysics, etc.), in the locality of the planned high-speed line from Prague to Dresden (RS 4) in the section Ústí nad Labem - state border of the Czech Republic/Republic of Germany, both for the surface part of the route (section Ústí nad Labem –

Stradov portal) and for the tunnel part of the route (Stradov portal - state border of the Czech Republic/Republic of Germany). The Contracting Authority assumes that the boreholes for detailed engineering geological survey will reach a depth of up to 500 meters. The subject of the Public Contract is also the project preparation, and the execution and evaluation of a detailed hydrogeological survey within the meaning of Section 3(b) of the Decree for the section defined by the Contracting Authority.

Subject-matter and purpose of the consultation

The Contracting Authority is interested in ensuring that the tender conditions best meet its needs and, at the same time, that they and the subject matter of the Public Contract are set in accordance with market opportunities and good practice, while respecting the principles of Act No. 134/2016 Coll., on Public Procurement (the "PPA"), in particular the principle of proportionality and other principles regulated in Section 6 of the PPA. Furthermore, the Contracting Authority is interested in ensuring that the tender conditions allow the widest possible participation of potential suppliers.

The course of the consultation

The actual consultation phase of the preliminary market consultation will start with a joint meeting (a face-to-face session with an option to attend the meeting remotely) where the Contracting Authority will hold a presentation (broadcast as a videoconference for remote attendees) to briefly introduce the Joint Project, its intention of the Public Contract, acquaint the present representatives of the suppliers with the preliminary draft of the initial tender conditions and with the expected subject of performance of the Public Contract.

As part of the initial presentation, there will be potential room for a moderated discussion with representatives of the suppliers. The Contracting Authority states that the introductory presentation and the following discussion will be held in the Czech language.

With regard to the premises intended for the meeting, individual potential suppliers may each be represented by the maximum of 2 persons. Potential suppliers not preferring the face-to-face attendance at the meeting may state their interest in the remote form in their application.

The course of the presentation will be recorded in two ways at the same time: written minutes and an audio recording. The supplier's representative gives his or her consent to the processing of personal data, the taking of written minutes and the making of the audio recording for the Contracting Authority's internal purposes.¹

Subsequently, the Contracting Authority will send to the present suppliers a prepared questionnaire, which will give them the opportunity to comment on the tender conditions under preliminary consideration. The Contracting Authority will also provide the suppliers with additional documents and information relevant to answering the questions. Suppliers will have sufficient time to send their comments afterwards.

In this respect, the Contracting Authority expects the discussion and questions to concern mainly:

- the interest of suppliers in participating in the Public Contract,
- the specific technical conditions of the Public Contract,
- the timetable for the works,
- the technical qualification and evaluation requirements; and
- pricing options.

The consultation is intended to be a one-round process. Only if the Contracting Authority deems it necessary (e.g. due to the complexity or lack of clarity of the subject matter), it may decide to conduct a further round of consultation, which may take place in a similar format or in another form at the discretion of the Contracting Authority, including, where appropriate, individual discussions with those participants whose comments provided during the consultation are considered by the Contracting Authority to be the most useful and constructive. However,

¹ All types of recordings will be made in a way proportionate to the purpose of the preliminary market consultation and the standard rules of personal rights and personal data protection.

the need for an individual form of consultation shall always be at the discretion of the Contracting Authority and shall not be a legal entitlement of suppliers.

A written record of the consultation will be made summarising the key information from the consultation. By sending a response to this invitation and by attending the consultation, the supplier's representative expressly consents to the processing of any personal data for the purposes of the subsequent procurement procedure.

Time and place of the consultation

The date of the initial presentation is set by the Contracting Authority for **23. 08. 2021** starting at **13:00**.

The initial presentation will be held in Prague (the specific address will be confirmed to the registered attendees in advance).

Invitation confirmation and other information

If you find the invitation to the preliminary market consultation interesting and wish to attend the presentation **in person**, please confirm your participation in person no later than **18. 08. 2021** by sending an e-mail to the following contact person:

- Ondrej Čurilla, e-mail: ondrej.curilla@havelpartners.cz

To confirm your **remote attendance** at the presentation, please send an email to the aforementioned contact person no later than **20. 08. 2021 by 15:00**.

Upon confirmation of your participation and no later than one day before the presentation, you will be sent the address of the place of the presentation or the URL link to join the videoconference.

The Contracting Authority estimates the duration of the initial presentation to be approximately 2 hours.

Yours faithfully

Ing. Mojmír Nejezchleb

Deputy Director General for Infrastructure Modernisation
Správa železnic, státní organizace

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