

PROTOCOL ON THE ASSESSMENT OF THE COMPLIANCE WITH THE PARTICIPATION CONDITIONS

("Protocol")

Contracting Authority:	Správa železnic, státní organizace, Dlážděná 1103/7 110 00 Prague 1
Name of the Design Competition:	PRAGUE EAST TERMINAL

- On 4 September 2020, the Contracting Authority launched, by sending out an announcement of the design competition for publication in the Public Contract Journal, a one-stage open architectural-urban Competition entitled "**PRAGUE EAST TERMINAL**" ("**Competition** ") submitted pursuant to Section 143 et seq. of Act No. 143/2016 Coll., on Public Procurement, as amended ("**PPA**") and in accordance with the Czech Chamber of Architects' competition rules dated 24 April 1993, as amended ("**CCA Competition Rules**").
- On 1 December 2020, the persons authorised to assess the compliance of the participants in the Competition with the participation conditions began to assess whether the individual participants, which submitted competition entries in the Competition, also proved compliance with the conditions for participation in the Competition pursuant to paragraph 4.1. of the Competition Terms and Conditions of the Competition ("**Competition Terms and Conditions**").
- Compliance with the conditions for participation in the Competition was assessed in relation to the participants which submitted the following competition entries (numbers given after renumbering):

Competition Entry No. 1
Competition Entry No. 2
Competition Entry No. 3
Competition Entry No. 4
Competition Entry No. 5
Competition Entry No. 6
Competition Entry No. 7

Competition Entry No. 8
Competition Entry No. 9
Competition Entry No. 10
Competition Entry No. 11
Competition Entry No. 12
Competition Entry No. 13
Competition Entry No. 14
Competition Entry No. 15
Competition Entry No. 16
Competition Entry No. 17
Competition Entry No. 18
Competition Entry No. 19
Competition Entry No. 20
Competition Entry No. 21

4. Persons authorised by the Contracting Authority, pursuant to paragraph 10.7.1 of the Competition Terms and Conditions, to check the compliance with the participation conditions, concluded, after assessing the fulfilment of the participation conditions by individual participants, that the participants, which submitted competition entries with the number designation below, fulfilled the conditions for participation in the Competition in full scope pursuant to paragraph 4.1. of the Competition Terms and Conditions:

Competition Entry No. 1
Competition Entry No. 2
Competition Entry No. 4
Competition Entry No. 8
Competition Entry No. 9

Competition Entry No. 13
Competition Entry No. 14
Competition Entry No. 19

5. Persons authorised by the Contracting Authority, pursuant to paragraph 10.7.1 of the Competition Terms and Conditions, to check the compliance with the participation conditions, identified in the data and documents submitted by some participants to prove the compliance with the participation conditions pursuant to paragraph 4.1.1. of the Competition Terms and Conditions uncertainties preventing a full assessment of whether the submitted information or documents fully meet the conditions for participation in the Competition required by the Contracting Authority. In accordance with paragraph 4.4.1 of the Competition Terms and Conditions, these participants in the Competition were sent an additional invitation to supplement or explain the information or documents submitted to prove the compliance with the conditions for participation in the Competition pursuant to paragraph 4.1.1. of the Competition Terms and Conditions in full scope. The invitation pursuant to this point 5 of the Protocol was sent to the participant which submitted the following competition entry:

Competition Entry No. 3
Competition Entry No. 5
Competition Entry No. 6
Competition Entry No. 7
Competition Entry No. 10
Competition Entry No. 11
Competition Entry No. 12
Competition Entry No. 15
Competition Entry No. 16
Competition Entry No. 17
Competition Entry No. 18
Competition Entry No. 20
Competition Entry No. 21

6. Persons authorised by the Contracting Authority, pursuant to paragraph 10.7.1 of the Competition Terms and Conditions, to check the compliance with the participation

conditions, received within the stipulated deadline for supplementing the information and documents to prove the compliance with the participation conditions pursuant to paragraph 4.1.1. of the Competition Terms and Conditions the explanations from all invited participants of the Competition and re-assessed the fulfilment of the participation conditions by the participants according to point 5 of this Protocol. In connection to the inspection of the explanations of the called participants (see point 5 of the Protocol), the persons authorised by the Contracting Authority, pursuant to paragraph 10.7.1 of the Competition Terms and Conditions, concluded, that the participants, which submitted competition entries with the number designation below, proved, based on the submitted explanation, the compliance with the conditions for participation in the Competition in full scope pursuant to paragraph 4.1. of the Competition Terms and Conditions:

Competition Entry No. 3
Competition Entry No. 5
Competition Entry No. 6
Competition Entry No. 7
Competition Entry No. 10
Competition Entry No. 11
Competition Entry No. 12
Competition Entry No. 15
Competition Entry No. 16
Competition Entry No. 17
Competition Entry No. 18
Competition Entry No. 21

7. In relation to proving the compliance with the conditions for participation in the Competition by the participant, which submitted Competition Entry No. 20 in the Competition, the persons authorised by the Contracting Authority, pursuant to paragraph 10.7.1 of the Competition Terms Conditions, to check the fulfilment of the participation conditions state the following:

According to the Protocol on the Opening of the competition entries part B), it was found out that one of the participants in the Competition had not submitted its competition entry in electronic form, namely the participant, which, according to the Protocol on the Opening of the competition entries part B), submitted the graphic part of the competition entry in paper form and was marked, by the Competition Secretary, with number 20 during the opening of the graphic part of the competition entries.

In view of the fact that Competition Entry No. 20 had been accepted within the deadline for submission of competition entries (deadline set out in paragraph 7.1.4. of the Competition Terms and Conditions for the submission of a competition entry in paper form and in paragraph 7.2.2 of the Competition Terms and Conditions for the submission of competition entries in electronic form until 20 November 2020 5:00 p.m. CET; subsequently extended for both methods of submission on the basis of explanation no. 2 of the Competition Terms and Conditions until 30 November 2020 5:00 p.m. CET) only in paper form, the Contracting Authority was not provided, for the given participant, with the following parts of the competition entry, which the participants had submitted according to paragraph 7.2.1 of the Competition Terms and Conditions in electronic form:

- Graphical part of the competition entry in electronic form (see paragraph 6.2. of the Competition Terms and Conditions)
- Text part of the competition entry (see paragraph 6.3. of the Competition Terms and Conditions);
- Other parts of the competition entry (see paragraph 6.4. of the Competition Terms and Conditions).

With regard to the note of the Competition Secretary in the Protocol on the Opening of the competition entries part B), that Competition Entry No. 20 submitted in paper form contained, beyond the graphic part of the competition entry, which should have been submitted by the participants of the Competition in paper form (see paragraph 7.1.1. of the Competition Terms and Conditions), also a sealed envelope marked "CONTACT", the persons authorised to open the competition entries in electronic form asked the Competition Secretary to hand over this envelope. Subsequently, the persons authorised to open the competition entries in electronic form opened the envelope marked "CONTACT" to find out whether this envelope contained the identification data of the participant and whether the participant had provided, in this envelope, also an affidavit to prove compliance with the participation conditions (see paragraph 6.4. of the Competition Terms and Conditions).

After opening (without the presence of the Competition Secretary) the envelope marked "CONTACT" handed over in relation to Competition Entry No. 20 by the Competition Secretary to the persons authorised to open the competition entries in electronic form, the persons concerned concluded that the envelope marked "CONTACT" contained only the participant's identification data, but no other documents or information by which the participant would have proven compliance with the conditions for participation in the Competition pursuant to paragraph 4.1.1. of the Competition Terms and Conditions.

Given that according to the first sentence of paragraph 4.4.1 of the Competition Terms and Conditions, the Contracting Authority is entitled to invite a participant, which submitted a competition entry, to supplement or explain the information or documents submitted to prove compliance with the participation conditions according to paragraph 4.1.1. of the Competition Conditions, the Contracting Authority used the abovementioned possibilities and, through persons authorised to assess compliance with the participation conditions pursuant to paragraph 10.7.1 of the Competition Terms and Conditions, invited, on 3 December 2020 at 5:05 p.m., via e-mail, through an invitation addressed to the contact details of the person, who is, according to the envelope marked "CONTACT" in relation to Competition Entry No. 20, the contact person, the participant, which submitted Competition Entry No. 20 in the Competition (the "Participant") to supplement the information or documents to prove compliance with the participation conditions pursuant to paragraph 4.1.1. of the Competition Terms and Conditions of the Competition (the "**Invitation**"), namely by 8 December 2020, 5:00 p.m.

As part of the Invitation, the Participant was informed of the following:

The participant did not submit the competition entry or any part thereof in electronic form. As part of the Participant's competition entry submitted only in paper form, the

above persons did not identify any documents, by which the Participant would prove compliance with the participation conditions according to paragraph 4.1.1 of the Competition Terms and Conditions (the envelope marked "Author" was not opened; it will be opened only at the end of the evaluation meeting of the jury after the order of the competition entries has been determined).

We hereby invite you in accordance with paragraph 4.4.1. of the Competition Terms and Conditions to submit the documents proving compliance with the conditions for participation in the Competition, namely to the extent pursuant to paragraph 4.1.1. of the Competition Terms and Conditions and within the deadline of: 8 December 2020 at 5:00 p.m. The documents proving compliance with the conditions for participation in the Competition are to be sent either via the profile of the Contracting Authority (according to the Competition Terms and Conditions), or through e-mail in response to this invitation.

If the Participant does not prove compliance with the conditions for participation in the Competition to the extent pursuant to paragraph 4.1.1. of the Competition Terms and Conditions in full within the above deadline, according to paragraph 4.4.3. of the Competition Terms and Conditions, the Participant will be excluded from participation in the Competition by the Contracting Authority.

On 6 December 2020 at 10:02 p.m., the persons authorised to assess compliance with the participation conditions, pursuant to paragraph 10.7.1 of the Competition Terms and Conditions, received the following documents from the contact person to whom the Invitation was addressed pursuant to point 17 of this Decision:

- Document entitled "P12_CESTNE
PROHLASEnI_o_SPLNENI_PODMINEK_UCASTI_CZ"
- Document entitled "P12_CESTNE
PROHLASEnI_o_SPLNENI_PODMINEK_UCASTI_CZ_PODPIS"

The persons authorised to assess compliance with the participation conditions pursuant to paragraph 10.7.1 of the Competition Terms and Conditions assessed the content of the abovementioned documents and stated the following findings:

FAILURE TO PROVE COMPLIANCE WITH THE PARTICIPATION CONDITIONS PURSUANT TO PARAGRAPH 4.1.1. C) AND D) OF THE COMPETITION TERMS AND CONDITIONS:

According to paragraph 4.1.1. c) of the Competition Terms and Conditions, the conditions for participation in the Competition of natural persons and legal entities, or their companies, which:

- c) meet professional competence according to Section 77 (1) of the PPA (i.e. they are incorporated in the Commercial Register or other records)

This requirement does not apply to:

- natural persons and their companies;
- legal entities with registered office in a country, where such record is not required.

In order to prove compliance with the abovementioned conditions for participation in the Competition, the Participant used a model affidavit of the Participant on compliance with the conditions for participation in the Competition; in this affidavit, the Participant did not state its declaration to paragraph 4.1.1. c) of the Competition Terms and Conditions, i.e. within the affidavit the Participant did not state whether it is or it is not incorporated in the Commercial Register of the place of its registered office, namely due to fulfilment of some of the exceptions pursuant to paragraph 4.1.1 c) of the Competition

Terms and Conditions, for which the Participant does not have to be incorporated in the Commercial Register or other records.

With regard to the fact that the Participant did not state, in its affidavit, that the Participant is or is not incorporated in the Commercial Register of the place of its registered office, namely due to fulfilment of some of the exceptions pursuant to paragraph 4.1.1. c) of the Competition Terms and Conditions, for which the Participant does not have to be incorporated in the Commercial Register or other records, the Participant has not proven compliance with the conditions for participation in the Competition pursuant to point 4.1.1. c) of the Competition Terms and Conditions.

FAILURE TO PROVE COMPLIANCE WITH THE PARTICIPATION CONDITIONS PURSUANT TO PARAGRAPH 4.1.1. D) OF THE COMPETITION TERMS AND CONDITIONS:

According to paragraph 4.1.1. d) of the Competition Terms and Conditions, the conditions for participation in the Competition are met by natural persons and legal entities, or their companies, which:

- d) submit a document pursuant to Section 77 (2) (a) of the PPA, that they are authorised to do business to the extent corresponding to the subject of the Competition, specifically the relevant trade license or license, namely for the trade of "Project activity in construction".

The obligation to present this document does not apply to:

- persons who perform activities under the Act on the Exercise of a Profession as Freelance Architects or Freelance Engineers;
- natural persons and legal entities with registered office in a country, where such authorisation is not required, or their companies.

In order to prove compliance with the abovementioned conditions for participation in the Competition, the Participant used a model affidavit of the Participant on the fulfilment of the conditions for participation in the Competition; in this affidavit the Participant did not state its declaration to paragraph 4.1.1 (d) of the Competition Terms and Conditions, i.e. whether the Participant has a trade license or a license for the trade of "Project activity in construction" pursuant to Annex No. 2 to Act No. 455/1991 Coll., on Trade Licensing (the Trade Licensing Act), as amended, or whether the Participant does not have the abovementioned trade license, namely due to fulfilment of any of the exceptions pursuant to paragraph 4.1.1. d) of the Competition Terms and Conditions.

With regard to the fact that the Participant did not state in its affidavit whether the Participant has a trade license or a license for the trade of "Project activity in construction" pursuant to Annex No. 2 to Act No. 455/1991 Coll., on Trade Licensing (the Trade Licensing Act), as amended, or whether the Participant does not have the abovementioned trade license, namely due to fulfilment of some of the exceptions pursuant to paragraph 4.1.1 d) of the Competition Terms and Conditions, the Participant has not proven compliance with the conditions for participation in the Competition pursuant to point 4.1.1. d) of the Competition Terms and Conditions.

FAILURE TO PROVE COMPLIANCE WITH THE PARTICIPATION CONDITIONS PURSUANT TO PARAGRAPH 4.1.1. E) OF THE COMPETITION TERMS AND CONDITIONS:

The Contracting Authority stipulated in paragraph 4.1.1. e) of the Competition Terms and Conditions that the conditions for participation in the Competition will be met by

natural persons and legal entities, or their companies, which submit a list of members of the implementation team who will participate in the preparation of the competition entry submitted by the Participant within the Competition, as well as in the performance of the Subsequent Contract, whereby the members of this implementation team must include at least the person of an "Architect", the person of a "Designer of building structures" and the person of a "Designer of transport structures", who further meet the conditions set by the Contracting Authority in paragraph 4.1.1. e) of the Competition Terms and Conditions, which were as follows:

Name of the position in the Participant's implementation team	Qualification requirements
Architect	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), or a certified architect under the law of the country of which the architect is a national or in which it is based, i.e. required is CCA certification with general applicability (under numeric code A.0) or certification for architecture (under numeric code A.1), or 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);
	in the last 10 years prior to the commencement of the Competition the architect prepared or participated in the preparation of at least 2 architectural designs of a new building of civil amenities while in at least one case the estimated investment costs for the construction of the new building were equal to or exceeded CZK 100 million excl. VAT ¹ ;
Designer of building structures	in the last 10 years prior to the commencement of the Competition the designer of building structures participated in at least 2 cases in the preparation of project documentation at least of the building permit documentation stage ² for a design of a new building with the estimated investment costs for the construction of the new building of at least CZK 100 million excl. VAT (in each individual case) ³ ;

¹ 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 Design 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/>.

² The services referred to by the designer need not include engineering services in obtaining a building permit; however, such services must involve drawing up project documents at least of the as-built documentation stage based on which an enforceable building permit was issued.

³ 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 Design 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/>.

Designer of transport structures	in the last 10 years prior to the commencement of the Competition the designer of transport structures participated in at least 2 cases in delivering a transport infrastructure solution associated with the design of a new building with the estimated investment costs for the construction of the new building of at least CZK 100 million excl. VAT (in each individual case) ⁴ .
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In order to prove compliance with the abovementioned conditions for participation in the Competition , the Participant used a model affidavit of the Participant on the fulfilment of the conditions for participation in the Competition , and for the purposes of proving compliance with the conditions for participation in the Competition , pursuant to paragraph 4.1.1. e) of the Competition Terms and Conditions, the Participant stated the following for the individual members of the Participant's implementation team:

1. Architect

The Participant appointed the following person to the position of the "Architect": Ing. arch. Ivan Matys.

In the list of the Architect's reference projects, the following reference project was stated on behalf of the Architect:

Designation of the new surface building for which the architectural study was prepared: *Hotel Bellevue, Starý Smokovec*

The Architect's role within the preparation of the architectural study: *Author, co-author*

Month and year of the architectural study preparation: *2009-2010*

Estimated investment costs of the given new building in CZK without VAT: *300 mil.*

Contact details of the client: Not specified by the participant

The Participant did not list any other Architect's reference projects in the list of the Architect's reference projects.

Given that according to paragraph 4.1.1. e) of the Competition Terms and Conditions, the Contracting Authority required that the person, who will hold the position of the Architect, prepared or participated in the preparation of **at least 2 architectural designs** of a new building of civil amenities while in at least one case the estimated investment costs for the construction of the new building were equal to or exceeded CZK 100 million excl. VAT, and the Participant stated in the affidavit to prove compliance with the conditions for participation in the Competition, in relation to the person of the Architect, only a case of one architectural study in which the Architect participated, the Participant did not prove compliance with the conditions for participation in the Competition pursuant to paragraph 4.1.1. e) of the Competition Terms and Conditions in relation to the person of the Architect.

At the same time, also with regard to this one reference project mentioned by the Participant on behalf of the person of the Architect, it was not possible, based on the information submitted by the Participant, to assess without further, whether

⁴ 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 Design 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/>.

this reference project meets the requirements stipulated by the Contracting Authority, especially whether the architectural study in relation to the new building of *Hotel Bellevue, Starý Smokovec* was prepared by the Architect within the last 10 years before the commencement of the Competition. The Participant stated the period of years 2009-2010 as the implementation period of the mentioned architectural study and did not further specify the calendar month of completion of the architectural design, although the model affidavit required to add both month and year of the architectural study preparation exactly to determine the period of the architectural design preparation. Therefore, it cannot be ruled out that the architectural design was completed earlier than 10 years before the commencement of the Competition (i.e. before 4 September 2010).

However, due to the fact that the Participant did not meet the condition to document at least 2 architectural designs for a new surface building of a civic amenity, which the person of the Architect prepared or participated in the preparation of, no further verification was carried out whether the architectural study stated by the Participant with regard to the person of the Architect meets all the requirements set by the Contracting Authority in paragraph 4.1.1. e) of the Competition Terms and Conditions.

2. Designer of building structures (Designer of land structures)

The Participant appointed the following person for the position of "Designer of building structures": Ing. Maroš Mažáry.

In the list of the Designer of building structures reference projects, the following reference project was stated on behalf of the Designer of building structures:

Designation of the new surface building for which the project documentation was prepared, including the level of this project documentation: *Hotel Bellevue, Starý Smokovec*

The role of the designer in the project documentation preparation: *co-author*

Month and year of the project documentation preparation: *2009-2010*

Estimated investment costs of the given new building in CZK without VAT:
300 mil.

Contact details of the client: Not specified by the participant

The Participant did not list any other Designer of building structures reference projects in the list of the Designer of building structures reference projects.

Given that according to paragraph 4.1.1. e) of the Competition Terms and Conditions, the Contracting Authority required that the person, who will hold the position of the Designer of building structures, participated, within the last 10 years before the commencement of the Competition, **in at least 2 cases** in the preparation of project documentation at least of the building permit documentation stage for a design of a new building with the estimated investment costs for the construction of the new building of at least CZK 100 million excl. VAT, and the Participant stated, in the affidavit to prove compliance with the conditions for participation in the Competition, in relation to the person of the Designer of building structures, only a case of one prepared project documentation in the preparation of which the Designer of building structures participated, the Participant did not prove compliance with the conditions for participation in the Competition pursuant to paragraph 4.1.1. e) of the Competition Terms and Conditions in relation to the person of the Designer of building structures.

At the same time, also with regard to this one reference project mentioned by the Participant on behalf of the person of the Designer of building structures, it was not possible, based on the information submitted by the Participant, to assess without further, whether this reference project meets the requirements stipulated by the Contracting Authority, especially whether:

- a) the project documentation in relation to the new building of *Hotel Bellevue, Starý Smokovec* was prepared by the Designer of building structures at the required level of DSP, as this information was absent in the Participant's affidavit, and further
- b) whether the project documentation in relation to the new building of *Hotel Bellevue, Starý Smokovec* was prepared by the Designer of building structures within the last 10 years before the commencement of the Competition. The Participant stated the period of years 2009-2010 as the implementation period of the mentioned project documentation and did not further specify the calendar month of completion of the project documentation, although the model affidavit required to add both month and year of the project documentation preparation exactly to determine the period of the project documentation preparation. Therefore, it cannot be ruled out that the project documentation was completed earlier than 10 years before the commencement of the Competition (i.e. before 4 September 2010).

However, due to the fact that the Participant did not meet the condition to document at least 2 project documentations at least of the building permit documentation stage for a design of a new building, in the preparation of which the person of the Designer of building structures participated, no further verification was carried out whether the project documentation stated by the Participant with regard to the person of the Designer of building structures meets all the requirements set by the Contracting Authority in paragraph 4.1.1. e) of the Competition Terms and Conditions.

3. Designer of transport structures

The Participant appointed the following person to the position of the "Designer of transport structures": Ing. Ján Tomko.

In the list of the Designer of building structures' reference projects, the following reference project was stated on behalf of the Designer of building structures:

Designation of the new land structure for which the transport solution was prepared: *Hotel Bellevue, Starý Smokovec*

The role of the designer in the transport solution preparation: *co-author*

Month and year of the transport solution preparation: *2009-2010*

Estimated investment costs of the given new building in CZK without VAT:
300 mil.

Contact details of the client: Not specified by the participant

The Participant did not list any other Designer of transport structures' reference projects in the list of the Designer of transport structures' reference projects.

Given that according to paragraph 4.1.1. e) of the Competition Terms and Conditions, the Contracting Authority required that the person, who will hold the position of the Designer of transport structures, participated, within the last 10 years before the commencement of the Competition, **in at least 2 cases** in

delivering a transport infrastructure solution associated with the design of a new building with the estimated investment costs for the construction of the new building of at least CZK 100 million excl. VAT (in each individual case), and the Participant stated, in the affidavit to prove compliance with the conditions for participation in the Competition, in relation to the person of the Designer of transport structures, only a case of one prepared transport solution in the preparation of which the Designer of transport structures participated, the Participant did not prove compliance with the conditions for participation in the Competition pursuant to paragraph 4.1.1. e) of the Competition Terms and Conditions in relation to the person of the Designer of transport structures.

At the same time, also with regard to this one reference project mentioned by the Participant on behalf of the person of the Designer of transport structures, it was not possible, based on the information submitted by the Participant, to assess without further, whether this reference project meets the requirements stipulated by the Contracting Authority, especially whether:

- a) the transport solution in relation to the new building of *Hotel Bellevue, Starý Smokovec* was prepared by the Designer of transport structures within the last 10 years before the commencement of the Competition. The Participant stated the period of years 2009-2010 as the implementation period of the mentioned transport solution and did not further specify the calendar month of completion of the transport solution, although the model affidavit required to add both month and year of the transport solution preparation exactly to determine the period of the transport solution preparation. Therefore, it cannot be ruled out that the transport solution was completed earlier than 10 years before the commencement of the Competition (i.e. before 4 September 2010).

However, due to the fact that the Participant did not meet the condition to document at least 2 cases in delivering a transport infrastructure solution associated with the design of a new building with the estimated investment costs for the construction of the new building, in the preparation of which the person of the Designer of transport structures participated, no further verification was carried out whether the transport solution stated by the Participant with regard to the person of the Designer of transport structures meets all the requirements set by the Contracting Authority in paragraph 4.1.1. e) of the Competition Terms and Conditions.

With regard to the fact that the Participant did not state in its affidavit for the person holding the position of the "Architect", the person holding the position of the "Designer of building structures" and the person holding the position of the "Designer of transport structures", in each individual case, at least 2 reference projects that would meet the requirements for these reference projects specified by the Contracting Authority in paragraph 4.1.1. e) of the Competition Terms and Conditions, the Participant has not proven compliance with the conditions for participation in the Competition pursuant to point 4.1.1. e) of the Competition Terms and Conditions.

- 8. With regard to the fact that the Participant has not proven compliance with the conditions for participation in the Competition pursuant to point 4.1. of the Competition Terms and Conditions, due to the abovementioned reasons, the persons authorised by the Contracting Authority, pursuant to paragraph 10.7.1 of the Competition Terms and Conditions, to assess the compliance with the participation conditions, recommended that the Contracting Authority decides on the exclusion of the Participant from participation in the Competition. The jury will be informed of this fact at its evaluation meeting and the Competition Entry No. 20 will not be evaluated by the jury in the within the Competition.

Mgr. Josef Hlavička	On behalf of persons authorised by the Contracting Authority pursuant to paragraph 10.7.1 of the Competition Terms and Conditions	
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