

Call for submission of tender application and qualification documentation

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

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:	VOP CZ, s.p.
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:	https://verejnezakazky.vop.cz/
Person authorised to act on behalf of Contracting Authority:	Ing. Marek Špok, PhD., company director
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I. Basic information

This Qualification Documentation is the set of documents, data, requirements and technical conditions of the Contracting Authority that define the subject of the public contract in sufficient detail to enable candidates to submit their Tender Application (hereinafter simply "Qualification Documentation - QD") in this 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 - 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.

II. Classification of subject of public contract, anticipated value

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 PVO	35400000-8	no. of items	3 400 000,000
Total anticipated value for duration of public contract in CZK excluding VAT				21 54 000,000

III. Subject of performance 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, all under the terms stipulated by the binding draft agreement, which forms Annexes 4 and 5 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 spare 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 4 and 5 of the 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. General requirements stipulated by the Contracting Authority in order to prove compliance with the qualification requirements

Compliance with the qualification requirements

The prerequisite for the conclusion of an agreement with the candidate of the tender procedure is compliance with the specified terms of participation, i.e. also including the qualification requirements.

Compliance with the qualification requirements means:

- a) **proof of basic competence** pursuant to the provisions of Section 74 of the law,
- b) **proof of professional competence** pursuant to the provisions of Section 77 of the law.

Proving compliance with the qualification requirements within the framework of a narrower above-threshold tender

IMPORTANT WARNING:

In accordance with the provisions of Section 86(2) of the law suppliers prove compliance with the qualification requirements within the framework of a narrower

above-threshold tender by submitting the relevant documents in the original or notarized copies.

In accordance with Section 86(2) of the law these may be replaced by a statutory declaration in the Tender Application.

In accordance with Section 86(3) of the law the Contracting Authority is obliged to request that the selected supplier submit the originals or notarized copies of qualification documents, if these have not already been submitted in the tender.

11.1 Basic competence

11.1.1 The basic competence requirements are met by a candidate in the tender procedure:

a) which has not, during the last 5 years BEFORE FILING THE APPLICATION TO PARTICIPATE IN THE TENDER, been lawfully convicted in the country in which it is based of the crime specified in Annex No. 3 of the law (see Annex No. 2 of this Tender Documentation) or similar crime pursuant to the laws of the country in which the supplier is based; spent convictions shall be disregarded; if the supplier is a legal entity, this condition must be met by that legal entity and also by each member of its statutory body; if a legal entity is a member of the supplier's statutory body, this condition must be met by that legal entity, each member of the statutory body of that legal entity and the person representing that legal entity in the supplier's statutory body.

If a branch of a foreign legal entity participates in the tender, this condition must be met by that legal entity and the branch manager;

if a branch of a Czech legal entity participates in the tender, this condition must be met by the branch manager in addition to the persons specified above;

- b) which is not registered as being in arrears with tax, either within the Czech Republic or in the country in which the supplier is based,
- c) which is not in arrears with the payment of insurance premiums or penalties for public health insurance, either within the Czech Republic or in the country in which the supplier is based,
- d) which is not in arrears with the payment of insurance premiums or penalties for social security and contributions to the state employment policy, either within the Czech Republic or in the country in which the supplier is based,
- e) which is not in liquidation; no decision on bankruptcy has been issued against it and it has not been placed into receivership pursuant to other legislation or into a similar situation pursuant to the laws of the country in which the supplier is based.

11.1.2 Proof of compliance with basic competence requirements

The supplier proves compliance with the basic competence requirements in relation to the Czech Republic by submitting simple copies of

- a) the relevant excerpts from the Criminal Records of Natural and Legal Persons in relation to Section 74(1)(a) of the law,
- b) confirmation from the relevant tax authority in relation to Section 74(1)(b) of the law,
- c) a written statutory declaration in relation to excise duty in relation to Section 74(1)(b) of the law,
- d) a written statutory declaration in relation to arrears on insurance premiums or penalties for public health insurance in relation to Section 74(1)(c) of the law,
- e) confirmation from the relevant district social security administration in relation to Section 74(1)(d) of the law,
- f) excerpt from the Commercial Register, or a written statutory declaration in the event that it is not registered in the Commercial Register, in relation to Section 74(1)(e) of the law.

The candidate in the tender procedure is also considered by THE LAW to be free of debt pursuant to points 11.1.2(b), (c), (d) and (e) above if the supplier has agreed on a **REPAYMENT SCHEDULE** for any sum owed with the tax administrator or relevant district social security administration.

If the candidate in the tender procedure is a legal entity, the basic qualification requirements pursuant to Section 74(1)(a) must be met by that legal entity, its statutory body or by each member of its statutory body; if the statutory body of the candidate in the tender procedure or member of the statutory body of the candidate in the tender procedure is a legal entity, this condition must be met by that legal entity, its statutory body or by each member of the statutory body of that legal entity.

11.2 Professional competence

The professional competence requirements pursuant to Section 77 are met by a supplier that submits the original or notarized copy of:

- a) excerpt from the Commercial Register, if registered therein, or excerpt from other similar records, if applicable.

The documents with which the candidate in the tender procedure provides compliance with the basic competence requirements pursuant to Section 74 and the professional competence requirements pursuant to Section 77(1) (*excerpt from the Commercial Register*) **MUST PROVE COMPLIANCE** with the criterion competence criterion **NO LATER THAN WITHIN 3 MONTHS BEFORE THE DATE THE BID OR REQUEST IS FILED** pursuant to the provisions of Section 53(4) of the law.

VI. Requirements concerning content, structure and method used to complete Tender Application and proof of compliance with qualification requirements

The Tender Application and Proof of Compliance with the Qualification Requirements must be sent together with all the requisite documents and annexes **in electronic form only**; in Czech or in Slovak.

The Tender Application and proof of compliance with qualification requirements as compiled by the candidate must contain:

- 1) Tender Application – Annex No. 1 to this Qualification Documentation
- 2) documents proving compliance with the qualification requirements

VII. Method and place for filing Tender Application and proof of compliance with qualification requirements

Tender Application

The term “Tender Application” means the filing of the application signed by the person authorised to act on behalf of candidate for the given public contract the candidate is interested in competing for, as well as the qualification documents.

Form of Tender Application

The Contracting Authority requires that the Tender Application and qualification documents be filed in electronic form (not in paper) using the E-ZAK electronic tool available at the URL: <https://verejnezakazky.vop.cz/>. The application must be written in Czech or in Slovak.

Signature of Tender Application using a recognized electronic signature by the person authorised to act on behalf of the candidate

If the application is electronically signed using a recognized electronic signature by the person authorised to act on behalf of the candidate (statutory body or member/members of the statutory body pursuant to the excerpt from the Commercial Register or other similar record), i.e. if the person authorised to act on behalf of the candidate electronically signs the relevant file(s) (in which case they do not need to be entered into the E-ZAK electronic tool) or enters the file(s) into the E-ZAK electronic tool and then sends the file(s) (submits the bid) and adds their electronic signature in the E-ZAK electronic tool (the actual files do not have to be electronically signed) – **no power of attorney needs to be submitted.**

Physical signature of the application by the person authorised to act on behalf of the candidate and recognized electronic signature of the supplier's other person

If the application is not electronically signed using a recognized electronic signature by the person authorised to act on behalf of the candidate (statutory body or member/members of the statutory body pursuant to the excerpt from the Commercial Register or other similar record) (but is signed with a handwritten signature only), i.e. the relevant file(s) is/are entered and sent (the application is filed) and electronically signed in the E-ZAK electronic tool by a person other than the supplier, e.g. an employee of the supplier – **now power of attorney needs to be submitted for the person who electronically signed the message in which the application was sent.**

Physical signature of the application by a person other than the person authorised to act on behalf of the candidate and electronic signature of the supplier's other person

If the application is signed by a person other than the person authorised to act on behalf of the supplier (statutory body or member/members of the statutory body pursuant to the excerpt from the Commercial Register or other similar record) – scanned document (file, e.g. in PDF format), i.e. the relevant file(s) is/are filed by another person (e.g. an employee of the supplier) – **power of attorney must be submitted for the person who signed the paper documents.** The Contracting Authority states that a simple copy of the aforementioned power of attorney is

sufficient, i.e. if the supplier's statutory body (members of the statutory body) does not possess an electronic signature, the scanned paper form of the power of attorney may be submitted (e.g. in PDF format), which clearly shows the relevant physical signature of the person authorised to act on behalf of the supplier (grants power of attorney).

Method and deadline for filing Tender Application

Tender Applications (including documents proving compliance with the qualification requirements) must be filed electronically using the E-ZAK electronic tool (<https://verejnezakazky.vop.cz/>). The final deadline for filing Tender Applications, which is also the final deadline for proving compliance with the qualification requirements, is:

Date 23 -07- 2018 at 1:00 p.m.

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

VIII. 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 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 cancel the tender procedure in accordance with the applicable legislation.
- The Contracting Authority will not allow any variant solutions or the contract to be divided into parts.

IX. Annexes to Tender Documentation

Annex No. 1 Tender Application and Proof of Compliance with Qualification Requirements – specimen

Annex No. 2 Statutory Declaration Confirming Compliance with Basic Competence Requirements

In Šenov u Nového Jičína on 21 May 2018


VOP CZ, s.p.
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42 42 Šenov u Nového Jičína
DIČ: CZ0000493
050 00 493

Ing. Roman Mikulín
Financial Director

On the basis of power of attorney dated 6 October 2017