



**Supported from the Swiss-Czech Cooperation Programme  
Supported by a grant from Switzerland through the Swiss Contribution to the enlarged European Union**

# **Transport Terminal Uherský Brod – Stage III**

## **VOLUME 1**

### **REQUIREMENTS AND CONDITIONS FOR TENDER DEVELOPMENT**

#### **Part 3**

#### **INSTRUCTIONS FOR THE CONTRACTOR**



*Správa železniční dopravní cesty*

**SPRÁVA ŽELEZNIČNÍ DOPRAVNÍ CESTY, STÁTNÍ ORGANIZACE**

## TABLE OF CONTENTS:

1	INTRODUCTORY PROVISIONS.....	3
2	IDENTIFICATION DATA OF THE CONTRACTING ENTITY .....	3
3	CONTACT DATA FOR ADDITIONAL INFORMATION TO THE TENDER CONDITIONS.....	4
4	PURPOSE AND SUBJECT MATTER OF PUBLIC CONTRACT PERFORMANCE .....	4
5	FUNDING SOURCES.....	5
6	ADDITIONAL INFORMATION TO THE TENDER CONDITIONS .....	5
7	CHANGES IN THE TENDER CONDITIONS.....	5
8	CONTENT OF TENDER DOCUMENTATION .....	6
9	CONTRACTING ENTITY’S REQUIREMENTS FOR QUALIFICATION.....	6
10	OTHER INFORMATION/DOCUMENTS SUBMITTED BY THE CONTRACTOR.....	15
11	INSPECTION OF THE PLACE OF PERFORMANCE (BUILDING SITE).....	17
12	LANGUAGE OF THE TENDERS .....	18
13	CONTENT AND SUBMISSION OF THE TENDERS .....	18
14	REQUIREMENTS FOR TENDER PRICE SPECIFICATION .....	20
15	VALIDITY PERIOD OF THE TENDERS – TENDER DEADLINE .....	21
16	COLLATERAL.....	21
17	VARIANTS OF TENDERS .....	22
18	ELABORATION AND SIGNING OF THE TENDERS.....	22
19	CHANGES IN AND REVOCATION OF TENDERS .....	22
20	TENDER ENVELOPES OPENING .....	22
21	CONFIDENTIALITY OF THE PROCUREMENT PROCEDURE .....	23
22	EVALUATION OF THE TENDERS .....	23
23	CRITERIA FOR EVALUATION OF TENDERS .....	23
24	CANCELLATION OF THE PROCUREMENT PROCEDURE.....	23
25	CONTRACT CONCLUSION .....	24
26	PROBITY CLAUSE.....	24
27	APPENDICES TO THE INSTRUCTIONS.....	25

## **1 INTRODUCTORY PROVISIONS**

- 1.1 The procurement procedure of this Public Contract and all related legal relations shall be governed by the Czech law, particularly by the Act No. 137/2006 Coll., on Public Contracts, as amended, (hereinafter referred to as "**APC**") and other legal regulations. By submitting its tender the tenderer fully and without any reservations accepts the tender conditions of this Public Contract.

The Contracting Entity awards this Public Contract in connection with the performance of relevant activity within the meaning of provisions of Section (§) 4, paragraph 1, letter f) of APC and, in accordance with provisions of Section (§) 2, paragraph 7 of APC in connection 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, when awarding the Public Contract, the Contracting Entity shall proceed according to the 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 complete all forms contained in the tender conditions of this Public Contract. Shortcomings in the submission of the tenders or in providing required information or documents, which will not meet the tender conditions contained in the Public Contract notice, and further specified in the tender documentation, will result, depending on specific circumstances, in the 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 referred to as the "**Instructions**") specify the language of the submitted tenders. The set of documents that form the tender conditions has been written in Czech.
- 1.4 The Contractors shall submit their tender for the entire subject matter of this Public Contract performance (i.e. for the entire construction project), as required in the tender documentation of this Public Contract. The tenders for the implementation of a part of the subject matter of this Public Contract (for the implementation of a part of the construction) shall be viewed as tenders that do not meet the tender conditions of this Public Contract. To avoid all doubts the Contracting Entity states that this Public Contract shall not be divided into lots within the meaning of provisions of Section (§) 98 of APC.
- 1.5 The Contractors shall bear all costs associated with participation in the procurement 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 procurement procedure. The Contracting Entity shall not be responsible or reimburse any expenses or losses which the Contractor may incur in connection with visits and investigations of the construction site or in connection with any other aspects of the procurement 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, Dlážďená 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  
Represented by: Ing. Mojmír Nejezchleb, Deputy to the Director General for Rail Modernization, based on the authorization no. 1616 of 12 July 2013

### **3 CONTACT DATA FOR ADDITIONAL INFORMATION TO THE TENDER CONDITIONS**

The Contractor is obliged to submit all his written requests for additional information to the tender conditions in person, by mail, e-mail or fax or by 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](mailto:hofmanova@szdc.cz)  
fax: 585 754 276.

### **4 PURPOSE AND SUBJECT MATTER OF PUBLIC CONTRACT PERFORMANCE**

#### **4.1 Purpose of the Public Contract**

The purpose of the tender is the completion of all platforms at the railway station Uherský Brod.

For more details of the purpose of the Public Contract see the other parts of the tender documents.

#### **4.2 Subject matter of the Public Contract performance**

The subject matter of this tender is additional extending activity consisting in further construction works within the original project "Transport Terminal Uherský Brod - Stage II".

Construction works consist in the reconstruction of the track no. 1 between the side switches and remaining parts of the track no. 2 without the intervention in the track ramification. Two one-sided platforms will be constructed - at the track no. 1 with the length of 140 m and at the track no. 2b the outer platform of 60 m in length, the area in front of the passenger building will be modified. On the platform at the track no. 1 a shelter for passengers will be constructed. Both platforms will be provided with new lighting and the station radio. With regard to the reconstruction it is considered the removal and then the insertion of concerned outer elements of the security device. At the same time, all cable distributions of the concerned reconstruction of tracks will be relocated.

A detailed description of the subject matter of the Public Contract performance is contained in Volume 3 of the Tender Documentation – Construction Design Documentation.

#### **4.3 Classification of the subject matter of the Public Contract**

- Code CPV 45234110-0, name - Construction of Inter-City Railways;
- Code CPV 45213322-6, name - Construction of Railway Terminals;
- Code CPV 45213320-2, name - Construction Changes of Compounds Used for Railway Transport
- Code CPV 45234181-8, name - Construction of Railway Yard.

#### 4.4 Employer's binding requirements

The information and data provided in the tender documentation of this Public Contract define Contracting Entity's binding requirements for the Public Contract performance. When processing their tenders, the tenderers shall meet the requirements fully and unconditionally. A failure to meet the Contracting Entity's requirements specified in the tender documentation of this Public Contract or any changes in the commercial or technical conditions will be viewed as a failure to meet the tender conditions and will result in the exclusion of the tenderer from further participation in the procurement procedure. Wherever the tender conditions of this Public Contract contain reference to business firms, titles, names and surnames or the specific identification of products and services that are characteristic for a particular entrepreneur (person) 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 36.631.000 CZK (excl. VAT and excl. reserve).

### 6 ADDITIONAL INFORMATION TO THE TENDER CONDITIONS

- 6.1 The Contractor shall be entitled, in accordance with provisions of Section (§) 49 of APC, to submit written requests for additional information to the tender 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 the tender 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 tender conditions, including the accurate wording of the request, shall be sent by the Contracting Entity also to all the other Contractors who requested the tender documentation or who were provided with the tender documentation. The Contracting Entity shall not indicate the identification data of the tenderers who submitted such requests. The Contracting Entity shall further proceed in accordance with Section (§) 49, paragraph 3 of APC.

### 7 CHANGES IN THE TENDER CONDITIONS

- 7.1 The Contracting Entity reserves the right to subsequently change or to amend the tender conditions of this Public Contract.
- 7.2 Any amendments to / changes in the tender 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 tender documentation or who were provided with the tender documentation, and they shall be also published in accordance with Section (§) 49 of APC.

- 7.3 Any amendments to / changes in the tender 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 tender conditions.

## **8 CONTENT OF TENDER DOCUMENTATION**

- 8.1 The tender documentation shall include the following documents and must be interpreted in connection with any amendments issued in accordance with the articles 6 and 7 hereof:

### **VOLUME 1 REQUIREMENTS AND CONDITIONS FOR TENDER DEVELOPMENT**

Part 1	Public Contract Notice
Part 2	Basic Information about the Public Contract
Part 3	Instructions for the Contractor

### **VOLUME 2 BINDING CONTRACT SAMPLE**

Part 1	Contract for Construction Work, including appendices
	Appendix No. 1 Commercial Terms
	Appendix No. 2b General Technical Conditions of the Implementation of Constructions
	Appendix No. 2c Special Technical Conditions

### **VOLUME 3 CONSTRUCTION DESIGN DOCUMENTATION**

### **VOLUME 4 LIST OF WORKS WITH AREA STATEMENT**

Part 1	Comments on the List of Works
Part 2	Price Summary
Part 3	List of Works structured according to the operational stock (PS), building objects (SO) and other items

- 8.2 The Contracting Entity will provide the Contractor with the access to all his internal regulations at: <http://www.tudc.cz/index.php/cs/dokumenty/tsk>.

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/>.

The access to Czech technical standards (ČSN) can be obtained upon the 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 tender documentation of this Public Contract, including design documentation of the construction that are a part thereof, any amendments to the tender documentation 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 accordance with provisions of Section (§) 50 et seq. of APC subject to the conditions specified in the Public Contract Notice and as specified in more detail herein.

9.2 The demonstration of compliance with the qualification requirements will be assessed in accordance with Section (§) 59 of APC. In accordance with Section (§) 59, paragraph 4 of APC, the Contracting Entity, or a committee 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 procurement 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 the fulfillment of the qualification requirements**. The documents demonstrating the fulfillment of basic qualification requirements and the certificate of corporation shall not be older than 90 days on the date on which the tender is submitted.

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

- The Contracting Entity requires, within the meaning of Section (§) 50, paragraph 1, letter a) of APC, the demonstration of the 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, participation, accepting bribes, bribery, indirect bribery, fraud, loan fraud, including cases of the preparation for or the attempt at or the participation in such crime, or if such sentences pronounced for such crimes have been expunged; in the case of a legal entity, such qualifications shall be complied with by both the legal entity and 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 qualification 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 state of facts of which relates 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 a legal entity, such qualifications shall be complied with by both the legal entity and 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, in the past three years, have not accomplished the state of facts of unfair competition by bribery pursuant to the special legislation;
- d) whose assets, in the past three years, have not been subjected to the adjudication of bankruptcy or bankruptcy petition has not been rejected due to the lack of assets on the part of the Contractor or the bankruptcy has not been cancelled because the assets has been fully insufficient or receivership was imposed pursuant to the 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 for 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 for 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 the special legislation, if the proof of professional qualifications pursuant to the 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. Thus in case of the concerned Public Contract another person responsible for the tenderer's activity means all persons through which the tenderer performs the activities which are subjected to the proof of professional qualification required by the Contracting Entity in 9.5 of these Instructions and the tenderer submits their documents in its tender to prove professional qualification similarly to Section (§) 54 letter d) of APC;
- j) that are not listed in the register of persons banned from performing Public Contracts;
- k) that have not been finally fined for enabling the performance of illegal work pursuant to the special legislation in the past 3 years ;
- l) against which the temporary administration has not been imposed in the past 3 years or the measure to solve the crisis according to the Act adjusting remedial actions and solutions to the crisis on the financial market has not been applied in the past 3 years.

- Method of the demonstration of the fulfillment of basic qualification requirements

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

- to demonstrate 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;



- to demonstrate 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 the fulfillment of the respective qualification requirement. The affidavit shall be signed by a person entitled to act on behalf of the Contractor;
- to demonstrate compliance with the qualification requirement under Section (§) 53, paragraph 1, letter f) of APC a certificate issued by the respective tax authority and in respect to the excise duty 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;
- to demonstrate 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 the 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;
- to demonstrate 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;
- to demonstrate compliance with the qualification requirement under Section (§) 53, paragraph 1, letters i), j), k) and l) 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 the fulfillment of the respective qualification requirement. The affidavit shall be signed by a person entitled to act on behalf of the Contractor;

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

#### 9.5 **Demonstration of the 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 accordance with the Act No. 455/1991 Coll., as amended, shall demonstrate the authorization to conduct trade with an excerpt from the Trade Register or, before receiving the excerpt, it submits a notification with a proved delivery to the Trade Licensing Office (in case of trades with the obligation of reporting). 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 land surveying activities.
- The contracting entity requires the contractor to submit a document on authorization in the scope under provisions of Section (§) 5, paragraph 3, letter **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 as defined in Section (§) 5 paragraph 1 and in Section (§) 3 paragraph 1 of the Act No. 266/1994 Coll., on Railways, as amended, in the past 5 years (hereinafter referred to as "**construction works**"). At the same time, the Contractor shall demonstrate by the submitted list of construction works that the volume of construction works performed by the Contractor in the past 5 years, including potential subcontracts, amounts in total to at least **33 million CZK** excl. VAT. The list submitted by the Contractor shall also demonstrate that in the past 5 years he performed construction works on at least one platform construction project (550 mm above the top of rail) on a railway with the boarding edge at least 100 m long; the fact shall be explicitly stated for the respective construction project mentioned in 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 submitting the tenders.

The Contracting Entity also requires that the tenderer should demonstrate in the submitted list of construction works implemented in the past five years that it realized construction works where the value of each completed job order amounted to at least **6.5 million CZK** excl. VAT ("the most significant construction works"), while the total value of the most significant construction works performed by the Contractor in the past 5 years shall amount to at least **16.5 million CZK**, excl. VAT, including potential subcontracts. The fact to determine the beginning of the five-year period is the last day of the deadline for submitting the tenders.

The appendix to the list shall be the certificates from the employers of the proper performance of the most significant construction works. These certificates shall include the price, time and place of the performance of construction works and they shall include the information whether the construction works were performed duly and professionally. This submitted certificate shall also include the identification data of the Contractor who received the certificate or the Contractor who implemented the construction works. 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,).

The Contractor shall also submit a client's certificate or an affidavit to prove the 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 to these Instructions 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 company/association or other grouping of Contractors who jointly implemented the contract, and the Contractor (tenderer) was a member of such company/association or grouping, 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 within the company/association or grouping of

Contractors he performed the required volume of the most significant construction works. Provided the tenderer was the member of the company/association or grouping of Contractors but the employer's certificate of proper performance of the construction works has been issued only for that given Contractor, as the member of the company/association or grouping of Contractors, including the 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 the company/ association or grouping of Contractors which obtained a certificate of proper performance of specified construction works submits its tender to this procurement 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, the documents of the required level of education of the members of personnel and the 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 - the relation to the Contractor shall be specified in submitted documents) 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;
- at least 5 years of experience in the management (as a Contractor) of the performance of railway construction;
- experience in a management position during the implementation of railway infrastructure construction projects, at least one of them with a railway construction project amounting to at least 16.5 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) Deputy to the Site Manager (manager of works)**

- at least secondary education;
- at least 5 years of experience in a management position (as a Contractor) of performance of railway construction;
- experience in the same or a similar position during the implementation of railway infrastructure construction, at least one of such projects being a railway construction project amounting to at least 16.5 million CZK, excl. VAT;

**c) Specialist (manager of works) in rail superstructure and substructure**

- at least secondary education;
- 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 during the implementation of railway infrastructure construction, at least one of such projects being a railway construction project amounting to at least 16.5 million CZK, excl. VAT;

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

- at least secondary education;

- 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 during the implementation of railway infrastructure construction, at least one of such projects being a railway construction project amounting to at least 16.5 million CZK, excl. VAT;
- e) **Specialist (manager of works) in high current**
- at least secondary education;
  - 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 during the implementation of railway infrastructure construction, at least one of such projects being a railway construction project amounting to at least 16.5 million CZK, excl. VAT;
- f) **Officially authorized Surveyor Engineer**
- experience in the same or a similar position during the implementation of railway infrastructure construction, at least one of such projects being a railway construction project amounting to at least 16.5 million CZK, excl. VAT;
  - an 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.

**Members of personnel in the “assisting role”**

- g) **Person responsible for quality control**
- h) **Person responsible for occupational safety and health**
- 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 the person responsible for occupational safety and health may not concurrently hold another position as the 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 is not entitled to demonstrate meeting of the qualification requirements through his 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 the exclusion of the Contractor from the procurement procedure.

9.8 General information about proving the fulfillment of qualification requirements:

The fulfillment of qualification requirements may be proved by the Contractor also with **an excerpt from the list of qualified Contractors**, in accordance with and under the conditions specified in Section (§) 127 of APC, or with a valid **certificate issued within the system of certified Contractors**, in accordance with and under the conditions specified in Section (§) 134 of APC, or with **an excerpt from the foreign list of qualified Contractors** or with a

**respective foreign certificate**, under the conditions stated in Section (§) 143 of APC. In case that the qualification cannot be demonstrated with the 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 the 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. The validity of a certificate issued within the system of certified Contractors is 1 year after its issuance date. An excerpt from the 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.

If the Contractor shall submit an excerpt from the list of qualified Contractors according to Section (§) 127 of APC, he shall prove the fulfillment of basic qualification requirements specified in Section (§) 53 paragraph 1 of APC and professional qualification requirements specified in Section (§) 54 letter a) to d) within the scope in which the documents proving the fulfillment of these professional qualification requirements cover the requirements of the Contracting Entity for proving the fulfillment of professional qualification requirements for performing the Public Contract. The Contractor shall submit the documents required by the Contracting Entity to prove the part of qualification which is not proved in the excerpt.

If according to Section (§) 133 and the following of APC the Contractor shall submit the certificate issued within the system of certified Contractors, this certificate replaces the proof of the fulfillment of qualification within the scope of the information given in this certificate. The Contractor shall submit the documents required by the Contracting Entity to prove the part of qualification which is not proved in the excerpt.

The Contracting Entity explicitly states that if the Contractor submits to the Contracting Entity the excerpt from the list of qualified Contractors or the certificate issued within the system of certified Contractors, the Contractor is not obliged to submit in his tender the documents proving the fulfillment of qualification in the scope where the excerpt from the list or the certificate cover the requirements of the Contracting Entity for proving the fulfillment of qualification criteria.

**A foreign Contractor** shall prove the 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 the fulfillment of qualification under Section (§) 51, paragraph 7 of APC in accordance with the law of the country where it is based, where he 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 he conducts business or at the place of his/her residence, then the foreign Contractor shall prove the 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 he conducts business or at the place of his/her residence then the foreign Contractor shall make an affidavit about that. Documents that prove the 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 tender 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 (Finanční úřad) 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).

Demonstration of qualification – professional competence of foreign persons pursuant to special legislation:

- information on proving authorisation as set out in Sec. 5(3) of the Act No. 360/1992 Coll., On exercise of professions of chartered architects and chartered engineers and technicians in construction, as amended, by foreign entities (Sec. 30a to 30r of the Act No. 360/1992 Coll.): in the Czech Republic, selected construction activities may be carried out by foreign persons who acquired the necessary qualifications in the activities in another Member State of the European Union, in another Contracting State to the Agreement on the European Economic area, or in Switzerland (hereinafter referred to as the “Member State”) - as residents or visitors. A resident is a person who consistently performs selected activities in the Czech Republic or has their company or organisational unit in the Czech Republic. A visitor is a person who is resident in another Member State and performs selected activities in the Czech Republic temporarily or occasionally. In accordance with European Community law (European Parliament and Council Directive 2005/36/EC of 7 September 2005, On the Recognition of Professional Qualifications) access to selected activities in the Czech Republic may be granted upon submission of diplomas, certificates, and other evidence of formal qualifications, as well as professional experience. The recognition authority is the Czech Chamber of Chartered Engineers and Technicians in Construction, which assesses qualifications of applicants and performs other tasks related to this activity. Visitors have to submit a complete notification under the Act on recognition of professional qualifications to the recognition authority. The recognition authority may require verification of professional qualifications under the Act on recognition of professional qualifications. In the case of recognition of professional qualification and other qualification of a resident, or if the requirements under the Act on the recognition of professional qualifications are met by a visitor, the recognition authority immediately makes a record in the list of registered persons. The recognition authority sets its internal rules for the application form and particulars of the submitted documentation.
- The information to prove the official authorisation for verification of results of surveying activities to the extent set out by Sec 13(1) of the Act No. 200/1994 Coll., On Surveying and amending and supplementing certain acts related to its implementation, as amended, by foreign entities (Sec. 12 to 16 of the Act No. 200/1994 Coll.): cross-border provision of services by a foreign person consisting in verification of results of surveying activities in the Czech Republic requires official authorisation issued by the Czech Office for Surveying, Mapping and Cadastre. The competent authority grants the official authorisation to the person the professional qualifications and integrity is recognised under the Act on recognition of professional qualifications (Act No. 18/2004 Coll., as amended).

If the Contractor is unable to prove the 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 the **fulfillment the missing portion of qualification through a subcontractor**.

In that case the Contractor shall submit to the Contracting Entity:

- documents that prove the 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 contract shall contain the particular specification of performance which a subcontractor shall provide to the Contractor to fulfill the Public Contract or the particular specification of things or rights which the Contractor shall be entitled to use within the Public Contract performance.

The Contractor shall not be entitled to prove through a subcontractor the 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 performing 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 employed by the Contracting Entity or had a functional or similar relation to it in the past 3 years before the deadline for tenders submission.
- If the Contractor is a joint-stock company, a list of shareholders whose total nominal value of shares 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 Work Progress showing graphical rendering, the sequence and timing of main activities which the Contractor intends to use to implement the subject matter of this Public Contract with stating the total amount of expected financial volume for each month of performance.  
When processing the Schedule of Work Progress the tenderer shall take into consideration the prevailing climatic conditions, requirements for document development, required construction methods and procedures and specified traffic closure times.  
Unless the tender 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, traction lines and safety equipment) and the tenderer shall also assume that the durations of construction processes (and also the number of short-term closures for reconstruction of traction), as specified by the designer, are the maximum durations.
- The tenderer shall attach to the tender the information whether employees of more than one Contractor will be working on the site, within the meaning 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 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, mainly as an association within the meaning of the provision of Section (§) 2716 at seq. of the Act No. 89/2012 Coll., Civil Code, or as another association or grouping of tenderers (further in the text of these Instructions such grouping of tenderers is generally named as the "association" and the member of such grouping is an "associate"), then they need to provide information about their association. The information shall be submitted in the form contained in Appendix No. 4 hereto.
- If a tender is submitted by several persons jointly 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 associates of tenderers in the above-mentioned contract shall be identified as a leading associate. The leading associate shall be entitled to accept obligations and instructions for and on behalf of each and all associates and shall be also entitled to receive payments from the employer. The leading associate 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 associate in the full scope. The fulfillment of the other qualification requirements shall be proved by all associates 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 performing 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 the



implementation of the subject matter of the Public Contract performance. 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;

- The following information shall be entered in Appendix No. 8 to the binding contract sample, in the section of the List of Subcontractors:
  - The information about subcontractors which are stated in the table of this Appendix - the identification of a subcontractor (trade company, seat and IN), the factual scope of a subcontract (particular numbers of SO and PS which the subcontractor shall implemented) and the value of a subcontract expressed in % of the total price of work.
- 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 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 this authorization. Provided the draft of the contract has not been signed (in conflict with Section (§) 71 paragraph 7 letter b) of APC) it shall not comply with the requirements according to the provision of Section (§) 71 paragraph 7 of APC and it will be excluded from the participation in the procurement procedure. If the tender is submitted by several tenderers jointly (mainly as the association of tenderers) then the contract draft shall be signed by statutory bodies or by the persons who are in a documented manner authorized to act on behalf of all the tenderers who make up the association or by the statutory body or the person authorized to act on behalf of the tenderer who has been expressly authorized by other members of such association to this act.

## **11 INSPECTION OF THE PLACE OF PERFORMANCE (BUILDING SITE)**

- 11.1 An inspection of the place of performance is not necessary for processing the tender or the Public Contract. The Contractor shall be entitled to visit and inspect the place of performing this Public Contract and its proximity or to send to the Contracting Entity a written request so that the Contracting Entity arranges the 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 developing the tender and for concluding the contract for performing 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 or academic diplomas), any correspondence, including questions of the Contractors to the tender conditions, shall be provided in Czech. Academic diplomas can be submitted in Latin.
- 12.2 Documents used by a foreign person to prove the 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 Public Contract Notice 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, on the last day for submitting the tender, then only at fixed hours.

- 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 the address to which a notice should be sent under Section (§) 71, paragraph 5 of APC by the Contracting Entity to inform the Contractor that the tender was submitted after the deadline for submitting the tenders. Apart from the documentary form, the tenderer shall also submit the tender in an electronic form on a CD or DVD; this obligation concerns the contract draft, including Appendix No. 6 and 8, and the appraised list of works. The information on the CD/DVD shall be only informative; the failure to submit CD/DVD is not the reason for the exclusion of the Contractor. 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:

- The Form for Tender Submission contained in Appendix No. 11 hereto.
- Information about the tenderer, 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 the list of appendices.
- The information about the association of tenderers in the form contained in Appendix No. 4 hereto, including a contract about the association within the meaning of Section (§) 51, paragraph 6 of APC (if the tender has been submitted jointly by several tenderers).
- 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 the fulfillment of basic qualification requirements; the affidavit may be provided in the form contained in Appendix No. 8 hereto.
- Documents proving the fulfillment of professional qualification requirements.
- Contractor's affidavit about its economic and financial capability to fulfill the Public Contract.
- Documents proving the fulfillment of technical qualification requirements, i.e. the list of construction works in the form contained in Appendix No. 5 hereto, the 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.
- The list of statutory bodies or members of statutory bodies who were employed by the Contracting Entity or had a functional or similar relation to it in the past 3 years before the deadline for tenders submission.
- If the Contractor is a joint-stock company, the list of shareholders whose total nominal value of shares 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 performing this Public Contract, developed in accordance with the instructions contained herein, i.e. by entering information into the contract body and the Appendix No. 6 and 8, 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.
- The Schedule of Work Progress as contained in Appendix No. 10 hereto, developed in accordance 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.
- The appraised list of works, including summary price tables, building objects (SO) and operational stocks (PS) and general items contained in Volume 4, Part 2 of the tender documentation.
- The statement of the number of numbered pages and the total number of pages.
- The tender in an electronic form on a CD/DVD (this applies to the draft only, including Appendices No. 6 and 8 and the appraised list of the works - see the article 13.2 hereof).

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 The documents that are supposed to be signed in accordance 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 the performance of all works (work itself and supporting works, including inventory aids, models and temporary technical and technological equipment and constructions for provisional conditions and putting into operation the construction or its part) necessary for proper implementing the subject matter of this Public Contract in accordance herewith and in accordance with the tender conditions of this Public Contract as a whole, including the development of implementation documentation, as-built documentation and as-built geodetic documentation which the tenderer shall provide at his own expenses and according to the needs of the Contracting Entity to perform properly the subject matter of the Public Contract.
- 14.2 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 within the meaning 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 (including recycling), lands finish and their restoration, acoustic and vibration measurements (if the subject of performance), the execution of technical inspections and necessary complex testing for meeting the conditions of the Act No. 266/1994 Coll., on Railways, as amended later (including procedural regulations), the costs of aggravated construction conditions, import duties and other fees and costs of activities of the notified person and the safety assessment performed by an independent appraiser according to the procedural decree of the Committee (EU) no. 402/2013. The costs of the use of real estate properties for the execution of the subject matter and for the purpose of site installations, and the costs of the use of temporary occupation of land for the purposes of site installations shall be paid for by the tenderer.
- 14.3 The Contractors shall appraise all items on the list of works provided in Volume 4 under the title List of Works with the Areas Statement, with regard to technical specifications of the individual items. All items of the List of Works shall be appraised in the tender, i.e. the tenderer shall be obliged to add the corresponding price with each individual item. In case that some of the items given in the List of Works have not been appraised or have been appraised with zero value, it shall explain in its tender trustworthy and sufficiently why the item has not been appraised or how the given item is already included / appraised in other items of the List of Works. In case that the tender shall not include such explanation the Contracting Entity shall consider such item unclear and in such case it reserves the right to ask the tenderer for a written explanation of the tender. The Contracting Entity shall exclude the tender, if does not ascertain the explanation as sufficient and objectively acceptable (e.g. the tenderer will not explain trustworthy and sufficiently how such item is already included / appraised in other items of the List of Works, etc.). The classification of the tender price to the individual operational stocks (PS) and building objects (SO) shall be processed in the tender both in printing form and in digital form. 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.

- 14.4 The tender price shall also include the 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).
- 14.5 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 PERIOD OF THE TENDERS – TENDER DEADLINE**

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

## **16 COLLATERAL**

- 16.1 The Contracting Entity requires the tenderer, in accordance with Section (§) 67 of APC, to provide a collateral for the tender to secure the performance of its obligations resulting from participation in the procurement 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) 5723520023. 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 bank insurance then the tenderer shall ensure their validity throughout the entire procurement term, including its potential extension in accordance with Section (§) 43, paragraph 3 of APC or as a result of its interruption under Section (§) 43, paragraphs 4 and 5 of APC. In compliance 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 procurement 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 accordance 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 according to articles 16.4 and 16.5 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 accordance 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 within the meaning of Section (§) 70 of APC.

## **18 ELABORATION AND SIGNING OF THE TENDERS**

- 18.1 The tenders 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 tender 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 power of attorney or authorization 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 manipulation is possible – any subsequent replacement of pages shall be made impossible (e.g. by connecting them with a sealed string etc.) but at the same time leafing through shall be possible. All individual documents in the tender shall be clearly organized, marked and numbered in accordance with the contents described in the article 13 hereof.
- 18.4 The tender shall not include any deletions, overwritings or corrections with the exception of necessary corrections of errors made by the tenderer before the tender is submitted. In that case the deletions, overwritings 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 accordance with Section (§) 69 of APC.

## **19 CHANGES IN AND REVOCATION OF TENDERS**

- 19.1 After the tender period begins, 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 TENDER ENVELOPES OPENING**

- 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 Public Contract Notice which is available to the

public in the Bulletin of Public Contracts and which also forms Part 1 of Volume 1 of the Tender documentation.

## **21 CONFIDENTIALITY OF THE PROCUREMENT 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 the non-fulfillment of the tendering conditions and it will result in the exclusion of the tender and disqualification of the tenderer from the procurement procedure.
- 22.3 The subject matter of the evaluation will be also the 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 the 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 accordance with Section (§) 78, paragraph 1, letter b) of APC. The tenders will be evaluated in accordance 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 14.5 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 14.55 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 14.55 hereto (entered in the body of the binding contract sample) indicated by the other tenderers will be considered more suitable.

## **24 CANCELLATION OF THE PROCUREMENT PROCEDURE**

- 24.1 The cancellation of the procurement 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 documentation 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 the rejection of that Contractor's application or tender.
- 26.2 When submitting the tender the tenderer shall declare that the tender was prepared in compliance 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 the tenderer shall promptly inform the Contracting Entity.
- 26.3 The Contractor shall always act impartially and as a credible advisor in accordance 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 accordance 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 the independence of its employees. If the Contractor ceases to be independent the Contracting Entity may, regardless of the losses, terminate the contract in accordance 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	Assignment of a Part of Works to SubContractors
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 the fulfillment of basic qualification requirements
Appendix No. 9	Information on whether employees of more than one Contractor will be working on the site
Appendix No. 10	N/O
Appendix No. 11	Form for tender submission
Appendix No. 12	Affidavit by the tenderer

In Prague, on

.....  
  
**Ing. Mojmír Nejezchleb**  
**Deputy 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, Dlážděná 1003/7, Zip code (PSČ) 110 00

We have been informed that [TO BE ENTERED BY THE TENDERER] (hereinafter referred to as the “tenderer”) is about to submit a tender, based on your notification of the Public Contract, and that the tender conditions require the tenderer to provide a guarantee for its tender in order to meet its obligations resulting from participation in the procurement 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] (“the 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 contract in % of the total volume (tender price) of the Public Contract
<b>[TO BE ENTERED BY THE TENDERER]</b>	<b>[TO BE ENTERED BY THE TENDERER]</b>
<b>[TO BE ENTERED BY THE TENDERER]</b>	<b>[TO BE ENTERED BY THE TENDERER]</b>
<b>[TO BE ENTERED BY THE TENDERER]</b>	<b>[TO BE ENTERED BY THE TENDERER]</b>

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

#### Assignment of a Part of Works to Subcontractors

Provided the tender anticipates to assign a part of the work to subcontractors 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 associate [TO BE ENTERED BY THE TENDERER]  
Registered address of the leading associate [TO BE ENTERED BY THE TENDERER]  
Legal form of the leading associate [TO BE ENTERED BY THE TENDERER]  
Company Registration Number of the leading associate [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 /company/grouping)

- 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/company/grouping [TO BE ENTERED BY THE TENDERER]

Agreement for the Establishment of a Company/Association/Grouping

- i. Date of conclusion: [TO BE ENTERED BY THE TENDERER]
- ii. Place: [TO BE ENTERED BY THE TENDERER]
- iii. Appendix – 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 construction works)	Performance time under the contract	Contractor*	Price of the works within the tenderer's responsibility in the past 5 years  *** in CZK excl. VAT**
<i>A) in the Contractor's country</i>					
[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]
[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]
<i>B) abroad</i>					
[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 the 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 the 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 Public Contract Notice in the Bulletin of Public Contracts.

\*\*\* If the Contractor implemented the Public Contract as the partner of a company or the associate of an association or other grouping of several Contractors submitting the joint tender or as a subcontractor to another Contractor, then the Contractor shall indicate the price (value) of works for which it was responsible as the partner of a company or the associate of the association or which implemented 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
<b>Members of personnel in the “primary role”</b>				
<b>Site Manager (manager of works)</b>				
[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>Deputy to Site Manager (manager of works)</b>				
[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>Specialist in rail superstructure and substructure (manager of works)</b>				
[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>Specialist in communication and safety equipment (manager of works)</b>				
[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>Specialist in civil engineering (manager of works)</b>				
[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>Officially authorized surveyor</b>				
[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>Members of personnel in the “assisting role”</b>				
<b>Person responsible for quality management</b>				
[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>Person responsible for occupational safety and health</b>				



<b>[TO BE ENTERED BY THE TENDERER]</b>	<b>[TO BE ENTERED BY THE TENDERER]</b>	<b>[TO BE ENTERED BY THE TENDERER]</b>	<b>[TO BE ENTERED BY THE TENDERER]</b>	<b>[TO BE ENTERED BY THE TENDERER]</b>
<b>Specialist (manager of works) in high current</b>				
<b>[TO BE ENTERED BY THE TENDERER]</b>	<b>[TO BE ENTERED BY THE TENDERER]</b>	<b>[TO BE ENTERED BY THE TENDERER]</b>	<b>[TO BE ENTERED BY THE TENDERER]</b>	<b>[TO BE ENTERED BY THE TENDERER]</b>
<b>Person responsible for waste management</b>				
<b>[TO BE ENTERED BY THE TENDERER]</b>	<b>[TO BE ENTERED BY THE TENDERER]</b>	<b>[TO BE ENTERED BY THE TENDERER]</b>	<b>[TO BE ENTERED BY THE TENDERER]</b>	<b>[TO BE ENTERED BY THE TENDERER]</b>

- The Contractor shall insert in the respective column the information about experience in managerial / identical 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 required level of education of members of Contractor’s personnel for whom such document 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:

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:

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

- 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:

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

- 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 / 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 the fulfillment of the basic qualification requirements

#### Affidavit

*Trade name /Name and surname<sup>1</sup>*

Based at [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:

- In the past three (3) years, it has not been accomplished the state of fact of unfair competition by bribery pursuant to special legislation;
- In the past three (3) years, its assets have not been subjected insolvency proceedings with an adjudication of bankruptcy or bankruptcy petition has not been rejected due to the 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;
- In the past 3 years, it has not been or the persons with professional qualification given in this tender responsible for the Contractor's activity (if the Contractor performs this activity through a responsible deputy or other person responsible for the Contractor's activity) have not been finally disciplinary punished or have 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;
- In the past three (3) years, it has not been finally fined for enabling the performance of illegal work pursuant to special legislation.
- In the past three (3) years, no temporary administration has been initiated against him or in the past 3 years no measure has been applied to solve the crisis pursuant the Act governing remedial actions and the solution to the crisis on the financial market.

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:

---

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

Name	
Signature	

## Appendix No. 9

### Information

**on whether the employees of more than one Contractor will be working on the site**

### Affidavit

*Trade name / Name and surname<sup>2</sup>*

Based at **[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:

- The employees of more than one Contractor **[TO BE ENTERED BY THE TENDERER – WILL /WILL NOT ]** be working on the site within the meaning of Section (§) 14 paragraph 1 of the Act No. 309/2006 Coll., on Provision of Additional Conditions of Occupational Health and Safety, as amended later. The Contractor shall be considered any legal or physical person involved in the 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 the 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 during which the 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 the project implementation, 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;

---

<sup>2</sup> The identification data shall be entered by the tenderer based on the fact whether the tenderer is a physical person or legal 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 Health and Safety, as amended later, who, if needed, shall be appointed 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 the OHS coordinator throughout the entire time of the work implementation. The Contractor also commits to ensure that also other legal and physical persons – entrepreneurs entrusted with the implementation of the work or any part thereof by any of its subcontractors are also bound to cooperate 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**

**N/O**



## 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 III**

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 grouping), registered address, legal form, identification number
Main Contractor*	<b>[TO BE ENTERED BY THE TENDERER]</b>
Member of consortium 1*	<b>[TO BE ENTERED BY THE TENDERER]</b>

*\* 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 procurement procedure)**

Name	<b>[TO BE ENTERED BY THE TENDERER]</b>
Organization	<b>[TO BE ENTERED BY THE TENDERER]</b>
Address	<b>[TO BE ENTERED BY THE TENDERER]</b>
Mobile phone	<b>[TO BE ENTERED BY THE TENDERER]</b>
Fax	<b>[TO BE ENTERED BY THE TENDERER]</b>
E-mail	<b>[TO BE ENTERED BY THE TENDERER]</b>

**3. TENDER PRICE**

After reading the tender 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 III" 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 the 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 procurement procedure and that we accept them without any reservations and limitations.

[Optional: We hereby guarantee the 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 procurement 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 procurement 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 III**

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 led by < name of the leading member / our company >]\* and that in this the procurement procedure we do not act as a member of another consortium or as a subcontractor through which another contractor proves their qualifications in the same tender procedure;

*\*< delete whichever is not applicable >;*

2) This tender has been prepared in accordance 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 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 the rejection of that Contractor's application or tender.
- The Contractor shall always act impartially and as a credible advisor in accordance 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 compliance 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 compliance 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 compliance 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 the already concluded contract.
- The contract may be also terminated in compliance 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 the 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	