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Transport Terminal Uherský Brod – Stage II – Part SŽDC

VOLUME 1

REQUIREMENTS AND CONDITIONS FOR TENDER DEVELOPMENT

Part 3

INSTRUCTIONS FOR THE CONTRACTOR



Správa železniční dopravní cesty

SPRÁVA ŽELEZNIČNÍ DOPRAVNÍ CESTY, STÁTNÍ ORGANIZACE

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1 INTRODUCTORY PROVISIONS

- 1.1 The Award Procedure for this public contract and all related legal relations shall be governed by the Czech law, particularly the Act No. 137/2006 Coll., on public contracts, as amended later, (hereinafter "**APC**") and other legal regulations. By submitting its tender the tenderer fully and without any reservations accepts the tendering conditions of this public contract.

The contracting entity will award this public contract in connection with the performance of relevant activity in the sense of provisions of Section (§) 4, paragraph 1, letter f) of APC and, in agreement with provisions of Section (§) 2, paragraph 7 of APC in combination with provisions of Section (§) 19, paragraph 1 of APC, the contracting entity shall not be obligated to proceed under APC when awarding the concerned public contract which is below the specified limit.

However, as the public contract is co-financed from the Swiss-Czech Cooperation Programme the contracting entity shall award the public contract in agreement with a manual for awarding of public contracts within the Swiss-Czech Cooperation Programme. In agreement with article 2 of the said manual, the contracting entity shall proceed in case of the concerned public contract as a public contracting entity and shall award the concerned public contract in an open procedure as described in Section (§) 27 of APC.

- 1.2 The tenderers seeking to win this public contract are expected to carefully read, follow and meet all instructions, deadlines and conditions and to fill out all forms contained in the tendering conditions of this public contract. Shortcomings in the submission of the tenders or in provision of required information or documents, which will mean a failure to meet the tendering conditions contained in the Notice of the public contract and further specified in the tendering documents, will result, depending on specific circumstances, in exclusion of the tender and disqualification of the tenderer from the award procedure of this public contract.
- 1.3 The article 12 of these Instructions for the contractor (hereinafter the "**Instructions**") specify the language of the submitted tenders. The set of documents that form the tendering conditions has been written in Czech.
- 1.4 The contractors shall submit their tenders for the entire subject matter of this public contract (i.e. for the entire construction project), as required in the tendering documents of this public contract. Tenders for implementation of a part of the subject matter of this public contract (for implementation of a lot of the construction) shall be viewed as tenders that do not meet tendering conditions of this public contract. For avoidance of doubt the contracting entity states that this public contract shall not be divided into lots in the sense of provisions of Section (§) 98 of APC.
- 1.5 The contractors shall bear all costs associated with participation in the award procedure for this public contract and the contracting entity shall be in no case responsible for such costs, regardless of the course and result of the award procedure. The contracting entity shall not be responsible or reimburse any expenses or losses which may be incurred by the contractor in connection with visits and investigations of the construction site or in connection with any other aspects of the award procedure.

2 IDENTIFICATION DATA OF THE CONTRACTING ENTITY

Správa železniční dopravní cesty, státní organizace
(Railway Infrastructure Administration, state organization)

Based at: Prague 1, Nové Město, Dlážděná 1003/7, Zip code (PSČ) 110 00

Registered in the Commercial Register kept by the Town Court in Prague,

Section A, entry 48384

Registration Number (IČ): 70994234 Tax Registration Number (DIČ): CZ70994234

Acting through Ing. Mojmír Nejezchleb, Deputy to the Director General for railway modernization, based on the authorization No. 1616 of 12 July 2013

3 CONTACT DATA FOR ADDITIONAL INFORMATION TO TENDERING CONDITIONS

The contractor shall submit all its written requests for additional information to the tendering conditions in person, by mail, e-mail or fax or other means of communication specified in Section (§) 148 of APC et seq. to the following contact address:

Správa železniční dopravní cesty, státní organizace
Stavební správa východ
Nerudova 1
772 58 Olomouc

Contact person: Milada Hofmanová, tel. 724 932 387, e-mail: hofmanova@szdc.cz
fax: 585 754 276.

4 PURPOSE AND SUBJECT MATTER OF PUBLIC CONTRACT PERFORMANCE

4.1 Purpose of the public contract

The construction project is one of the partial sections of the changing terminal in Uherský Brod. The purpose of the project is to create preconditions for development of an integrated transport system in locations with increased transport demand.

The objective of the project is interconnection between bus and railway transport which will improve both safety and comfort for passengers.

For more details of the purpose of the public contract see the other parts of the tendering documents.

4.2 Subject matter of the public contract

The subject matter of this public contract is the performance of construction works on railway superstructure and substructure, platform, communication equipment and energy installations (platform lighting and relaying of LV heavy current distribution lines) that make up the railway infrastructure.

An outdoor no-barrier platform will be developed and the adjoining track No. 4 will be put into operation, which will link the forecourt terminal to the track system.

A detailed description of the subject matter of the public contract is contained in Volume 3 of the Tendering documents – Design documents.

4.3 Classification of the subject matter of the public contract

- Code CPV 45.23.41.00-7, title – Railway construction.
- kód CPV 45213322-6, title - Výstavba železničních terminálů;
- kód CPV 45213320-2, title - Stavební úpravy objektů sloužících železniční dopravě.

4.4 Employer's binding requirements

The information and data provided in the tendering documents of this public contract define contracting entity's binding requirements for the public contract performance. When developing their tenders the tenderers shall meet the requirements fully and unconditionally. A failure to meet the contracting entity's requirements specified in the tendering documents of this public contract or any changes in the commercial or technical conditions will be viewed as a failure to meet the tendering conditions and will result in exclusion of the tenderer from further participation in the award procedure. Wherever the tendering conditions of this public contract contain reference to specific identification of products and services that are characteristic for a particular entrepreneur (persons) then the contracting entity permits the use of other solutions that are similar in terms of quality and technology and that meet the function required by the contracting entity (even in a different manner).

5 FUNDING SOURCES

- 5.1 This public contract is to be co-financed both from the funds of the Czech Republic - from the State Fund for Transport Infrastructure – and from the funds of the Swiss-Czech Cooperation Programme.
- 5.2 The final recipient of the funds from the sources mentioned in the article 5.1 of these Instructions is the Railway Infrastructure Administration, state organization (Správa železniční dopravní cesty, státní organizace) based at Prague 1, Nové Město, Dlážděná 1003/7, Zip code (PSČ) 110 00 (the contracting entity).
- 5.3 The expected value of the contract is 31.195.000 CZK (excl. VAT and excl. reserve).

6 ADDITIONAL INFORMATION TO THE TENDERING CONDITIONS

- 6.1 The contractor shall be entitled, in agreement with provisions Section (§) 49 of APC, to submit written requests for additional information to the tendering conditions. The written request shall be delivered to the contracting entity 6 working days at the latest before the deadline for submission of the tenders. A representative of the contracting entity or the contracting entity shall dispatch the additional information to tendering conditions or related documents, if any, 4 working days at the latest after receiving the contractor's request.
- 6.2 The additional information to the tendering conditions, including the accurate wording of the request , shall be sent by the contracting entity also to all the other contractors who requested the tendering documents or who received the tendering documents. The contracting entity shall not indicate identification data of the tenderer who submitted such requests. The contracting entity shall further proceed in agreement with Section (§) 49, paragraph 3 of APC.

7 CHANGES IN THE TENDERING CONDITIONS

- 7.1 The contracting entity reserves the right to subsequently change or to amend the tendering conditions of this public contract.
- 7.2 Any amendments to / changes in the tendering conditions of this public contract shall form the part thereof and shall be sent in a written form and at the same time to all contractors who requested the tendering documents or who received the tendering documents, and they shall be also published in agreement with Section (§) 49 of APC.

- 7.3 Any amendments to / changes in the tendering conditions of this public contract will be issued by the contracting entity or by a representative of the contracting entity in form of an amendment to the tendering conditions.

8 CONTENT OF TENDERING DOCUMENTS

- 8.1 The tendering documents shall include the following documents and they shall be interpreted in combination with any amendments issued in agreement with the articles 6 and 7 hereof:

VOLUME 1 REQUIREMENTS AND CONDITIONS FOR TENDER DEVELOPMENT

Part 1	Notice of the public contract
Part 2	Basic information about the public contract
Part 3	Instructions for the contractor

VOLUME 2 BINDING CONTRACT SAMPLE

Part 1	Contract for Work for the construction, including appendices
	Appendix No. 1 Commercial terms
	Appendix No. 2b General technical conditions for implementation of constructions
	Appendix No. 2c Special technical conditions

VOLUME 3 DESIGN DOCUMENTS FOR THE CONSTRUCTION

VOLUME 4 LIST OF WORKS

Part 1	Commentary to the list of works
Part 2	Price summary
Part 3	List of work structured by operational stock (PS), building objects (SO) and other items

- 8.2 The contracting entity will enable access to the contractor to all its internal regulations at: <http://www.tudc.cz/index.php/cs/zhotovitelestavby>.

Legal regulations of the Czech Republic are publicly accessible on the following website of the Ministry of the Interior: <http://aplikace.mvcr.cz/sbirka-zakonu/>.

Access to Czech technical standards (ČSN) can be obtained on order on the following website of the Czech Office for Standards, Metrology and Testing: <http://www.unmz.cz/urad/csn-on-line>.

- 8.3 It is the sole responsibility of the contractors to carefully read the tendering documents of this public contract, including design documents of the construction that are a part thereof, any amendments to tendering documents or any changes thereof issued during the time period for tenders submission, and to obtain reliable information relating to any and all conditions and obligations which may in any way affect the price and correctness of the tender or performance of the construction.

9 CONTRACTING ENTITY'S REQUIREMENTS FOR QUALIFICATION

- 9.1 The contractors shall demonstrate that they meet qualification requirements in agreement with provisions of Section (§) 50 et seq. of APC subject to the conditions specified in the Notice of the public contract and as specified in more detail herein.
- 9.2 The demonstration of compliance with the qualification requirements will be assessed in agreement with Section (§) 59 of APC. In agreement with Section (§) 59, paragraph 4 of APC,

the contracting entity, or a commission established by the contracting entity, may demand that contractors should explain in written the submitted information or documents and submit additional information or documents that demonstrate fulfillment of the qualification requirements. The contractor shall meet the obligation within a reasonable time limit specified by the contracting entity. A failure to meet the obligation by the contractor within the time limit specified by the contracting entity will be viewed as a failure to meet the qualification requirements.

A contractor who has failed to meet the qualification requirements in the required scope will be excluded by the contracting entity from participation in the award procedure.

9.3 For the avoidance of any doubt the contracting entity states that the contractors shall submit in their tenders **simple copies of documents demonstrating fulfillment of the qualification requirements**. Before concluding a contract for the performance of this public contract the contracting entity requires that the contractor shall submit originals or authenticated copies of the documents demonstrating fulfillment of the qualification requirements. The documents demonstrating fulfillment of basic qualification requirements and the excerpt from the commercial register shall not be older than 90 days on the date on which the tender is submitted.

9.4 **Demonstration of fulfillment of basic qualification requirements:**

- The contracting entity requires, in the sense of Section (§) 50, paragraph 1, letter a) of APC, demonstration of fulfillment of basic qualification requirements under Section (§) 53, paragraph 1 of APC, in a manner specified in Section (§) 53, paragraph 3 of APC.
- The basic qualification requirements under Section (§) 53, paragraph 1 of APC are fulfilled by those contractors,
 - a) that have not been finally sentenced for crimes committed to the benefit of a criminal conspiracy, by participation in criminal conspiracy, legalization of proceeds from criminal activity, accessoryship, accepting bribes, bribery, indirect bribery, fraud, loan fraud, including cases of preparation for and attempts of or conspiracy for such crime, or if such sentences pronounced for such crimes have been expunged; in the case of legal entities, such qualifications shall be complied with by the statutory body or each member of the statutory body, and if a legal entity acts as the statutory body or a member of the statutory body of a contractor, such qualifications shall be complied with by the statutory body or each member of the statutory body of such legal entity; if a tender or request to participate is submitted by a foreign legal entity via its branch, the qualifications under this subparagraph shall be complied with, beside the above described persons or entities, also by the head of the branch; such basic qualifications shall be complied with by the contractor both in the territory of the Czech Republic and in the country of its registered office, place of business or residence;
 - b) that have not been finally sentenced for crimes the facts of which relate to the objects of the contractors pursuant to special legislation or if such sentence pronounced for such crimes has been expunged; in the case of legal entities, such qualifications shall be complied with by the statutory body or each member of the statutory body, and if a legal entity acts as the statutory body or a member of the statutory body of a contractor, such qualifications shall be complied with by the statutory body or each member of the statutory body of such legal entity; if a tender or request to participate is submitted by a foreign legal entity via its branch, the qualifications under this subparagraph shall be complied with, beside the above described persons or entities, also by the head of the branch; such basic qualifications shall be complied with by the contractor both in the territory of the Czech Republic and in the country of their registered office, place of business or residence;
 - c) that have not in the past three years accomplished the state of fact of unfair competition by bribery pursuant to special legislation;

- d) whose assets have not been in the past three years subjected to adjudication of bankruptcy or bankruptcy petition has not been rejected due to lack of assets on the part of the contractor or in respect of which composition has not been permitted or forced administration imposed pursuant to special legislation;
- e) that have not been in liquidation;
- f) that have no tax arrears registered in their tax records, both in the Czech Republic and in the country of their registered office, place of business or residence;
- g) that have no arrears in respect of the payment of the public health insurance premiums or any penalties, both in the Czech Republic and in the country of their registered office, place of business or residence;
- h) that have no arrears in respect of the payment of the social policy and the state employment policy contributions, both in the Czech Republic and in the country of their registered office, place of business or residence; and
- i) that have not been finally disciplinary punished in the past three years or that have not been finally subjected to punitive measures pursuant to special legislation if proof of professional qualifications pursuant to special legislation is required pursuant to Section (§) 54, letter (d) of APC; if the contractors perform such activity through an authorized agent or any other person liable for the activities of the contractors, such qualifications shall be complied with by those persons;
- j) that are not listed in the register of persons banned to perform public contracts;
- k) that have not been finally fined in the past 3 years for enabling performance of illegal work pursuant to special legislation.

- Method of demonstration of fulfillment of basic qualification requirements

The contractors shall, in agreement with Section (§) 53, paragraph 3 of APC, submit documents that demonstrate fulfillment of basic qualification requirements under Section (§) 53, paragraph 1 of APC, in the following scope:

- for demonstration of compliance with the qualification requirement under Section (§) 53, paragraph 1, letters a) and b) of APC an extract from the Criminal Register of the Czech Republic, which shall not be older than 90 days on the date on which the tender is submitted.
- in case of legal entities, the requirement shall be met both by the legal entity and its statutory bodies (e.g. in case of a limited liability company) or by each member of the statutory body (e.g. in case of a joint-stock company), and if the contractor's statutory body or a member of the contractor's statutory body is a legal entity then the requirements shall be fulfilled both by the legal entity and its statutory body or each member of the statutory body of that legal entity; ; if a tender or request to participate is submitted by a foreign legal entity via its branch, the basic qualification requirement shall be complied with, beside the above described persons or entities, also by the head of the branch; such basic qualification requirement shall be complied with by the contractor both in the territory of the Czech Republic and in the country of their registered office, place of business or residence;
- for demonstration of compliance with the qualification requirement under Section (§) 53, paragraph 1, letters c), d) and e) of APC an affidavit, which shall not be older than 90 days on the date on which the tender is submitted, and which positively indicates fulfillment of the respective qualification requirement. The affidavit shall be signed by a person entitled to act on behalf of the contractor or in the contractor's name;
- for demonstration of compliance with the qualification requirement under Section (§) 53, paragraph 1, letter f) of APC a certificate by the respective tax authority and in respect to the excise tax an affidavit, which shall not be older than 90 days on the date on which the tender is submitted. The affidavit shall be signed by a person entitled to act on behalf of the contractor or in the contractor's name;
- for demonstration of compliance with the qualification requirement under Section (§) 53, paragraph 1, letter g) of APC an affidavit, which shall not be older than 90 days on

the date on which the tender is submitted, and which positively indicates fulfillment of the respective qualification requirement in respect to all health insurance companies. The affidavit shall be signed by a person entitled to act on behalf of the contractor or in the contractor's name;

- for demonstration of compliance with the qualification requirement under Section (§) 53, paragraph 1, letter h) of APC a certificate issued by the relevant social security authority, which shall not be older than 90 days on the date on which the tender is submitted;
- for demonstration of compliance with the qualification requirement under Section (§) 53, paragraph 1, letters i), j) and k) APC an affidavit, which shall not be older than 90 days on the date on which the tender is submitted, and which positively indicates fulfillment of the respective qualification requirement. The affidavit shall be signed by a person entitled to act on behalf of the contractor or in the contractor's name;

A sample of the affidavit on fulfillment of the basic qualification requirements is provided in Appendix No. 8 hereto.

- A statement demonstrating fulfillment of the basic qualification requirement under Section (§) 53, paragraph 1, letter i) of APC submitted by each responsible representative or another person through whom the contractor meets the requirement of professional capability required under Section (§) 54, letter d) of APC. For the purposes of this public contract the term "another person" responsible for the respective activity of the tenderer shall mean all persons through whom the tenderer performs the activities subject to demonstration of professional capability required by the contracting entity in the article 9.5 hereof, i.e. each authorized engineer and technician involved in the construction, officially authorized surveyor engineer and worker professionally qualified in electrotechnics with electrical engineering training, whose documents shall be submitted by the tenderer in its tender in order to demonstrate professional capability under Section (§) 54, letter d) of APC. For demonstration compliance with this basic qualification requirement the contracting entity will also accept an affidavit signed by the contractor, which will indicate that a specific person (identified by his/her name in the affidavit), who has demonstrated the professional qualification (required under Section (§) 54, letter d) of APC) was not in the past three years subject to punitive or disciplinary action.

9.5 Demonstration of fulfillment of professional qualification requirements:

- The contracting entity requires the contractor to submit its excerpt from the Commercial Register, if the contractor is registered therein, or an excerpt from another similar register, if any.
- The contracting entity requires the contractor to submit a document that authorizes the contractor to do business under special legal regulations in the scope corresponding to the subject matter of the public contract, particularly an authorization to conduct trade or a license. The contractor, in agreement with the Act No. 455/1991 Coll., as amended later, shall demonstrate the authorization to conduct trade with an excerpt from the trade register or, before receiving the excerpt, with a notification with a proved delivery to the Trade Licensing Office (for notifiable trades). The contractor shall submit authorizations to conduct business at least for the following activities:
 - Implementation of construction projects, their changes and removal,
 - Revisions, inspections and tests of specified technical equipment in operation,
 - Performance of surveyor activities,
 - Designing activities in the building sector,
 - Hazardous waste management.

- The contracting entity requires the contractor to submit a document on authorization in the scope under provisions of Section (§) 5, paragraph 3, letter **a), b) and e)** of the No. 360/1992 Coll., on performance of the profession of authorized architects and performance of the profession of authorized engineers and technicians in the building sector, as amended later.
- The contracting entity requires the contractor to submit an official authorization for verification of results of surveyor activities in the scope under Section (§) 13, paragraph 1 letters **a) and c)** of the Act No. 200/1994 Coll., on surveying and mapping and on changes and amendments of some acts in connection with its introduction.

The above-mentioned documents that define the professional capability shall certify the professional capability of the contractor him/herself (if he/she is a physical person) or another person who will perform the respective activity for the contractor.

9.6 Economic and financial capability:

- The contracting entity requires the contractor to submit an affidavit about the contractor's economic and financial capability to perform the public contract.

9.7 Technical qualification requirements:

- The contracting entity requires the contractor to submit a list of construction works performed by the contractor on railway infrastructure construction projects in the past 5 years (hereinafter "**construction works**"). Meanwhile, the contractor shall demonstrate by the submitted list of construction works that in the past 5 years the volume of construction works performed by the contractor in at least one of those years, including potential subcontracts, amounted in total to at least **35 million CZK** excl. VAT. The list submitted by the contractor shall also demonstrate that in the past 5 years it performed construction works on at least one platform construction project (550 above the rail surface) on a railway with the boarding edge at least 100 m long; the fact shall be explicitly stated for the respective construction project mentioned on the list and used to demonstrate the qualification by the contractor. The fact to determine the beginning of the five-year period is the last day of the deadline for submission of the tenders.

The contracting entity also demands that the tenderer should demonstrate in submitted list of construction works implemented in the past five years a sufficient number of implemented construction works where the value of each completed job order amounted at least to **7 million CZK** excl. VAT ("the most significant construction works"), while the total value of the most significant construction works performed in the past 5 years by the contractor shall amount to at least **17.5 million CZK**, excl. VAT, including potential subcontracts.

Enclosed to the list shall be certificates from the employers about proper performance of the most significant construction works. The certificates shall include the price, time and place of performance of the construction works and they shall include the information whether the construction works were performed duly and professionally. The certificates shall be submitted also in those cases where the employer was the Railway Infrastructure Administration, state organization (Správa železniční dopravní cesty, státní organizace,) or České dráhy, a.s.

The contractor shall also submit a client's certificate or an affidavit to prove fulfillment of the qualification requirement in respect to completed construction works on the railway platform, as stated in the first paragraph of this bullet.

The list of construction works shall be submitted in the form of Appendix No. 5 hereto and the respective certificates shall be attached thereto.

Provided the employer's certificate about proper performance of a particular construction project is issued for a consortium of contractors and the contractor (tenderer) was a member of such an association then the contractor shall provide additional documents (e.g. association

agreement or additional statement by the employer to the issued certificate of proper performance) to demonstrate that it performed the volume required for the most significant construction works within the association of contractors. Provided the tenderer was a member of an association of contractors but the employer's certificate or proper performance of the construction works has been issued only for that given contractor, as a member of the association of contractors, including statement of the price of the construction works performed solely by that contractor, then no additional documents mentioned in the previous sentence will be required. Provided an association of contractors obtained a certificate of proper performance of specified construction works and the same association made up of the same members submits its tender to this award procedure then the certificate will be considered sufficient.

- The contracting entity requires the contractor to submit a list of contractor's personnel indicated below. The contractor's personnel shall be composed of the members of personnel in the "primary role" and the members of personnel in the "assisting role", as specified below. Enclosed to the list shall be professional résumés of each of the individuals, documents of their highest level of education and documents demonstrating their professional qualification. To perform this public contract the contractor shall have the personnel available (regardless of whether they are contractor's employees or cooperate with the contractor on another basis) who meet the following conditions (which shall be supported by documents submitted by the contractor):

Members of personnel in the "primary role"

a) site manager (manager of works)

- at least secondary education, technically oriented;
- at least 10 years of experience in the management (as a contractor) of railway construction projects;
- experience in a management position in the implementation of railway infrastructure construction projects, at least one of them with a railway construction project amounting to at least 35 million CZK, excl. VAT;
- an authorization document in the scope of authorization under Section (§) 5, paragraph 3, letter b) of the Act No. 360/1992 Coll., on performance of the profession of authorized architects and performance of the profession of authorized engineers and technicians in the building sector, i.e. authorization for traffic infrastructure projects;

b) specialist (manager of works) in rail superstructure and substructure

- at least secondary education, technically oriented;
- at least 5 years of experience in the field which is the subject matter of this public contract;
- experience in the same or a similar position in the implementation of railway infrastructure construction, at least one of such projects being a railway construction project amounting to at least 35 million CZK, excl. VAT;

c) specialist (manager of works) in civil engineering

- at least secondary education, technically oriented;
- at least 5 years of experience in the field which is the subject matter of this public contract;
- experience in the same or a similar position in the implementation of railway infrastructure construction, at least one of such projects being a railway construction project amounting to at least 35 million CZK, excl. VAT;

d) specialist (manager of works) in communication and safety equipment

- at least secondary education, technically oriented;

- at least 5 years of experience in the field which is the subject matter of this public contract;
- a document proving electrical engineering qualification under Section (§) 8 and Annex No. 4 to the Decree No. 100/1995 Coll., specifying the conditions for the operation, construction and production of specific technical devices, and their specification (Code of Specific Technical Devices), as amended, for a knowledgeable person with higher qualification
- a certificate under the Decree No. 50/1978 Coll., on professional capability in electrical engineering, as amended later, in the scope under Section (§) 8 for workers managing activities performed by a contractor method;
- experience in the same or a similar position in the implementation of railway infrastructure construction, at least one of such projects being a railway construction project amounting to at least 35 million CZK, excl. VAT;

e) Officially authorized surveyor engineer

- university degree in surveyor specialization;
- at least 5 years of experience in the field;
- authorized for verification of results of surveyor activities in the scope under Section (§) 13, paragraph 1, letters **a)** and **c)** of the Act No. 200/1994 Coll., on surveying and mapping and on changes and amendments of some acts in connection with its implementation.
- experience in the same or a similar position in the implementation of railway infrastructure construction, at least one of such projects being a railway construction project amounting to at least 35 million CZK, excl. VAT;

Members of personnel in the “assisting role”

f) person responsible for quality management

g) Person responsible for occupational safety and health

h) Person responsible for environmental protection

i) Person responsible for waste management

The position of each member of personnel in the “assisting role” shall always be held by some of the members of personnel in the “primary role”. However, none of the members in the “primary role” may hold more than two positions as members of personnel in the “assisting role”, and the member of personnel in the “assisting role” who serves as person responsible for occupational safety and health may not concurrently hold another position as member of personnel in the “assisting role”.

A list of contractor’s personnel shall be submitted in the form provided in Appendix No. 6 hereto and résumés of all members of the contractor’s personnel shall be submitted in the form provided in Appendix No. 7 hereto.

The contractor shall not be allowed to demonstrate meeting of the qualification requirements through its employee or a person in another relationship to the contractor if the person is also the employee of the contracting entity as at the date of the tender submission. The information about such facts shall be provided in the résumé in the form indicated in the Appendix No. 7 under letter n). A failure to meet this condition shall be the grounds for exclusion of the contractor from the award procedure.

9.8 General instructions to prove fulfillment of qualification requirements:

The fulfillment of qualification requirements may be proved by the contractor also with an excerpt from a list of qualified contractors, in agreement with and under the conditions specified in Section (§) 127 of APC, or with a valid certificate issued within the system of certified contractors, in agreement with and under the conditions specified in Section (§) 134 of APC, or with an excerpt from a foreign list of qualified contractors or with a respective foreign certificate, under the conditions stated in Section (§) 143 of APC. In case that a qualification cannot be demonstrated with a list of qualified contractors (or respective certificate) the contracting entity requires the contractor to submit specified documents and forms. The contracting entity shall accept an excerpt from a list if the excerpt is not older than 3 months as on the last day on which the fulfillment of qualification requirements is to be proved. Validity of a certificate issued within a system of certified contractors is 1 year after its issuance date. An excerpt from a foreign list shall not be older than 3 months. A foreign certificate shall be valid on the last day on which the fulfillment of qualification requirements is to be proved.

A foreign contractor shall prove fulfillment of qualification criteria as indicated in Section (§) 51, paragraph 7 of APC. Unless established otherwise in a special legal regulation, a foreign contractor shall prove fulfillment of qualification under Section (§) 51, paragraph 7 of APC in agreement with the law of the country where it is based, where it conducts business or at the place of his/her residence and in the scope required by APC and by the public contracting entity. Provided a particular document is not issued according to the law of the country where the foreign contractor is based, where it conducts business or at the place of his/her residence, then the foreign contractor shall prove fulfillment of that part of the qualification with an affidavit. If the obligation, the fulfillment of which is to be proved within the qualification requirements, does not exist in the country where the foreign contractor is based, where it conducts business or at the place of his/her residence then the foreign contractor shall make an affidavit about that. Documents that prove fulfillment of qualification requirements are submitted by the foreign contractor in the original language with attached official translations into Czech, unless established otherwise by the contracting entity in the tendering conditions or in an international treaty binding for the Czech Republic; the same applies in the case that the fulfillment of qualification requirements is proved by documents in another language than Czech by a contractor based at, with place of business or residential address in the Czech Republic. The obligation to attach official translations into Czech shall not apply to documents in Slovak.

Excerpts from the Criminal Register of the Czech Republic are issued by the Criminal Register (Rejstřík trestů). Certificates of tax arrears of foreign contractors in the Czech Republic are issued by the Financial Authority for Prague 1 and certificates of arrears of foreign contractors in the Czech Republic in respect to premiums and penalties for social security and the state employment policy contributions shall be issued by the Prague social security administration (Pražská správa sociálního zabezpečení).

Provided a contractor submits an excerpt from a list of qualified contractors, under Section (§) 127 of APC, then the excerpt serves as a proof of fulfillment of basic qualification requirements under Section (§) 53, paragraph 1 of APC and professional qualification requirements under Section (§) 54, letter a) through d) in the scope in which the documents proving fulfillment of such professional qualification requirements cover the requirements of the contracting entity for demonstration of fulfillment of the professional qualification requirements for performance of the public contract. Any part of the qualification which has not been proved by the excerpt shall be proved by the contractor to the contracting entity with required documents.

Provided a contractor submits a certificate issued within a system of certified contractors under Section (§) 133 et seq. of APC, then the certificate replaces, in the scope of data contained therein, the proof of fulfillment of qualification requirements by the contractor. Any part of the qualification which has not been proved by the certificate shall be proved by the contractor to the contracting entity with required documents.

The contracting entity expressly states that if the contractor submits to the contracting entity also an excerpt from a list of qualified contractors or a certificate issued within a system of certified contractors then the contractor has no obligation to provide in its tender documents to prove fulfillment of qualification requirements in the scope in which the excerpt from the list

or the certificate cover the requirements of the contracting entity for demonstration of fulfillment of the qualification requirements.

If the contractor is unable to prove fulfillment of a specific part of the qualification required by the contracting entity in the full scope then the contractor shall be entitled to prove fulfillment the missing portion of qualification through a subcontractor.

In that case the contractor shall submit to the contracting entity:

- documents that prove fulfillment of basic qualification requirements under Section (§) 53, paragraph 1, letter j) of APC and professional qualification requirements under Section (§) 54, letter a) of APC by the subcontractor and
- a contract concluded with the subcontractor which establishes the subcontractor's commitment to provide specified performance for the public contract to be performed by the contractor or to make items or rights available to the contractor for the performance of the public contract, at least in the scope in which the subcontractor has proved fulfillment of qualification requirements under Section (§) 50, paragraph 1, letters b) and d) of APC.

The contractor shall not be entitled to prove through a subcontractor fulfillment of basic qualification requirements and the excerpt from the Commercial Register, if the contractor is registered therein, or from a similar register, if any.

10 OTHER INFORMATION/DOCUMENTS SUBMITTED BY THE CONTRACTOR

10.1 In order to fulfill other requirements of the contracting entity for performance of the public contract all contractors shall provide in their tenders the following information, documents and certificates:

- Documents containing information about the contractor and its identification data. The document will be submitted in the form contained in Appendix No. 2 hereto.
- Data concerning all subcontractors and a defined portion of the performance to be performed by subcontractors. The data will be submitted in the form contained in Appendix No. 3 hereto.
- A list of statutory bodies or members of statutory bodies who were in the past 3 years before the deadline for tenders submission employed by the contracting entity or had a functional or similar relation to it.
- If the contractor is a joint-stock company, a list of shareholders whose total nominal value of share exceeds 10 % of the registered capital, as at the time for the submission of tenders.
- Contractor's statement to the effect that it has not concluded and will not conclude a prohibited agreement under a special legal regulation (Act on the protection of competition) in connection with the public contract hereunder.
- The Schedule of performance in the form indicated in Appendix No. 10 hereto. The Schedule of performance shall include a graphical rendering of the performed works (Schedule of works) and brief descriptions of the main activities, with indication of sequence and times, which the contractor is planning to perform the public contract, including financial amounts by months. In the Schedule of performance the tenderer shall always indicate periods of time in which it is planning to submit technological procedure and inspection and testing plan ("KZP") for approval.

The tenderer shall take into account prevailing climatic conditions, requirements for document development, required construction methods and procedures and specified traffic closure times.

Unless the special technical conditions specify otherwise, the tenderer shall observe the construction procedures approved by the railway operator in the plan of construction organization (POV) of the project (specification of the closed tracks, contact lines and safety equipment) and the tenderer shall also assume that durations of the construction processes (and also the number of short-term closures for reconstruction of traction), as specified by the designer, are the maximum durations.

In the preparation of the Schedule of performance the tenderer shall also take into account that the construction project must be mutually coordinated with the portion of the construction project arranged by the City of Uherský Brod. In the Schedule of performance the tenderer shall reflect the deadlines envisaged by the Schedule of performance applicable to the portion of the construction project arranged by the City of Uherský Brod.

- The tenderer shall attach to the tender the information whether employees of more than one contractor will be working on the site, in the sense Section (§) 14, paragraph 1 of the Act No. 309/2006 Coll., on provision of additional conditions of occupational safety and health, as amended later. The tenderer shall attach to the tender the information whether, given the anticipated plan of performance of the work, one of the conditions will be met under letter a) or b) of Section (§) 15, paragraph 1 of the Act No. 309/2006 Coll., on provision of additional conditions of occupational safety and health, as amended later. The information shall be in the form contained in Appendix No. 9 hereto.

10.2 Submission of a tender by several tenderers jointly:

- If a tender is submitted by several persons jointly then they need to provide information about their association or another form of partnership (hereinafter the “association of tenderers”). The information shall be submitted in the form contained in Appendix No. 4 hereto.
- If a tender is submitted by several persons jointly (as an association of tenderers) then they shall attach to the tender (as an enclosure to the document under Appendix No. 4 hereto) an original or authenticated copy of a contract which indicates a binding commitment of all the tenderers to be responsible jointly and severally to the contracting entity and to any third persons for any obligations in connection with the public contract, performance of the subject matter of the public contract or as a result of delay or other violation of contractual or other obligations resulting from performance of the subject matter of the public contract, unless a special legal regulation establishes otherwise.
- One of the members of the association of tenderers in the above-mentioned contract shall be identified as a leading member (main contractor). The leading member shall be entitled to accept obligations and instructions for and on behalf of each and all members and shall be also entitled to receive payments from the employer. The leading member shall prove its authorization with a power of attorney which shall be contained in the said contract.
- The basic qualification requirements specified in Section (§) 53, paragraph 1 of APC and the requirement for professional qualifications in Section (§) 54, letter a) of APC shall be fulfilled by each member of the association in the full scope. Fulfillment of the other qualification requirements shall be proved by all associated contractors jointly.

10.3 Limitation of subcontracting:

- The contracting entity has not defined any parts of the subject matter of the public contract that cannot be performed by a subcontractor.

10.4 Draft contract for performance of the public contract:

- The tenderer shall submit only one draft of a contract for performance of the public contract. Binding requirements of the contracting entity for the content of the contract are provided in the binding example of the contract, in Volume 2 entitled Binding contract sample. The tenderer shall not be entitled to make any changes in or additions to the binding requirements of the contracting entity, except the data which need to be entered into the binding requirements or unless indicated otherwise herein. The tenderer shall enter into the binding contract sample, among other things, the following facts (subject to the instructions provided below):
 - the total tender price excl. VAT shall be entered into the contract body and structured under requirements specified in the article 14 hereof;
 - the following information shall be entered in Appendix No. 6 to the binding contract sample, in the section of authorized persons:
 - contact information about persons specified in the Appendix, who are authorized to act on behalf of the contractor in matters of implementation of the subject matter of the public contract. All contact data of the authorized persons (address, e-mail, telephone, fax) shall be their working details and the authorized persons shall be reached through them in connection with the performance working duties in matters associated with implementation of the subject matter of the public contract.
- If a tender is submitted by a physical and not by a legal person as the tenderer then the tenderer shall be entitled to further adapt the contract draft but only with regard to that fact.
- If a tender is submitted by several persons jointly then the tenderer shall be entitled to make such changes in the binding contract sample, as necessary due to the fact that several persons have associated to submit the tender jointly. The tenderer shall be entitled to adapt particularly the heading of the contract on the contractor side, the article 1.2. and the signing clause on the contractor side. However, the tenderer shall be in no case entitled to change the scope of rights and obligations under the contract.
- The contract draft shall be on the tenderer's side signed by the statutory body or by a person who is in a documented manner authorized to act on behalf of the tenderer; in that case the tenderer shall include in the tender an original or an authenticated copy of the authorization. Provided the draft of the contract has not been signed it shall not be considered a duly submitted contract draft. If the submitted contract draft is not signed (in conflict with Section (§) 71, paragraph 9, letter b) of APC) the tender shall not meet the requirements under Section (§) 71, paragraph 9 of APC and it will be excluded and the tenderer will be disqualified from participation in the award procedure. If the tender is submitted by several tenderers jointly (by an association of tenderers) then the contract draft shall be signed by statutory bodies or by persons who are in a documented manner authorized to act on behalf of all the tenderers who make up the association or by the tenderer who has been expressly authorized for such act by other members of the association.

11 INSPECTION OF THE PLACE OF PERFORMANCE (BUILDING SITE)

- 11.1 An inspection of the place of performance is not necessary for development of the tender or performance of the public contract. The contractor shall be entitled to visit and inspect the place of performance of this public contract and its proximity or to send to the contracting entity a written request so that the contracting entity arranges an organized inspection of the place of performance and its proximity in order to evaluate the costs and risks and to identify data which might be necessary for development of the tender and for conclusion of the contract for performance of the public contract. In respect to the request the contracting entity shall enable the inspection of the place of performance at the time specified by the contracting entity in the additional information to the tendering conditions. The contractor shall be entitled to request the inspection of the place of performance through a written request which shall be delivered to the contracting entity 20 days at the latest before the deadline for the submission of tenders.

12 LANGUAGE OF THE TENDERS

- 12.1 The tender, the certificates and the documents submitted in the tender or relating to it (except the documents under the article 12.2 hereof), any correspondence, including questions of the contractors to the tendering conditions, shall be provided in Czech.
- 12.2 Documents used by a foreign person to prove fulfillment of qualification requirements shall be submitted in the original language, including their official translations into Czech, unless an international treaty binding for the Czech Republic establishes otherwise. The same applies in the case that the fulfillment of qualification requirements is proved by documents in another language than Czech by a contractor based at, with place of business or residential address in the Czech Republic. The obligation to attach official translations into Czech shall not apply to documents in Slovak. In case of a discrepancy between the original and the translation the Czech version shall prevail.

13 CONTENT AND SUBMISSION OF THE TENDERS

- 13.1 The tenders are submitted in a documentary form in the Form for tender submission which is contained in Appendix No. 11 hereto. Each tender shall be submitted in 1 original + 1 copy, within the deadline and in a manner specified in the Notice of the public contract and in Section (§) 69, paragraph 5 of APC, and delivered to the address:

Správa železniční dopravní cesty, státní organizace, Stavební správa východ, Nerudova 1, 772 58 Olomouc, mail room No. 3.01, on working days from 8:00 to 14:00.

- 13.2 The original copy of the tender shall be marked as “Originál” (Original) and its copy shall be marked as “Kopie” (Copy). The envelope with the tender shall be marked with the name of the public contract, the inscription “Neotvírat” (Do not open) and address to which a notice should be sent under Section (§) 71, paragraph 6 of APC by the contracting entity to inform the contractor that the tender was submitted after the deadline for the submission of tenders. Apart from the documentary form, the tenderer shall also submit the tender in an electronic form on a CD; this obligation concerns the contract draft, including Appendix No. 6, and an appraised list of works. The information on the CD shall be only informative. Each tenderer shall submit a draft contract in electronic form using Word (.doc), PDF, or another format in which the document has been developed, except the documents submitted in Excel (.xls) format.
- 13.3 The tender shall be submitted in the following structure:

- Form for tender submission contained in Appendix No. 11 hereto.
- Information about the tenderer (contractor) and its identification data in the form contained in Appendix No. 2 hereto.
- Power of attorney, if required
- The content of the tender indicating chapters and their page numbers, including a list of appendices.
- Information about association of tenderers in the form contained in Appendix No. 4 hereto, including a contract about the association in the sense of Section (§) 51, paragraph 6 of APC (if the tenderer is an association).
- Affidavit on probity in the form contained in Appendix No. 12 hereto.
- Document about payment of a security under the article 16 hereof.
- Documents proving fulfillment of basic qualification requirements; the affidavit may be provided in the form contained in Appendix No. 8 hereto.
- Documents proving fulfillment professional qualification requirements.
- Contractor's affidavit about its economic and financial capability to fulfill the public contract.
- Documents proving fulfillment of technical qualification requirements, i.e. a list of construction works in the form contained in Appendix No. 5 hereto, a list of contractor's personnel in the form contained in Appendix No. 6 hereto and résumés of the individual members of the contractor's personnel in the form contained in Appendix No. 7 hereto.
- Documents relating to subcontractors through which the contractor proves a certain part of the qualification.
- Data about subcontractors in the form contained in Appendix No. 3 hereto.
- A list of statutory bodies or members of statutory bodies who were in the past 3 years before the deadline for tenders submission employed by the contracting entity or had a functional or similar relation to it.
- If the contractor is a joint-stock company, a list of shareholders whose total nominal value of share exceeds 10 % of the registered capital, as at the time for the submission of tenders.
- Contractor's statement to the effect that it has not concluded and will not conclude a prohibited agreement under a special legal regulation in connection with the public contract hereunder.
- Draft of the contract for performance of this public contract, developed in agreement with the instructions contained herein, i.e. by entering information in the contract body and the Appendix No. 6, while the other appendices do not have to be attached to the draft contract and will be attached by the contracting entity before the contract is signed.
- Information whether employees of more than one contractor will be working in the site, in the form contained in Appendix No. 9 hereto.
- Schedule of performance as contained in Appendix No. 10 hereto, developed in agreement with the requirements of the contracting entity specified in the article 10.1 hereof.
- Other documents as considered appropriate by the tenderer, not covered by the other parts of the tender.
- An appraised list of works, including summary price tables, by building objects (SO) and operational stocks (PS) and general items contained in Volume 4, Part 2 of the tendering documents.

- Statement of the number of numbered pages and the total number of pages.
- The tender in an electronic form on a CD.

- 13.4 The tenderer shall clearly separate individual parts of the tender with color paper sheets.
- 13.5 The requirements for the structure of the tender, as provided in this section hereof, shall be understood as recommendations.
- 13.6 Documents that are supposed to be signed in agreement herewith shall be signed on respective pages of such documents by a person(s) authorized to act in the name or on behalf of the tenderer or by the person that is required to sign the respective document.

14 REQUIREMENTS FOR TENDER PRICE SPECIFICATION

- 14.1 The tender price shall cover performance of all works (on the work itself and supporting works) necessary for proper implementation of the subject matter of this public contract in agreement herewith and in agreement with the tendering conditions of this public contract as a whole, including development of detail design documents, as-built documents and as-built geodetic documents.
- 14.2 The contracting entity has established a binding tendering condition that the total amount of the tender price excl. VAT, in the sense paragraph 14.6 hereof, shall not exceed 31.195.000 CZK, which represents the anticipated value of this public contract.
- 14.3 The contractor shall take into account in its tender price all risks, including inflation development during the construction period. The tender price shall include the costs of development, operation, maintenance and liquidation of site installations in the sense of the Act No. 183/2006 Coll., on town and country planning and building code (Building Act), as amended later. The tender price shall also include costs of waste management, management property relations and reinstatement, acoustic and vibration measurements, execution of technical inspections and necessary complex testing, costs of aggravated construction conditions, import duties and other fees and costs for activities of the notified person. The costs of the use of the real estate property for execution of the subject matter of the performance, as well as the property for site installations, and the temporary occupation of land for the purposes of site installations shall be paid for by the tenderer.
- 14.4 The contractor shall appraise all items on the list of works provided in Volume 4 under the title List of works, with regard to technical specifications of the individual items. The structuring of the tender price into individual operational stocks (PS) and building objects (SO) shall be indicated in the tender, both in its hard copy and in its digital form. Any works that have not been appraised shall not be paid and it will be assumed that they have been included in other unit prices of items on the list of the works. The unit prices shall be indicated excl. VAT. The indicated unit price for any item shall be valid and fixed for works (activities, supplies) performed at a specific place under the same conditions and at the time of anticipated implementation. The same item may be also reported with a different unit price in case that building objects or operational stocks are implemented under different conditions or in different years of construction. The number of units shall be rounded to 3 decimal places and the individually appraised items on the list of the works shall be provided in CZK, rounded to 2 decimal places. The appraised list of the works shall be included into the appropriate part of the respective tenderer as indicated in the article 13.3 hereof.
- 14.5 The tender price shall also include appraisal of all activities to be performed in connection with the Rules for publicity of projects co-financed from the Swiss-Czech Cooperation Programme (billboards, memorial tablet, posters, information materials, information events, opening of the project and other major activities during the project implementation etc.) The costs shall be

indicated separately in Volume 4 under the title List of works in the Part 2 (Price summary), in item 0 (General object or items).

- 14.6 The total tender price shall be indicated in CZK in a manner stated in the article 10.4 hereof, in the body of the binding draft of the contract and in the Form for tender submission, as contained in Appendix No. 11 hereto. The tender price shall be rounded in the tender to two decimal places.

15 VALIDITY OF THE TENDERS – AWARD TERM

- 15.1 The time period for which the tenderers are bound by their tenders is 180 days from the deadline for submission of the tenders. The running and potential interruptions of the award term are regulated by Section (§) 43 of APC.

16 COLLATERAL

- 16.1 The contracting entity requires the tenderer, in agreement with Section (§) 67 of APC, to provide a collateral for the tender to secure the performance of its obligations resulting from participation in the award procedure of this public contract, amounting to 600 000 CZK (six hundred thousand Czech crowns), in form of a bank guarantee, guarantee insurance or payment of the money to a contracting entity's account.
- 16.2 **Pecuniary collateral**
If the collateral is provided in form of money then the respective amount shall be deposited to the account of the contracting entity No. 35-785360267/0100 kept in Komerční banka, a.s., variable symbol (VS) 5723520020. The tenderer shall include in the tender an acknowledgement provided by the bank that the required amount was transferred or deposited on the contracting entity's account.
- 16.3 **Bank guarantee and guarantee insurance**
If the collateral is provided in the form of a bank guarantee or guarantee insurance then the tenderer shall ensure their validity throughout the entire award term, including its potential extension in agreement with Section (§) 43, paragraph 3 of APC or as a result of its interruption under Section (§) 43, paragraphs 4 and 5 of APC. In agreement with the Act the tenderer shall ensure that the validity of the bank guarantee is extended or resumed provided its validity expires in the course of the award term.
- 16.4 If the collateral is provided in the form of a bank guarantee then it shall be issued by a bank operating in agreement with the Act No. 21/1992 Coll., on banks, as amended later, i.e. a bank based in the Czech Republic, bank based in the Swiss Confederation or a bank based on the territory of any EU member state with a branch on the territory of the Czech Republic, enjoying the benefits of a single banking license under the EU law. The bank guarantee shall be in the form contained in Appendix No. 3 hereto or another form used by the issuing bank and permitted by law.
- 16.5 If the collateral is provided in the form of guarantee insurance then the insurance contract shall be concluded by the tenderer as the insured and the contracting entity shall be the beneficiary entitled to receive the indemnification. The insurer shall issue to the insured a written statement about the commitment to pay the indemnification to the contracting entity under the terms specified in Section (§) 67, paragraph 7 of APC.
- 16.6 If the collateral is provided in form of a bank guarantee or guarantee insurance then the tender shall include an original of the guarantee deed which shall be enclosed to the tender separately in the envelope in which the tender will be submitted so that it can be returned to the tenderer in agreement with Section (§) 67, paragraph 5 of APC. The tender shall also include a copy of

the guarantee deed which shall be firmly attached to the tender. The original of the guarantee deed shall be submitted by the tenderer along with the tender within the deadline for submission of the tenders. Provided the guarantee deed is executed in a foreign language then its official translation shall be submitted by the tenderer.

17 VARIANTS OF TENDERS

- 17.1 The contracting entity does not permit variants of the tenders in sense of Section (§) 70 of APC.

18 ELABORATION AND SIGNING OF THE TENDER

- 18.1 The tender shall include all documents indicated in the article 13 hereof, as well as all other documents required by the contracting entity and indicated in the tendering conditions for this public contract. In case of discrepancies between the original of the tender submitted in a documentary form and its copy the original shall prevail.
- 18.2 The original of the tender in a documentary form will be submitted in a printed form and it shall bear original signatures of person(s) authorized to act on behalf of the tenderer. If the signing person is authorized to act on behalf of the tenderer based on a power of attorney then the power of attorney shall comply with all particulars required by legal regulations of the Czech Republic. The original of the power of attorney shall be enclosed to the tender.
- 18.3 All pages of the tender shall be duly numbered with an ascending continuous number series. The pages of the tender shall be connected so that no manipulations are possible – any subsequent replacement of pages shall be made impossible (e.g. by connecting them with a sealed string etc.) All individual documents in the tender shall be clearly organized, marked and numbered in agreement with the contents described in the article 13 hereof.
- 18.4 The tender shall not include any deletions, overtypings or corrections with the exception of necessary corrections of errors made by the tenderer before the tender is submitted. In that case the deletions, overtypings or corrections shall be initialed by person(s) who signed the tender.
- 18.5 The tenders shall be submitted in written in properly sealed envelopes, marked in agreement with Section (§) 69 of APC.

19 CHANGES IN AND REVOCATION OF TENDERS

- 19.1 The tenders for the performance of this public contract shall not be changed, canceled or revoked once they are submitted, unless legal regulations establish otherwise.

20 OPENING OF ENVELOPES WITH TENDERS

- 20.1 The opening of envelopes with tenders is regulated by Sections (§§) 71 through 73 of APC. The respective dates and places are indicated in the Notice of the public contract which is available to the public in the Bulletin of public contracts and which also forms Part 1 of Volume 1 of the Tendering documents.

21 CONFIDENTIALITY OF THE TENDERING PROCEDURE

- 21.1 The information concerning evaluation, explanation, opinions and comparison of tenders and proposals for selection of the most suitable tender will not be communicated to the tenderers or to any other person who is not officially involved in the process, with the exception of information which shall be provided by the contracting entity under the law.

22 EVALUATION OF THE TENDERS

- 22.1 In case of any ambiguities the evaluation committee may request a written explanation of the tender from the tenderer, as well as additional documents under Section (§) 68, paragraph 3 of APC.
- 22.2 Any errors in calculations with an effect on the tender price will be assessed as non-fulfillment of the tendering conditions and it will result in exclusion of the tender and disqualification of the tenderer from the award procedure.
- 22.3 The subject matter of the evaluation will be also assessment of the tender prices in relation to the subject matter of the public contract. In the stage of assessment of the tenders the evaluation committee will elaborate a detailed breakdown of tender prices of all tenderers in the sense of Section (§) 76 et seq. of APC, if necessary and needed with regard to amounts of the tender prices, in order to identify whether any part of the tender price contains, in respect to the subject matter of the public contract, an extraordinarily low offered price. Provided the tender contains an extraordinarily low tender price in respect to the subject matter of the public contract then the evaluation committee will request from the tenderer a written substantiation of those parts of the tender which are decisive for the amount of the tender price.

23 CRITERIA FOR EVALUATION OF TENDERS

- 23.1 The basic evaluation criterion is the lowest tender price in agreement with Section (§) 78, paragraph 1, letter b) of APC. The tenders will be evaluated in agreement with Section (§) 79 of APC.
- 23.2 Within the framework of the lowest tender price evaluation criterion the total amount of the tender price excl. VAT will be evaluated in the sense of paragraph 14.6 hereof (as it was entered in the body of the binding contract sample). A tender with the total amount of tender price excl. VAT, in the sense paragraph 14.6 hereto (entered in the body of the binding contract sample), lower in comparison with the total amounts of tender prices excl. VAT in the sense paragraph 14.6 hereto (entered in the body of the binding contract sample) indicated by the other tenderers will be considered more suitable. In case that identical tender prices are offered by several tenderers then the tender selected as the most suitable will be the tender which had been submitted earlier, i.e. the tender with a lower ordinal number.

24 CANCELLATION OF THE AWARD PROCEDURE

- 24.1 Cancellation of the award procedure of this public contract is regulated by Section (§) 84 of APC.

25 CONTRACT CONCLUSION

- 25.1 The conclusion of the contract with the selected tenderer is regulated by Section (§) 82 of APC. The contract will be concluded in the form contained in Volume 2 of the tendering documents entitled Binding contract sample.

- 25.2 The contract within the Swiss-Czech Cooperation Programme shall not include a confidentiality clause (with the exception of business secret clause).

26 PROBITY CLAUSE

- 26.1 Any attempt on the applicant's or tenderer's side to obtain confidential information, to conclude illegal agreements with competitors or any attempt to influence the commission or the contracting entity during the process of reviewing, clarification, evaluation and comparison of the tenders shall result in rejection of that contractor's application or tender.
- 26.2 When submitting the tender the tenderer shall represent that the tender was prepared in agreement with the principles of free competition, fair trade and tenderer's impartiality. If the impartiality ceases to exist in the course of the contract performance tenderer shall promptly inform the contracting entity accordingly.
- 26.3 The contractor shall always act impartially and as a credible advisor in agreement with the ethical code of its profession. The contractor shall not make any public representations about the project or services without a previous approval of the contracting entity. The contractor shall in no way commit the contracting entity without the latter's previous written approval.
- 26.4 Throughout the duration of the contract the contractor and its employees shall respect human rights and they undertake to respect political, cultural and religious habits in the Czech Republic.
- 26.5 The contractor shall not accept any other payments in connection with the contract , except those specified therein. The contractor and its employees shall not perform any activity or accept any benefit which is not in agreement with their commitment to the contracting entity.
- 26.6 Throughout the duration of the contract and also after its termination the contractor and its employees shall maintain confidentiality. All reports and documents developed or obtained by the contractor shall be confidential.
- 26.7 The contractor shall avoid any relations which might cast doubt on its independence or independence of its employees. If the contractor ceases to be independent the contracting entity may, regardless of the losses, terminate the contract in agreement with applicable provisions of the contract and the contractor shall not be entitled to any indemnification.
- 26.8 If it turns out that the contractor in the process of public contract awarding or performance of the contract committed any illegal acts, such as corruption, fraudulent or coercive practices then the tender will be rejected or the contract will be terminated in agreement with applicable provisions of the contract. For the purposes of this provision the terms of corruption, fraudulent or coercive practices shall include e.g. offering a bribe, present or remuneration or commission to any person in order to motivate any person, or on the contrary, to endanger or threaten a person with any damage, so that the person performs, or on the contrary refrains from performing of, any act which might influence the process of public contract awarding or performance of an already concluded contract.
- 26.9 The contract may be also terminated with applicable provisions of the contract if unusual business expenses are incurred. Such unusual expenses include commissions not indicated in the main contract or expenses not resulting from a properly concluded contract, commissions transferred to a tax heaven or commissions paid to a recipient whose identity is not clearly determined or commissions paid to a company demonstrating all signs of a dummy company.

27 APPENDICES TO THE INSTRUCTIONS

Appendix No. 1	Sample form of the bank guarantee for the tender
Appendix No. 2	General information about the tenderer
Appendix No. 3	Subcontracting a part of the works
Appendix No. 4	Information about the association of tenderers submitting a joint tender
Appendix No. 5	List of construction works
Appendix No. 6	List of contractor's personnel

Appendix No. 7	Sample résumé
Appendix No. 8	Sample affidavit about fulfillment of the basic qualification requirements
Appendix No. 9	Information on whether employees of more than one contractor will be working on the site
Appendix No. 10	Schedule of performance
Appendix No. 11	Form for tender submission
Appendix No. 12	Affidavit by the tenderer

In Prague, on

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Ing. Mojmír Nejezchleb
Deputy to the Director General for railway modernization
Správa železniční dopravní cesty,
státní organizace

Appendix No. 1

Sample form of the bank guarantee for the tender

Accurate identification of the public contract

Name and address of the beneficiary: Správa železniční dopravní cesty, státní organizace,
Based at Prague 1, Nové Město, Dlážďená 1003/7, Zip code (PSČ) 110 00

We have been informed that [TO BE ENTERED BY THE TENDERER] (hereinafter the “tenderer”) is about to submit a tender, based on your notification of the public contract, and that the tendering conditions require the tenderer to provide a guarantee for its tender in order to meet its obligations resulting from participation in the award procedure.

In response to the tenderer’s request, we [TO BE ENTERED BY THE TENDERER], hereby irrevocably undertake to pay to you, as the contracting entity, with no objections or reservations immediately and on the first request, any amount or amounts up to the maximum of [TO BE ENTERED BY THE TENDERER] CZK (the “guaranteed amount”, in words: [TO BE ENTERED BY THE TENDERER] Czech crowns), once we receive your written request for the payment which shall contain your written statement to the effect that:

- (a) the tenderer, in contradiction to the law or tendering conditions of the concerned public contract, has cancelled or changed its tender without your approval, or
- (b) the tenderer has refused to conclude a contract for the public contract at the time when the tenderer was bound by the tender or that the tenderer has failed to provide the necessary assistance so that such a contract could be concluded.

Each request for payment shall bear a signature of the statutory body of the beneficiary or a person authorized by the same. Your request and the statement shall be delivered to our company by [TO BE ENTERED BY THE TENDERER] (“end of validity date”) at the latest, on which the validity of this guarantee shall expire, unless its validity is extended, and the guarantee shall be returned to us on or before that date.

This bank guarantee and any legal relations potentially arising hereunder shall be governed by the Czech law.

In [TO BE ENTERED BY THE TENDERER]

Date [TO BE ENTERED BY THE TENDERER]

Signature of the person authorized to act on behalf of the bank:

Name	
Signature	

Appendix No. 2

General information about the tenderer

- Trade name [TO BE ENTERED BY THE TENDERER]
- Registered address [TO BE ENTERED BY THE TENDERER]
- Company Registration No. (IČ): [TO BE ENTERED BY THE TENDERER]
Tax Registration Number (DIČ): [TO BE ENTERED BY THE TENDERER]
- Telephone [TO BE ENTERED BY THE TENDERER] Fax [TO BE ENTERED BY THE TENDERER]
E-mail [TO BE ENTERED BY THE TENDERER]
- Names and nationalities of managers / director and deputy directors [TO BE ENTERED BY THE TENDERER]
- Legal form of the company [TO BE ENTERED BY THE TENDERER]
- Characterization of the company (main sphere of business) [TO BE ENTERED BY THE TENDERER]
- Country in which the company is registered [TO BE ENTERED BY THE TENDERER]
- Number of years as the contractor:
 - in its own country [TO BE ENTERED BY THE TENDERER]
 - abroad [TO BE ENTERED BY THE TENDERER]
- Details of the registration [TO BE ENTERED BY THE TENDERER]
- Share on the public contract, if the tender is submitted jointly by several persons:

Identification data of the participants	Share on the public contract in % of the total volume (tender price)
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]

In [TO BE ENTERED BY THE TENDERER]

Date [TO BE ENTERED BY THE TENDERER]

Signature of the person authorized to act on behalf of the contractor:

Name	
Signature	

Appendix No. 3

Subcontracting a part of the works

Provided the tender anticipates subcontracting of a part of the work the contracting entity requires the following details:

Trade name, registered address and Company Registration Number of the subcontractor	Concise description of the part of the Work to be subcontracted (identified with numbers and names of the individual building objects (SO) and operational stocks (PS) or using another suitable method)	Share of the subcontract on the tender price in %
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
TOTAL %		[TO BE ENTERED BY THE TENDERER]

In [TO BE ENTERED BY THE TENDERER]

Date [TO BE ENTERED BY THE TENDERER]

Signature of the person authorized to act on behalf of the contractor:

Name	
Signature	

Appendix No. 4

Information about the association of tenderers submitting a joint tender

Trade name of the leading member of the association [TO BE ENTERED BY THE TENDERER]
Registered address of the leading member of the association [TO BE ENTERED BY THE TENDERER]
Legal form of the leading member of the association [TO BE ENTERED BY THE TENDERER]
Company Registration Number of the leading member of the association [TO BE ENTERED BY THE TENDERER]
Telephone [TO BE ENTERED BY THE TENDERER]
Fax [TO BE ENTERED BY THE TENDERER] E-mail [TO BE ENTERED BY THE TENDERER]
Representation in the country of the contracting entity, if any (in case of a foreign leader)
Office address [TO BE ENTERED BY THE TENDERER]
Telephone [TO BE ENTERED BY THE TENDERER]
Fax [TO BE ENTERED BY THE TENDERER] E-mail [TO BE ENTERED BY THE TENDERER]

Identification data - trade names, registered addresses, legal forms, Company Registration Numbers (IČ) of other persons (members of the association /associations)

- i. [TO BE ENTERED BY THE TENDERER]
- ii. [TO BE ENTERED BY THE TENDERER]
- iii. [TO BE ENTERED BY THE TENDERER]
- iv. etc.

Name or title of the association [TO BE ENTERED BY THE TENDERER]

Association agreement

- i. Date of conclusion: [TO BE ENTERED BY THE TENDERER]
- ii. Place: [TO BE ENTERED BY THE TENDERER]
- iii. Appendix – association agreement

In [TO BE ENTERED BY THE TENDERER]

Date [TO BE ENTERED BY THE TENDERER]

Signature of the person authorized to act on behalf of the contractor:

Name	
Signature	

Appendix No. 5

List of construction works

Job title	Employer	Subject matter of the performance (brief description of the construction works)	Performance time under the contract	Contractor*	Price of the works within the tenderer's responsibility *** in CZK**
A) in the contractor's country					
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
B) abroad					
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]

- In the respective column the contractor shall enter the following for the individual jobs:
 - D** – if the subject matter of the job was performed by the contractor independently, or
 - SD** - if the subject matter of the job was performed by the contractor as member of an association of several contractors, or
 - S** – if the contractor acted as a subcontractor to another contractor.

** In case of jobs implemented abroad the contractor shall indicate equivalent of the price in CZK. The conversion from a foreign currency shall use the exchange rate of the Czech National Bank on the currency market valid on the date of publishing of the Notice of the public contract in the Bulletin of public contracts.

*** If the contractor implemented the public contract as a member of an association of several contractors or as a subcontractor to another contractor then the contractor shall indicate the price (value) of works for which it was responsible as a member of the association or price of the works implemented by it as the subcontractor.

Enclosures: certificates issued by the employers about due performance of the most significant construction works, as indicated in this list

In **[TO BE ENTERED BY THE TENDERER]**

Date **[TO BE ENTERED BY THE TENDERER]**

Signature of the person authorized to act on behalf of the contractor:

Name	
Signature	

Appendix No. 6

List of contractor's personnel

Title /Name	Education	Years of experience in the respective field	Experience in a managerial position * (project /price)	Indicate the relation of the person to the contractor
Members of personnel in the “primary role”				
Site manager (manager of works)				
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
Deputy site manager (manager of works)				
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
Specialist in rail superstructure and substructure (manager of works)				
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
Specialist in communication and safety equipment (manager of works)				
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
Specialist in civil engineering (manager of works)				
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
Officially authorized surveyor				
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
Members of personnel in the “assisting role”				
Person responsible for quality management				
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
Person responsible for occupational safety and health				

[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
Person responsible for environment protection				
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]
Person responsible for waste management				
[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]	[TO BE ENTERED BY THE TENDERER]

- The contractor shall insert in the respective column the information about experience in managerial / same or similar positions only for those personnel members for whom such experience is required under article 9.7 hereof (members of personnel in the “primary role”). For other persons the column shall be crossed out or otherwise marked as not applicable.

Enclosures: Professional résumés of all members of contractor’s personnel (see Appendix No. 7 to the Instructions)

Documents about the highest achieved level of education of each member of contractor’s personnel

In [TO BE ENTERED BY THE TENDERER]

Date [TO BE ENTERED BY THE TENDERER]

Signature of the person authorized to act on behalf of the contractor:

Name	
Signature	

Appendix No. 7

Sample résumé

(max. 3 pages)

The anticipated position on the list of contractor's personnel: **[TO BE ENTERED BY THE TENDERER]**

- a. Surname: **[TO BE ENTERED BY THE TENDERER]**
- b. Name: **[TO BE ENTERED BY THE TENDERER]**
- c. Date and place of birth : **[TO BE ENTERED BY THE TENDERER]**
- d. Citizenship: **[TO BE ENTERED BY THE TENDERER]**
- e. Address (tel./fax/e-mail): **[TO BE ENTERED BY THE TENDERER]**
- f. The highest level of education:

Institution:	[TO BE ENTERED BY THE TENDERER]
Date: From (month /year) To (month /year)	[TO BE ENTERED BY THE TENDERER]
Level (rank):	[TO BE ENTERED BY THE TENDERER]

- g. Membership in professional associations: **[TO BE ENTERED BY THE TENDERER]**
- h. Other skills (e.g. PC etc.): **[TO BE ENTERED BY THE TENDERER]**
- i. Current position, including the employer: **[TO BE ENTERED BY THE TENDERER]**
- j. Years of professional experience: **[TO BE ENTERED BY THE TENDERER]**
- k. Main qualification: **[TO BE ENTERED BY THE TENDERER]**
- l. Professional experience:

Date: from (month /year) to (month /year)	[TO BE ENTERED BY THE TENDERER]
Place	[TO BE ENTERED BY THE TENDERER]
Company / Organization	[TO BE ENTERED BY THE TENDERER]
Position	[TO BE ENTERED BY THE TENDERER]
Job description	[TO BE ENTERED BY THE TENDERER]

- m. Other: **[TO BE ENTERED BY THE TENDERER]**
- n. The person **is / is not** **[TO BE ENTERED BY THE TENDERER]** the employee of the contracting entity as at the date of the tender submission.
- o. Publications and trainings: **[TO BE ENTERED BY THE TENDERER]**
- p. References: **[TO BE ENTERED BY THE TENDERER]**
- q. Authorized to perform selected activities in construction sector / certificate of electrical engineering qualification / surveyor authorization under special regulations (the documents will be enclosed to

the résumé): [TO BE ENTERED BY THE TENDERER for those persons for whom the professional qualification is required]

In: [TO BE ENTERED BY THE TENDERER]

Date: [TO BE ENTERED BY THE TENDERER]

Signature of the person authorized to act on behalf of the contractor:

Appendix No. 8

Sample affidavit about fulfillment of the basic qualification requirements

Affidavit

Trade name /Name and surname¹

Based at / residential address [TO BE ENTERED BY THE TENDERER]

Company Registration Number (IČ): [TO BE ENTERED BY THE TENDERER]

Registered in the Commercial Register kept by [TO BE ENTERED BY THE TENDERER],

Section [TO BE ENTERED BY THE TENDERER], Entry [TO BE ENTERED BY THE TENDERER]

acting through: [TO BE ENTERED BY THE TENDERER]

hereby represents that:

- it has not in the past three (3) years accomplished the state of fact of unfair competition by bribery pursuant to special legislation;
- its assets have not been in the past three (3) years subjected insolvency proceedings with an adjudication of bankruptcy or bankruptcy petition has not been rejected due to lack of assets or in respect of which composition has not been permitted or forced administration imposed pursuant to special legislation;
- it has not been in liquidation;
- it has no tax arrears registered in its tax records in respect to the excise tax, both in the Czech Republic and in the country of the contractor's registered office, place of business or residence;
- it has no arrears in respect of the payment of the public health insurance premiums or any penalties, both in the Czech Republic and in the country of the contractor's registered office, place of business or residence;
- it has not been finally disciplinary punished in the past 3 years or has not been finally subjected to punitive measures pursuant to special legislation;
- it is not listed in the register of persons banned to perform public contracts;
- it has not been finally fined in the past three (3) years for enabling performance of illegal work pursuant to special legislation.

In [TO BE ENTERED BY THE TENDERER]

Date [TO BE ENTERED BY THE TENDERER]

Signature of the person authorized to act on behalf of the contractor:

Name	
Signature	

¹ The identification data shall be entered by the tenderer based on whether the tenderer is a physical person or legal person.

Appendix No. 9

Information on whether employees of more than one contractor will be working on the site

Affidavit

Trade name / Name and surname²

Based at / residential address [TO BE ENTERED BY THE TENDERER]

Company Registration Number (IČ): [TO BE ENTERED BY THE TENDERER]

Registered in the Commercial Register kept by [TO BE ENTERED BY THE TENDERER],

Section [TO BE ENTERED BY THE TENDERER], Entry [TO BE ENTERED BY THE TENDERER]

acting through: [TO BE ENTERED BY THE TENDERER]

hereby represents that:

- employees of more than one contractor [TO BE ENTERED BY THE TENDERER – WILL /WILL NOT] be working on the site in the sense of Section (§) 14 paragraph 1 of the Act No. 309/2006 Coll., on provision of additional conditions of occupational safety and health, as amended later. The term contractor shall include any legal or physical person involved in implementation of the construction project, i.e. including respective subcontractors;
- according to the anticipated plan of organization of the construction project, the total expected time of the works and activities [TO BE ENTERED BY THE TENDERER – WILL /WILL NOT] exceed 30 working days on which works and activities will be performed and more than 20 physical persons [TO BE ENTERED BY THE TENDERER – WILL /WILL NOT] be working on them at the same time for more than 1 working day;
- The total anticipated duration of the works and activities will be [TO BE ENTERED BY THE TENDERER] working days on which works and activities will be performed;
- During the performance of the works and activities there will be up to [TO BE ENTERED BY THE TENDERER] physical persons working at the same time for more than 1 working day;
- According to the anticipated plan of implementation of the project, the total planned volume of works and activities during the Work implementation [TO BE ENTERED BY THE TENDERER – WILL /WILL NOT EXCEED] 500 working days when converted to one physical person;
- The overall planned volume of works and activities during the Work implementation is expected at [TO BE ENTERED BY THE TENDERER] working days when converted to one physical person;
- If its tender is selected as the most convenient and if a contract is concluded for the public contract performance, the contractor agrees to cooperate with the coordinator of occupational safety and health on the site under the Act No. 309/2006 Coll., on provision of additional conditions of occupational

² The identification data shall be entered by the tenderer based on whether the tenderer is a physical person or legal person .

safety and health, as amended later, who shall be appointed on as needed basis and contracted by the contracting entity, throughout the entire time of the work implementation. In that case the contractor shall also contractually bind all legal and physical persons – entrepreneurs entrusted with performance of the work or any parts thereof to cooperate with OHS coordinator throughout the entire time of the work implementation. The contractor also agrees to ensure that also other legal and physical persons – entrepreneurs entrusted with implementation of the work or any part thereof by any of its subcontractors are also bound to cooperation with the OHS coordinator throughout the implementation of the Work (if this is permitted by contractual conditions).

In **[TO BE ENTERED BY THE TENDERER]**

Date **[TO BE ENTERED BY THE TENDERER]**

Signature of the person authorized to act on behalf of the contractor:

Name	
Signature	

Appendix No. 10

Performance Schedule

The tenderer shall enter here a performance schedule developed in agreement with a plan of construction organization, including graphic rendering of the performed works (Schedule of works) and all other documents and requirements of the contracting entity specified in article 10.1 and 13.3 of these Instructions for the contractor.

In [TO BE ENTERED BY THE TENDERER]

Date [TO BE ENTERED BY THE TENDERER]

Signature of the person authorized to act on behalf of the contractor:

Name	
Signature	

Appendix No. 11

FORM FOR TENDER SUBMISSION

Registration number of the public contract: **[TO BE ENTERED BY THE TENDERER]**

Name and subject matter of the public contract: **Transport Terminal Uherský Brod – Stage II – Part SŽDC**

Identification data of the contracting entity:

Správa železniční dopravní cesty, státní organizace
(Railway Infrastructure Administration, state organization)
Based at: Prague 1, Nové Město, Dlážděná 1003/7, Zip code (PSČ) 110 00
Registered in the Commercial Register: Town Court in Prague, Section A, Entry
48384
Company Registration Number (IČ): 70994234,
Tax Registration Number (DIČ): CZ70994234

1. THE TENDER IS SUBMITTED BY

	Trade name /name of the contractor (member of association), registered address, legal form, identification number
Main contractor*	[TO BE ENTERED BY THE TENDERER]
Member of consortium 1*	[TO BE ENTERED BY THE TENDERER]

** Add more lines /delete lines on as needed basis for consortium partners. Note that a subcontractor will not be viewed as a consortium member. If this tender is submitted by an individual physical /legal person then his/her/its name must be provided in the line for the "Main contractor" (and the other lines must be deleted). In case of a consortium the contract will be signed only with the main contractor.*

2. CONTACT PERSON (for this award procedure)

Name	[TO BE ENTERED BY THE TENDERER]
Organization	[TO BE ENTERED BY THE TENDERER]
Address	[TO BE ENTERED BY THE TENDERER]
Telephone	[TO BE ENTERED BY THE TENDERER]
Fax	[TO BE ENTERED BY THE TENDERER]
E-mail	[TO BE ENTERED BY THE TENDERER]

3. TENDER PRICE

After reading the tendering conditions of the concerned public contract, which we acknowledge for the contractual relationship as binding and based on which we have specified the tender price, we hereby offer to complete the project "Transport Terminal Uherský Brod – Stage II – Part SŽDC " for the following tender price:

Tender price excl. VAT: **[TO BE ENTERED BY THE TENDERER] CZK**

4. AFFIDAVIT

Each contractor mentioned in section 1 of this form and each member of the consortium shall submit, as a part of its tender, also a signed affidavit in the form contained in Appendix No. 12 to the Instructions for the

contractor. [If the tender is submitted by a consortium then originals or authenticated copies of the affidavits shall be provided by the main contractor as well as by the other consortium members.]

5. STATEMENT

I, the undersigned, as the authorized representative of the above-mentioned contractor (including all members of the consortium, if the tender is submitted by the consortium), hereby represent that we have made ourselves familiar with the entire content of tendering documents for the above-mentioned award procedure and that we accept them without any reservations and limitations.

[Optional: We hereby guarantee fulfillment of basic qualification criteria under Section (§) 53 of the Act No. 137/2006 Coll. by subcontractors for those parts of the construction works that will be implemented through subcontractors, as we have indicated in the respective part of the tender.]

[Optional: We are aware of the fact that in case of a consortium its structure shall not change in any way in the course of the award procedure. We are also aware of the fact that consortium members will guarantee jointly and severally to the contracting entity in respect to participation in this award procedure and potentially also in respect to the job to be awarded to us based on the procedure.]

In **[TO BE ENTERED BY THE TENDERER]**

Date **[TO BE ENTERED BY THE TENDERER]**

Signature of the person authorized to act on behalf of the tenderer:

Name	
Signature	

Appendix No. 12

AFFIDAVIT BY THE TENDERER

It shall be submitted on a headed paper of the respective contractor

Registration number of the public contract: **[TO BE ENTERED BY THE TENDERER]**

Name and subject matter of the public contract: **Transport Terminal Uherský Brod – Stage II – Part SŽDC**

Identification data of the contracting entity:

Správa železniční dopravní cesty, státní organizace
(Railway Infrastructure Administration, state organization)
Based at: Prague 1, Nové Město, Dlážděná 1003/7, Zip code (PSČ) 110 00
Registered in the Commercial Register: Town Court in Prague, Section A, Entry
48384
Company Registration Number (IČ): 70994234,
Tax Registration Number (DIČ): CZ70994234

AFFIDAVIT BY THE TENDERER

We hereby represent that:

1) we submit this tender for this public contract [as an individual legal entity,]* or [as a consortium member lead by < name of the leading member / our company >]* and that in this the award procedure we do not act as a member of another consortium or as a subcontractor;

**< delete whichever is not applicable >;*

2) this tender has been prepared in agreement with principles of free competition, fair trade and tenderer's impartiality. If the impartiality ceases to exist in the course of the contract performance we will promptly inform the contracting entity accordingly;

3) for the contractor (including all consortium members if the tender is submitted by a consortium) the following principles of the Probity Clause are valid, which shall be an integral part of the contract:

- Any attempt on the contractor's side to obtain confidential information, to conclude illegal agreements with competitors or any attempt to influence the commission or the contracting entity during the process of reviewing, clarification, evaluation and comparison of tenders shall result in rejection of that contractor's application or tender.
- The contractor shall always act impartially and as a credible advisor in agreement with the ethical code of its profession. The contractor shall not make any public representations about the project or services without a previous approval of the contracting entity. The contractor shall in no way commit the contracting entity without the latter's previous written approval.
- Throughout the duration of the contract the contractor and its employees shall respect human rights and they undertake to respect political, cultural and religious habits in the Czech Republic.
- The contractor shall not accept any other payments in connection with the contract, except those specified therein. The contractor and its employees shall not perform any activity or accept any benefit which is not in agreement with their commitment to the contracting entity.
- Throughout the duration of the contract and also after its termination the contractor and its employees shall maintain confidentiality. All reports and documents developed or obtained by the contractor shall be confidential.

- The contractor shall avoid any relations which might cast doubt on its independence or independence of its employees. If the contractor ceases to be independent the contracting entity may, regardless of the losses, terminate the contract in agreement with applicable provisions of the contract and the contractor shall not be entitled to any indemnification.
- If it turns out that the contractor in the process of public contract awarding or performance of the contract committed any illegal acts, such as corruption, fraudulent or coercive practices then the tender will be rejected or the contract will be terminated in agreement with applicable provisions of the contract. For the purposes of this provision the terms of corruption, fraudulent or coercive practices shall include e.g. offering a bribe, present or remuneration or commission to any person in order to motivate any person, or on the contrary, to endanger or threaten a person with any damage, so that the person performs, or on the contrary refrains from performing of, any act which might influence the process of public contract awarding or performance of an already concluded contract.
- The contract may be also terminated with applicable provisions of the contract if unusual business expenses are incurred. Such unusual expenses include commissions not indicated in the main contract or expenses not resulting from a properly concluded contract, commissions transferred to a tax heaven or commissions paid to a recipient whose identity is not clearly determined or commissions paid to a company demonstrating all signs of a dummy company.

In **[TO BE ENTERED BY THE TENDERER]**

Date **[TO BE ENTERED BY THE TENDERER]**

Signature of the person authorized to act on behalf of the tenderer:

Name	
Signature	