

## TENDER DOCUMENTATION

Title of public contract:	<b>Spare parts for tracked equipment</b>
Public contract number in Contracting Authority's records	<b>027/3/2018</b>

**Contract type:** above-threshold public contract in the field of defence and security pursuant to Section 187 of Act No. 134/2016 Coll., on public procurement, as amended (hereinafter simply "law") for supplies of spare parts for T-72M4 tank technology and air defence technology, awarded in a narrower procedure pursuant to Section 58 of the law.

Contracting Authority:	
Name:	<b>VOP CZ, s.p.</b>
Registered address:	Dukelská 102, 742 42 Šenov u Nového Jičína
ID No.:	00000493
Data box ID	rkga8r5
Bank:	UniCredit Bank Czech Republic and Slovakia, a.s., Ostrava branch
Account number:	5540150520/2700
State enterprise registered in the Commercial Register lodged with the Regional Court in Ostrava, Section AXIV, File No. 150	
Profile of Contracting Authority:	<a href="https://verejnezakazky.vop.cz/">https://verejnezakazky.vop.cz/</a>
Person authorised to act on behalf of Contracting Authority:	<b>Ing. Marek Špok, PhD., company director</b>
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## I. Basic information

This Tender Documentation is the set of documents, data, requirements and technical conditions of the Contracting Authority, defining the subject of the public contract with the details necessary to enable candidates to compile their bids (hereinafter simply “**Tender Documentation - TD**”) in a narrower tender procedure pursuant to Section 58 of the law.

**This public contract is assigned electronically using the certified E-ZAK electronic tool available at the Contracting Authority’s profile: <https://verejnezakazky.vop.cz/>. The Contracting Authority draws the candidate’s attention to the fact that all actions, including proving compliance with the qualification requirements – the submission of documents confirming qualifications or all communication relating to the tender procedure is electronic, via the E-ZAK electronic tool.**

**All conditions and information relating to the electronic tool are available at the URL: [https://verejnezakazky.vop.cz/document\\_public.html](https://verejnezakazky.vop.cz/document_public.html) - supplier’s manual + signature applet.**

**The supplier or candidate is obliged to register the E-ZAK electronic tool for the purpose of communication with the Contracting Authority!** If you have any questions concerning the user controls of the electronic tool available on the aforementioned website, contact the operator of the E-ZAK electronic tool by e-mailing: [podpora@ezak.cz](mailto:podpora@ezak.cz).

## II. Classification of subject of public contract

The Contracting Authority divides the public contract in question up into parts. This public contract is divided into 2 parts. The individual parts of the public contract are specified in the table below. The candidate may submit a bid for just one part, or for both parts of the public contract simultaneously.

Classification of subject of public contract pursuant to Common Procurement Vocabulary:

Part of public contract	Title of part of public contract	CPV	Unit of measure (UM)	Anticipated value in CZK excluding VAT
01	Spare parts for T-72M4	35400000-8	no. of items	17 854 000,000
02	Spare parts for air defence technology (PVO)	35400000-8	no. of items	3 400 000,000
Total anticipated value for duration of public contract in CZK excluding VAT				21 254 000,000

## III. Definition of subject of public contract

The aim of this tender procedure is to conclude a framework agreement with one candidate for each part of the public contract in order to secure regular supplies of spare parts for the subject of performance specified below in accordance with the Contracting Authority’s current needs, valid from the date on which the framework agreement is signed by both parties (hereinafter simply agreement) for a period of 2 years.

The subject of performance of this public contract is the supply of spare parts corresponding to the manufacturer’s technical specifications, in accordance with the requirements stipulated for

T-72M4 tank technology and air defence technology (PVO), all under the terms stipulated by the binding draft agreement, which forms Annexes 2 and 3 of this TD, to the extent specified by the Contracting Authority in accordance with its current needs in the individual orders (calls for the provision of performance).

The financial volume specified in the Tender Documentation is merely of an informative and general nature. **For the reasons specified in the previous sentence, the Contracting Authority is therefore not committed to purchase replacement parts.**

The Contracting Authority **places no restrictions on the number of parties** to the agreement. The agreement may be concluded by a candidate whose bid meets the requirements as stipulated by the law and the Contracting Authority in this TD, and whose bid contains proof of compliance with the qualification requirements. Partial public contracts on the basis of the agreement will be awarded in accordance with Section 134 of the law (for more details see Article VI. of this TD). This is a contract that does not involve the reopening of the tender – all information concerning the selection of the supplier is described in detail in this TD and particularly in the agreements, which form Annexes 2 and 3 of this TD.

#### **IV. Time and place of performance of public contract**

Duration of public contract - the agreement is concluded for a limited period of 24 calendar months, valid from the date on which it signed by both parties. On the date on which the agreement expires the Contracting Authority may send the supplier the Call for the Provision of Performance.

The place of performance of the subject of the public contract is - VOP CZ s.p., Dukelská 102, 742 42 Šenov u Nového Jičína.

#### **V. Request for explanation of Tender Documentation**

The Contracting Authority may explain the Tender Documentation by publishing an explanation at the Contracting Authority's profile at least 5 working days before the expiry of the bid submission deadline. The supplier is entitled to request that the Contracting Authority provide an explanation of the Tender Documentation, via the E-ZAK electronic tool.

The Contracting Authority is not obliged to provide an explanation if the request is not delivered at least 3 working days before the expiry of the deadline specified in the first sentence of this article (i.e. 5 days + 3 days = a total of 8 working days).

In line with the principle of equal treatment of all the candidates the explanation of the Tender Documentation may not be provided by telephone. The Contracting Authority may provide candidates with additional information on the terms of the tender without having been requested to do so.

#### **VI. Variant bids, consequence of submitting multiple bids**

The Contracting Authority will not permit variant bids as defined by Section 102(1) of the law.

#### **VII. Conditions for the awarding of public contracts on the basis of an agreement**

The individual partial public contracts will be awarded on the basis of the agreement concluded within the framework of this tender procedure.

The Contracting Authority awards the individual partial public contracts on the basis of an agreement whereby it sends the Call for the Provision of Performance to the supplier with whom the agreement is concluded. This Call also includes a standard order.

## VIII. Requirements for the method used to calculate the bid price, terms for the awarding of public contracts on the basis of an agreement and bid assessment criteria

Under the terms of the tender the Contracting Authority specifies the following requirements for the method used to calculate the bid price, where the candidate states unit prices in CZK excluding VAT, rounded off to two decimal places, while in the part of Annex No. 1 of the agreement - Technical Specifications and Price List in which the candidate submits the bid, the following must be specified:

- bid price in CZK excluding VAT per unit of measure;
- bid price in CZK excluding VAT for the total anticipated number of individual items (to be calculated automatically);
- total bid price in CZK excluding VAT (to be calculated automatically).

The candidate should state the total bid price in the Bid Cover Sheet, which forms Annex No. 1 to the TD.

**The candidate is obliged to fill in the unit bid price for all items. Failure to fill in any item will constitute a breach of the terms of the tender, and grounds for disqualifying the candidate.**

In accordance with Section 114 of the law bids will be assessed on the basis of their economic suitability. Pursuant to Section 114(2) of the law economic suitability will be assessed on the basis of a single criterion, i.e. the lowest bid price for the entire basket of items specified in the Technical Specifications and Price List.

An agreement will be concluded with the selected supplier who meets the requirements and conditions stipulated by the law and the Contracting Authority. **Annex No. 1 Technical Specifications and Price List, which will must the same as in the bid, forms an inseparable part of the agreement.**

Performance will involve the following: if a specific part is required by a specific date in the technical specifications, the Contracting Authority will issue the supplier with a call to supply that part. The Contracting Authority warns potential suppliers of the applicable penalties (specified in Annexes No. 2 and 3 of the TD), if the supplier is unable to deliver the agreed work.

## IX. Binding terms and conditions

All the business terms and payment terms are specified in the binding draft agreement (Annexes No. 2 and 3 of the TD).

**The candidate is obliged to unconditionally accept the Contracting Authority's terms and conditions as defined in the binding draft agreement. The candidate is not entitled to make any changes to the wording of the binding draft agreement** (this does not apply in the case of information which is expected to be filled in). In the event that the candidate fails to comply with this condition, the candidate's bid will be excluded and the candidate will be disqualified by the Contracting Authority for failure to comply with the terms of the tender defined in the TD.

In the binding draft agreement the candidate should only fill in the missing details highlighted in yellow. The candidate must not change the wording of the other provisions. The candidate must also attach Annex No. 1 – Technical Specifications and Price List, in which the bid price must be stated for all the items. The total bid price must be final and must include all costs, including transport, cataloguing and quality assurance.

After filling in the agreement with all the necessary details as specified above the candidate must print the agreement and enclose it with the bid, together with the annexes signed by the person authorised to act on behalf of the candidate.

The information specified in the binding draft agreement must correspond to the information stated in the candidate's bid.

**Before signing the agreement suppliers must submit:**

- Identification details of all persons which are its true owners in accordance with the law on certain measures to combat money laundering and the financing of terrorism, together with documents documenting those persons' relationship with the supplier; these documents particularly include
  - excerpt from the Commercial Register or other similar records,
  - list of shareholders,
  - decision of the statutory body on the payment of shares in profit,
  - social contract, memorandum of association or statutes.

## **X. Terms and requirements for the compilation of bids**

The bid submitted by the candidate must contain:

- a) **Completed Bid Cover Sheet** (Annex No. 1 of the TD) - the candidate fills in the identification details, date and signature of person authorised to act on behalf of candidate.
- b) **Completed binding draft agreement** (Annexes No. 2 and 3 of the TD) including all annexes duly signed by the person authorised to act on behalf of the candidate, particularly the completed Annex No. 1 – Technical Specifications and Price List (this information will be subject to assessment; however, the supplier should only fill in the prices for those items it is able to supply).
- c) If the candidate is represented by an agent on the basis of a power of attorney or other authorisation, the bid must be submitted together the original or notarized copy of that power of attorney or authorisation.

## **XI. Collateral requirement**

The Contracting Authority does not require collateral to be provided in accordance with Section 41(1) of the law.

## **XII. Method, place and deadline for the submission of bids**

Bids (including documents proving compliance with the qualification requirements) must be submitted electronically using the E-ZAK electronic tool (<https://verejnezakazky.vop.cz/>).

**The Contracting Authority requires that bids be entered into the electronic tool in the file entitled "BID - Replacement parts for continuous track technology - supplier's name".**

The bid submission deadline will be specified in the call for bids. The call for bids will be sent to candidates who have applied to participate in the tender and who provide their compliance with the qualification requirements as specified in the Tender Application and the Qualification Documentation.

### XIII. Opening envelopes containing bids

Envelopes containing bids will be opened without undue delay after the bid submission deadline. Given the fact that the Contracting Authority will only accept bids in electronic form (**not in any other form, such as on paper**), the opening of envelopes will be non-public in accordance with Section 109 of the law.

### XIV. Further conditions and rights of the Contracting Authority

- Each candidate bears its own costs of participating in the tender.
- The Contracting Authority reserves the right to subsequently amend or supplement the Tender Documentation.
- The candidate's bid must be filed in accordance with the provisions of this Tender Documentation and in accordance with the provisions of the binding draft agreement.
- The Contracting Authority will not allow bids to be submitted by any means other than the electronic tool – E-Zak.
- The Contracting Authority reserves the right to have the information contained in the bid verified by third parties and the candidate is obliged to provide all the necessary cooperation in this respect.
- The Contracting Authority reserves the right to cancel the tender procedure in accordance with the applicable legislation.

### XV. Annexes to Tender Documentation


Annex No. 1 Bid Cover Sheet - specimen

Annex No. 2 Binding draft agreement + Annex No. 1 to agreement – Technical Specifications and Price List and drawings + Annex No. 2 – Basic Obligations of Entrants

Annex No. 3 Binding draft agreement + Annex No. 1 to agreement – Technical Specifications and Price List and drawings + Annex No. 2 – Basic Obligations of Entrants

Compiled in Šenov u Nového Jičína and submitted for signature on 21 May 2018 by Ing. Klára Rašková

On the basis of power of attorney dated 6 October 2017

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