

## Part 0 - Procurement documentation

### **Part 0.b QUALIFICATION DOCUMENTATION**

pursuant to Section 33 of Act No. 134/2016 Coll., on Public Procurement,  
as amended (hereinafter referred to as the "PPA" or the "Act")

# **PUBLIC CONTRACT**

## **"Modernization of WtE Plant SAKO Brno"**

over-the-limit utilities contract for construction works awarded in a negotiated  
procedure with prior publication as per provisions of Section 60 of the PPA



**SAKO Brno, a.s.**

registered address: Jedovnická 4247/2, 628 00 Brno

ID No: 60713470

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### 1. **IDENTIFICATION DATA OF THE CONTRACTING AUTHORITY AND OTHER ENTITIES**

#### 1.1. Contracting authority

<b>Name of the contracting authority</b>	SAKO Brno, a.s.
<b>Registered address of the contracting authority</b>	Jedovnická 4247/2, 628 00 Brno
<b>ID of the contracting authority</b>	60713470
<b>Profile of the contracting authority:</b>	<a href="https://zakazky.sako.cz/">https://zakazky.sako.cz/</a>

#### 1.2. Representative of the contracting authority

The contracting authority's representative in matters related to the award of this public contract is MT Legal s.r.o., law firm, with its registered office at Jana Babáka 2733/11, 612 00 Brno, ID number 28305043 e-mail: **SakoOHBII@mt-legal.com**. Pursuant to the provisions of Section 43 of the PPA, the contracting authority's representative is authorized to carry out actions related to this procurement procedure and is also authorized to receive any objections from the participants pursuant to Section 241 et seq. of the PPA (without prejudice to the authorization of the statutory body or any other authorized person of the contracting authority). The contracting authority's representative is also in charge of communication pursuant to Section 2.

#### 1.3. Information on the procurement procedure

In order to ensure the transparency of the procurement procedure and to clearly define the requirements for the qualification of contractors, the contracting authority has prepared this qualification documentation, which defines the contracting authority's binding requirements for the qualification of contractors who are interested in participating in the public procurement procedure.

### 2. **COMMUNICATION BETWEEN THE CONTRACTING AUTHORITY AND THE PARTICIPANTS**

The public contract is procured fully in electronic manner using the certified electronic tool E-ZAK (hereinafter referred to as the "*electronic tool*"), available at <https://zakazky.sako.cz/>.

Unless resulting from Section 211 of the PPA, all actions taken within this procurement procedure, as well as all communication between the contracting authority (or its representative) and the Participant, will take place electronically, in particular by means of the electronic tool.

All documents sent via this electronic tool shall be considered duly delivered on the day of their delivery to the user account kept by the addressee in the E-ZAK electronic tool. Delivery of documents will not be affected by whether the document has been read by the addressee

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or whether the electronic tool has sent a notification to the addressee to the contact e-mail address stating that a new message has been delivered to the user account in the electronic tool or not.

The contracting authority advises the contractor of the fact that in order to make full use of the electronic tools it is necessary to make and complete the so-called contractor registration (to be able to log in the E-ZAK system it is necessary to get registered in the FEN.cz Central Contractor Database (CDD) system at <https://fen.cz/#/registrace> providing all details and instructions for the registration). The manual for contractor registration in the electronic tool is provided in the user manual entitled " *E-ZAK, version 5 - electronic tool for public procurement and electronic auction hall - user manual for E-ZAK system contractors.* " The contracting authority advises that the registration does not take place immediately and is subject to acceptance by the system administrator within a period of up to 48 hours on business days; in case of deficiencies in the application for registration, the registration may also be rejected.

Terms and conditions and information concerning the electronic tool, including information on the use of the electronic signature, are available at <https://ezak.e-tenders.cz/manual.html>.

The contractor is always responsible for becoming properly and timely familiar with the documents sent by the contracting authority via the electronic tool, as well as for accuracy of the contact details provided by the contractor. Pursuant to the PPA, the contracting authority requires that the tenders be properly encrypted and the encryption should be carried out by means of the electronic tool.

In case of answers to any questions regarding the user control of the electronic tool, the user support may be contacted (tel.: +420 538 702 719, e-mail: [podpora@ezak.cz](mailto:podpora@ezak.cz)).

### **3. INFORMATION ON THE SUBJECT OF THE PUBLIC CONTRACT**

#### **3.1. Subject of the public contract**

The subject of the public contract is the design and construction of a high-efficient waste-to-energy facility (OHB II – line K1).

#### **3.2. Classification of the subject of the public contract (CPV)**

45222100-0 | Waste-treatment plant construction work

45251140-4 | Thermal power plant construction work

42320000-5 | Waste incinerators

45251250-8 | District-heating plant construction work

45200000-9 | Works for complete or part construction and civil engineering work

45220000-5 | Engineering works and construction works

45232140-5 | District-heating mains construction work

51135110-1 | Installation services of waste incinerators

45222000-9 | Construction work for engineering works except bridges, tunnels, galleries and

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underpasses.

### 4. CONTRACTING AUTHORITY'S REQUIREMENTS FOR QUALIFICATION

Pursuant to the provisions of Section 73 at seq. of the PPA, a qualified contractor is a contractor proving compliance with:

- a) basic qualification according to Section 74 and Section 75 of the PPA (Article 4.1 ),
- b) professional qualification according to Section 77 of the PPA (Article 4.2 ),
- c) economic qualification according to Section 78 of the PPA (Article 4.3 ) and
- d) technical qualification according to Section 79 of the PPA (Article 4.4), unless it deviated from Section 79 of the PPA.

#### 4.1. Basic qualification according to Section 74 of the PPA

<b>An eligible contractor is a contractor who</b>	<b>Method of proving compliance with professional qualification (documents)</b>
<p>a) was not convicted by final judgement of a criminal offence listed under Annex No. 3 to the PPA or of a similar criminal offence under the system of law of the country of registered office of the contractor over the past 5 years prior to the commencement of the procurement procedure; erased convictions will be ignored.</p> <p>If the contractor is a legal entity, both this legal entity and each member of its statutory body shall meet this condition.</p> <p>Where a legal entity is a member of the statutory body of the contractor, the condition shall be met by the legal entity, each member of the statutory body of this legal entity, and the person representing this legal entity in the statutory body of the contractor;</p> <p>To demonstrate compliance with the qualification criteria through a branch of business, the provisions of Section 74 (3) of the PPA are applicable.</p> <p>Under Section 5 of the PPA, the branch of a business registered in the Czech Republic shall</p>	<p><i>Extract from the Criminal Register for</i></p> <ul style="list-style-type: none"> <li>- each legal person, and</li> <li>- each natural person,</li> </ul> <p><i>for which it is required according to the PPA and the procurement terms and conditions.</i></p>

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An eligible contractor is a contractor who	Method of proving compliance with professional qualification (documents)
be considered as a contractor based in the Czech Republic.	
b) has no outstanding tax arrears registered in tax records in the Czech Republic or in the country of its registered office,	<p>- Confirmation from the relevant tax authority</p> <p>and</p> <p>- contractor's affidavit in relation to the excise duty, which clearly indicates that this qualification requirement is met.</p>
c) has no arrears in respect of payments and penalties of public health insurance in the Czech Republic or in the country of its registered office,	contractor's affidavit which clearly indicates that this qualification requirement is met.
d) has no arrears in respect of payments and penalties of social security contributions and contribution to the national employment policy in the Czech Republic or in the country of its registered office, has no arrears in respect of payments and penalties of social security contributions and contribution to the national employment policy in the Czech Republic or in the country of its registered office,	Confirmation from the relevant district social security administration.
e) is not in liquidation, has not been declared insolvent, in respect of whom the receivership has not been imposed under another legal regulation or it is not in a similar situation pursuant to the law of the country of its registered office.	<p>- Extract from the Business Register,</p> <p>or</p> <p>- contractor's affidavit in relation to the compliance with this qualification requirement if the contractor is not registered in the Commercial Register.</p>

Documents proving basic qualification shall demonstrate the compliance with the required qualification no later than 3 months before the date of commencement of the procurement procedure (i.e. they shall not be older than 3 months at the time of the commencement of the procurement procedure).

The basic qualification can also be demonstrated by the contractor by submitting the extract from the list of qualified contractors pursuant to the provisions of Section 228 of the PPA or a certificate issued within the system of certified contractors pursuant to Section 234 of the PPA.

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### 4.2. Professional qualification pursuant to Section 77 of the PPA

	Professional qualification will be proved by a contractor who submits	Method of proving compliance with professional qualification (documents)
a)	extract from the Commercial Register or another similar register;	<i>extract from the Commercial Register or any other extract from similar records if other legal regulations require registration in such records.</i>
b)	document proving that the contractor is authorized to conduct business to the extent specified by the contracting authority;	<p><i>The contractor shall submit an extract from the trade register according to Section 10 (3)(a) of Act No. 455/1991 Coll, on Trade Licensing (Trade Licensing Act), as amended, and/or a trade license or, as the case may be, any other authorization to conduct business in the following lines of business:</i></p> <ol style="list-style-type: none"> <li><b>1. Construction of engineering structures, their alteration and demolition;</b></li> <li><b>2. Construction design.</b></li> </ol> <p><i>The contracting authority will also recognize as a trading license in the required line of business an extract from the trade register or a trade license or licenses proving the contractor's authorization to conduct business in the relevant line (or lines), which will correspond to the content of the line of business required by the contracting authority (these are mainly trade licenses issued under previously valid legal regulations).</i></p>
c)	document proving professional qualification or availability of a person through which the professional qualification is demonstrated, to the extent specified by the contracting authority;	<i>Certificate of authorization pursuant to Section 5 {3} of Act No. 360/1992 Coll., on the exercise of the profession of authorized architects and on the exercise of the profession of authorized engineers and technicians active in construction, as amended, or</i>

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Professional qualification will be proved by a contractor who submits	Method of proving compliance with professional qualification (documents)
	<p>confirmation of registration in the list of registered persons pursuant to Section 23 (6) (e) of the cited Act, for the line of business:</p> <ul style="list-style-type: none"> <li>(i) <b>building construction,</b></li> <li>(ii) <b>structural stability and dynamics of buildings,</b></li> <li>(iii) <b>technological equipment of buildings ,</b></li> <li>(iv) <b>building environment technology, specialization technical equipment,</b></li> <li>(v) <b>fire safety of buildings,</b></li> </ul> <p>where one person can prove authorization (confirmation) for all/more required lines of business.</p> <p>Provision of document (s) according to this requirement is sufficient for a contractor selected in the procurement procedure, i.e. it does not need to be submitted at the time of filing the request to participate, but can be documented pursuant to Article 17.1 of the procurement documentation at the request of the contracting authority; in such a case, the participant shall provide an affidavit in the request to participate stating that it will comply with the said qualification as the contractor.</p>
d) document proving professional qualification or availability of a person through which the professional qualification is demonstrated, to the extent specified by the contracting authority:	Document on the official authorization to perform the activities of an authorized surveying engineer (AZI, formerly ÚOZI) - authorization granted by the Czech Chamber of Surveyors -

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Professional qualification will be proved by a contractor who submits		Method of proving compliance with professional qualification (documents)
		<i>within the scope of Section 16f(1))and)<sup>1</sup> and (c)<sup>2</sup> Act No. 200/1994 Coll., on surveying and on the amendment and addition of certain acts related to its introduction (hereinafter referred to as the "Surveying Act"). A certificate similar in terms to the scope and quality as indicated above, i.e. according to Section 13 (1)(a) and (c) of Act No. 200/1994 Coll., on surveying and on the amendment and addition of certain acts related to its introduction, as amended, in the wording applicable until 30th June 2023 will also be accepted.</i>
e)	document proving professional qualification or availability of a person through which the professional qualification is demonstrated, to the extent specified by the contracting authority:	<i>Certificate according to Section 7, without voltage limitation, Government Regulation No. 194/2022 Coll., on requirements for professional competence to perform work on electrical equipment and professional competence in electrical engineering, or certificate according to Section 8, up to 1000 V, ČÚBP Decree no. 50/1978 Coll., on professional competence in electrical engineering.</i>
f)	document proving professional qualification or availability of a person through which the professional qualification is demonstrated, to the extent specified by the contracting authority:	<i>Authorization according to Act No. 250/2021 Coll., on occupational safety in connection with the operation of dedicated technical equipment and on amendments to related acts, as amended, for assembly, repairs, tests and revisions of dedicated technical</i>

<sup>1</sup>I.e. authorization to validate the results of surveying work used for the estate cadastre management, in particular plat maps, a copy or duplicate of the plat maps, the results of surveying work for renewing the cadastre operation and the land plot delineation documentation.

<sup>2</sup>I.e. authorization to validate the results of surveying work used in construction.

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Professional qualification will be proved by a contractor who submits	Method of proving compliance with professional qualification (documents)
	<i>electrical equipment class II, pursuant to Section 4 (2) of Government Regulation No. 190/2022 Coll., on dedicated technical electrical equipment and safety requirements.</i>
g) document proving professional qualification or availability of a person through which the professional qualification is demonstrated, to the extent specified by the contracting authority:	<i>Authorization pursuant to Act No. 250/2021 Coll., on occupational safety in connection with the operation of dedicated technical equipment and on amendments to related acts, s, as amended, for dedicated pressure equipment pursuant to Section 4 (1)(a) and (b) of Government Regulation No. 192/2022 Coll., on dedicated technical pressure equipment and safety requirements.</i>
<p>Compliance with the requirement for professional qualification may also be demonstrated by the contractor by submitting an extract from the list of qualified contractors pursuant to Section 228 of the PPA or a certificate issued within the system of certified contractors pursuant to Section 234 of the PPA <b>to the extent in which the data in the extract</b> from the list of qualified contractors or the certificate demonstrate comply with the professional qualification.</p>	

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### 4.3. Economic qualification pursuant to Section 78 of the PPA

Economic qualification will be proved by a contractor who submits		Method of proving compliance with economic qualification (documents)
a)	<p><i>profit and loss statement showing that the total contractor's turnover for 6 immediately preceding closed accounting periods, for which the contractor has drawn up or is obliged to draw up financial statements, reached an annual average of a minimum of CZK <b>1.5 billion</b>.</i></p>	<p><i>Profit and loss statement for the last 6 accounting periods for which the contractor has drawn up or is obliged to draw up financial statements, which includes a profit and loss statement.</i></p> <p><i>Where the contractor came into existence later, it is sufficient if it submits documents on the required amount of its turnover for all accounting periods since its creation.</i></p> <p><i>If this part of the qualification is demonstrated by several persons, the contracting authority requires that these persons should have joint and several liability for the performance of the public contract. They are obliged to document the relevant written commitment in the request to participate.</i></p> <p><i>A foreign contractor shall prove the amount of the total turnover using relevant documents according to the system of law of the country of its registered office.</i></p>

### 4.4. Technical qualification

Technical qualification will be proved by a contractor who submits		Method of proving compliance with technical qualification (documents)
a)	<p><b>list of significant contracts</b> executed in the last <b>14 years</b> before commencement of the procurement procedure<sup>3</sup>;</p>	<p><i>The list of significant contracts shall indicate the following information as a minimum:</i></p> <p><i>a) name of the client,</i></p>

<sup>3</sup>The contracting authority reserves the right to require the participant to provide proof of the contractor's certificate of proper provision and completion of selected significant reference contracts to assess compliance with the conditions of participation in case of doubts as to the information provided by the contractor.

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<p><b>Technical qualification will be proved by a contractor who submits</b></p>	<p><b>Method of proving compliance with technical qualification (documents)</b></p>
	<p>b) <i>subject of the significant contract, which will clearly indicate that all the following requirements have been met,</i></p> <p>c) <i>time of and place of the significant contract execution,</i></p> <p>d) <i>financial volume of the significant contract, if further requested,</i></p> <p>e) <i>The client's contact person who can be contacted to verify execution of the significant contract , incl. contact e-mail and phone number,</i></p> <p>f) <i>information on whether the significant contract has been executed</i></p> <ul style="list-style-type: none"> <li>i. <i>solely by the contractor acting as the general/main contractor,</i></li> <li>ii. <i>by the contractor jointly with another contractor or contractors, or</i></li> <li>iii. <i>by the contractor acting as a subcontractor;</i></li> </ul> <p><i>In cases re ii. and re iii. the list shall, from the factual and financial point of view, define which work (specific activities) was carried out by the contractor on the significant reference contract and in what financial volume so that the compliance with the contracting authority's requirements for significant reference contracts is obvious.</i></p> <p><b>The list shall clearly indicate that over the relevant period the contractor <b>duly executed</b> a minimum of:</b></p> <ol style="list-style-type: none"> <li>1. <b>2 significant projects</b> <i>the subject of which was construction or reconstruction of power engineering</i></li> </ol>

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Technical qualification will be proved by a contractor who submits	Method of proving compliance with technical qualification (documents)
	<p><i>facilities<sup>4</sup>, which included supply of technology in a financial volume of a minimum of CZK 300 mil. excl. VAT/project for these technologies.</i></p> <p>2. <b>1 significant project</b>, <i>the subject of which was, design<sup>5</sup> as well as assembly/installation and commissioning of a steam boiler with a moving grate for the incineration of mixed municipal waste with a thermal input of a minimum of 30 MW and such a significant project had to be designed in accordance with EN norms / standards (European standards) and meet all the terms and conditions set out in Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) ) concerning the requirements of the "Best Available Techniques" (BAT) under the above Directive for the incineration of mixed municipal waste and, at the same time, a valid</i></p>

<sup>4</sup>For the purposes of the qualification documentation, a power engineering facility means only construction work involving construction, reconstruction or installation in the field of

- heating industry (pursuant to Section 2 (2)(c) of Act No. 458/2000 Coll., on the conditions of business and the exercise of state administration in energy sectors and on amendments to certain acts (Energy Act), as amended, or similar legal regulations applicable in other countries),
- power engineering (pursuant to Section 2 (2)(a) of Act No. 458/2000 Coll., on the conditions of business and the exercise of state administration in energy sectors and on amendments to certain acts (Energy Act), as amended, or similar legal regulations applicable in other countries),
- construction/reconstruction of boiler rooms or
- waste incinerators (pursuant to Section 35 (2) of Act No. 541/2020 Coll., on waste, as amended, or similar legal regulations applicable in other countries),

This definition also applies to other occurrences of the term herein below.

<sup>5</sup>For the purposes of qualification documentation, **the design** means the overall solution (documentation) of the project - Basic Design. Basic Design documentation defines all equipment and buildings and their location in the space, and shall contain description of the technological process, proposed basic parameters of all technological equipment, diagrams, critical components and equipment, basic requirements for the civil construction, layout of all buildings and facilities, management philosophy, location of the construction in the selected location and description of the impact of the construction on the environment.

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<p><b>Technical qualification will be proved by a contractor who submits</b></p>	<p><b>Method of proving compliance with technical qualification (documents)</b></p>
	<p><i>integrated IPPC permit had to be issued concerning the significant contract in question pursuant to Section 13(3) of Act No. 76/2002 Coll., the Integrated Pollution Prevention and Control Act, the Integrated Pollution Register and Amendments to Certain Acts, as amended, or an analogical permit pursuant to Directive 2010 / 75 / EU, on industrial emissions (integrated pollution prevention and control) concerning "permit" (IPPC) requirements under Article 1 (7) of the cited Directive;</i></p> <p>3. <b>2 significant projects</b>, the subject of which in each individual case was the assembly/installation and commissioning of a flue gas treatment system for a mixed municipal waste incineration plant with a flue gas flow of at least 60,000 Nm<sup>3</sup>/hour, while at least one of such significant contracts had to be designed in accordance to EN norms/standards (European norms/standards) and meet all conditions in Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) concerning the requirements of the "Best Available Techniques" (BAT) under that Directive for the incineration of mixed municipal waste and, at the same time, a valid integrated IPPC permit had to be issued concerning the significant contract in question pursuant to Section 13(3) of Act No. 76/2002 Coll., the Integrated Pollution Prevention and Control Act, the Integrated</p>

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	<p><b>Technical qualification will be proved by a contractor who submits</b></p>	<p><b>Method of proving compliance with technical qualification (documents)</b></p>
		<p><i>Pollution Register and Amendments to Certain Acts, as amended, or an analogical permit pursuant to Directive 2010 / 75 / EU, on industrial emissions (integrated pollution prevention and control) concerning "permit" (IPPC) requirements under Article 1 (7) of the cited Directive.</i></p> <p><i>This part of the qualification will also be fulfilled by a contractor in the case of significant contracts commenced earlier than in the last 14 years or later, if completed in the last 14 years, or if they continued after commencement of the procurement procedure or if they are still ongoing, provided that all the above parameters are duly complied with by the qualification deadline (i.e. proper completion of the relevant part of the significant contract, which meets the contracting authority's requirements for references) .</i></p> <p><i>The contracting authority expressly admits that the requirements according to points 2 and 3 above can be demonstrated by the same significant project if it corresponds to the requirements specified in the points under this paragraph in the qualification documentation.</i></p>
<p>b)</p>	<p>certificate of education (if required) and professional qualifications of the natural persons responsible for the execution of civil works</p>	<p><i>The contracting authority requires that each such person shall submit:</i></p> <ul style="list-style-type: none"> <li><i>• professional curriculum vitae from which the compliance with the contracting authority's requirements will be indicated (as regards the reference experience, if required below, the contractor shall provide data from which the fulfilment of the</i></li> </ul>

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<p><b>Technical qualification will be proved by a contractor who submits</b></p>	<p><b>Method of proving compliance with technical qualification (documents)</b></p>
	<p><i>requirement can be verified, including contact details of the client in such contract, i.e. contact e-mail and phone number),</i></p> <ul style="list-style-type: none"> <li>• <i>information on whether the person is an employee or has any other relationship with the contractor (in which case the contractor shall specify the relationship),</i></li> <li>• <i>documents proving compliance with the contracting authority's requirements for education or professional qualification (relevant document of education/certificate/ and authorization/certification, if required herein below).</i></li> </ul> <p><i>The contractor shall provide evidence of professional qualifications for the following persons:</i></p> <p style="padding-left: 40px;"><b>1) <u>Project Manager</u></b></p> <p><i>this person shall have:</i></p> <ul style="list-style-type: none"> <li>• <i>experience in managing the contractor's team for a minimum of 12 consecutive months in the last 14 years before the commencement of the procurement procedure acting as project manager in the implementation in a minimum of 2 significant contracts meeting the requirements of Article 4.4 (a) (1) of the qualification documentation;</i></li> <li>• <i>experience in managing contractor's team for a minimum of 12 consecutive months in the last 14 years before the commencement of the procurement procedure acting as project manager in the implementation in a minimum of 2 significant contracts meeting the</i></li> </ul>

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Technical qualification will be proved by a contractor who submits	Method of proving compliance with technical qualification (documents)
	<p><i>requirements of Article 4.4 (a) (1) (a) of the qualification documentation; (but not necessarily in the field of mixed municipal waste incineration, while in at least one case in a Design &amp; Build<sup>6</sup> project;</i></p> <p><b>2) Chief Design Engineer</b>  <i>this person shall have:</i></p> <p>a) <i>experience in the position of Chief Design Engineer for at least 12 consecutive months in the last 14 years before the commencement of the procurement procedure with the implementation of design and construction or reconstruction of a minimum of 1 incineration plan<sup>7</sup> , which included assembly/installation and commissioning of a boiler with minimum parameters according to Article 4.4. (a) (2) where such a contract had to comply with all the conditions laid down in Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) concerning the requirements of the "Best Available Techniques" (BAT) under that Directive; , for the incineration of mixed municipal waste ;</i></p>

<sup>6</sup>For the purposes of the qualification documentation, the term **Design & Build** means complete provision of design and implementation of the construction by the contractor as a "turnkey" project as conceived in the FIDIC Yellow book (Contractual conditions for supply of technological equipment and design-build) of 1999 or later.

<sup>7</sup>For the purposes of the qualification documentation, an **incineration plant** means a waste incineration plant meeting the requirements pursuant to Section 23 (1) of Act No. 185/2001 Coll., On Waste or an equivalent incineration plant pursuant to the requirements defined in Article 3 (4) of Directive 2010/75/EC of the European Parliament and of the Council of 24th November 2010, on industrial emissions (integrated pollution prevention and control).

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<p><b>Technical qualification will be proved by a contractor who submits</b></p>	<p><b>Method of proving compliance with technical qualification (documents)</b></p>
	<p>b) <i>further experience as Chief Design Engineer for a minimum of 12 consecutive months in the last 14 years prior to the commencement of the procurement procedure with the implementation of a Design &amp; Build<sup>6</sup> project, in which case</i></p> <ul style="list-style-type: none"> <li>• <i>the said person acted Chief Design Engineer in the project both in relation to the design and construction part of the project and</i></li> <li>• <i>this project included construction or reconstruction of an incineration plant<sup>7</sup> with the waste incineration capacity of a minimum of 80 thousand tonnes/year or construction or reconstruction of a power engineering facility<sup>4</sup> with the electricity generation output of a minimum of 10 MWe.</i></li> </ul> <p><b>3) Site Manager</b></p> <p><i>this person shall have:</i></p> <ul style="list-style-type: none"> <li>• <i>a professional qualification of an authorised engineer pursuant to Act No. 360/1992 Coll., on practice of profession of authorized architects and authorized engineers and technicians active in construction, as amended, in the field of "<b>Civil construction</b>" or "<b>Technological equipment of buildings</b>";</i></li> <li>• <i>a minimum of two 2 experience as site manager responsible for construction according to special legal regulations for a minimum of 12 months in the last 14 years before the</i></li> </ul>

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	Technical qualification will be proved by a contractor who submits	Method of proving compliance with technical qualification (documents)
		<p><i>commencement of the procurement procedure in the implementation of construction/reconstruction of at least 2 incineration plants<sup>7</sup> with waste incineration capacity of a minimum of 80 thousand tonnes/year or construction or reconstruction of a power engineering facility<sup>2</sup> with the electricity generation output of a minimum of 10 MWe (or , as the case may be, one incineration plant and one power engineering facility meeting the required parameters).</i></p> <p><i>Provision of document (s) on professional qualification (i.e. Authorisation) of the relevant natural persons is sufficient for a contractor selected in the procurement procedure, i.e. it does not need to be submitted at the time of filing the request to participate, but can be documented pursuant to Article 17.1 of the procurement documentation at the request of the contracting authority; in such a case, the participant shall provide an affidavit in the request to participate stating that it will comply with the said qualification as the selected contractor.</i></p>
c)	description of the contractor's quality assurance;	<p><i>The contracting authority requires submission of a certificate of quality management system issued for the contractor according to Czech technical standard EN ISO 9001: 2015 (or later) by an accredited entity or a certificate equivalent to the certificate issued under that Czech technical standards by an accredited entity in a member state of the European Union, <b>concerning</b></i></p>

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	Technical qualification will be proved by a contractor who submits	Method of proving compliance with technical qualification (documents)
		<b>implementation of civil structures or technological facilities.</b>
d)	Description of measures ensuring occupational health and safety	<i>The contracting authority requires submission of a certificate of occupational health and safety management system issued for the contractor according to the Czech technical standard OHSAS 18001 or ČSN EN ISO 45001 (or later) by an accredited entity, <b>in the field of civil structures or technological facilities</b>, which is implemented and used in the participant's organization or an equivalent certificate issued in a member state of the European Union, such a certificate shall be issued by an accredited entity.</i>
e)	environmental management measures.	<i>The contracting authority requires submission of an environmental management system certificate issued for the contractor according to the Czech technical standard ČSN EN ISO 14001 by an accredited entity, or an equivalent certificate issued according to the Czech technical standard by an accredited entity in a member state of the European Union, or proof of registration in the management and audit system related to environmental protection (Environmental Audit Scheme -EMAS), in all cases <b>in the field of civil structures or technological facilities</b>.</i>

### 5. JOINT PROVISIONS CONCERNING THE QUALIFICATION

- 5.1. **Authenticity and language of the documents proving compliance with the qualification criteria within the time-limit for proving compliance with the qualification criteria**

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In all cases, the contractor shall demonstrate compliance with the qualification criteria by submitting non-certified copies of the required documents. For the purposes of ensuring the proper conduct of the procurement procedure, the contracting authority may, in accordance with the procedure pursuant to Section 46 (1) of the Public Procurement Act, require submission of the original document in electronic form. Pursuant to Section 86 (2) of the PPA, the contracting authority does not allow the participant to replace the submission of documents for qualification by an affidavit, unless expressly stipulated for a specific requirement.

The obligation to submit a document may also be met by the contractor by reference to the relevant information provided in a public administration information system pursuant to Act No. 365/2000 Coll., on public administration information systems, and amendments to other acts, as amended, or in a similar system maintained in another member state, which enables unlimited remote access. Such a reference shall include the website address and the details for logging in and searching for the required information, if such information is necessary. In the Czech Republic, these are mainly the following:

- - extract from the Commercial Register,
- - extract from the public part of the Trade Register, or
- - extract from the list of qualified contractors.

The contractor may also replace the required documents with a European Single Procurement Document for public contracts pursuant to Section 87 of the PPA, and only to the extent of information/documents that clearly follow from the European Single Procurement Document and demonstrate compliance with the given conditions of eligibility or qualification.

As regards documents in a language other than the language accepted by the contracting authority for the submission of tenders (see Article 6.2 of the qualification documentation), the participant shall attach a (uncertified) translation into the Czech, Slovak or English language to the documents. In the event of the contracting authority's doubts as to the correctness of the translation, it is entitled to request the submission of an officially certified translation of the document into Czech, Slovak or English.

### 5.2. Documents to be submitted by the selected contractor

The contracting authority may request the contractor identified as the **selected contractor (i.e. after the submission of the final tenders)** to submit originals or officially certified copies of the qualification documents, unless already submitted in this form during the procurement procedure, in **electronic form** (see Article 2 of the qualification documentation). If the selected contractor replaced documents proving compliance with the conditions of eligibility and qualification using the European Single Procurement Document, documents replaced by this Document need not be submitted provided that

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the contractor informs the contracting authority in which other procurement procedure these documents have already been submitted to him and these continue being acceptable (i.e. from the time point of view, which applies when proving compliance with the basic eligibility according to Article 4.1 of the qualification documentation)

For the avoidance of doubts, a **scanned** document issued by a state administration body is not considered as an original in electronic form (even if it is, for example, subsequently electronically signed by the contractor).

The contracting authority may stipulate in the invitation that the selected contractor shall submit documents concerning basic qualification pursuant to Section 74 of the PPA proving compliance with the required eligibility criteria after delivery of the invitation or a written sworn declaration that the data conclusive for assessing compliance with the qualification criteria given in the qualification documents available to the contracting authority have not changed, or new documents, if conclusive data given in these documents have changed.

### 5.3. Compliance with qualification criteria based on experience from abroad

If the relevant qualification was acquired abroad, it shall be demonstrated by documents issued under the law of the country in which it was acquired and to the extent required by the contracting authority and the PPA.

The certificate for foreign contractors concerning non-existence of public-payment arrears in the Czech Republic is issued by the

- Tax Office for Prague 1 for taxes,
- arrears related to social insurance premium and penalties and contributions to the state employment policy due to Social Insurance Administration for the capital of Prague and the Central Bohemian Region (Pražská správa sociálního zabezpečení).

### 5.4. Compliance with qualification criteria proved through other persons

If the participant is not able to comply in full with a certain part of professional qualification, economic qualification or technical qualification required by the contracting authority in and the procurement documentation does not stipulate otherwise, the participant is entitled to comply with the qualification through another person in the missing extent (this shall not apply to the professional qualification pursuant to Section 4.2 (a) of the qualification documentation).

Another person is understood as a person with a different ID number, even if it is, for example, part of the same holding as the participant.

In such a case, the contractor shall submit such documents to the contracting authority

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- a) that prove compliance with the **basic qualification** pursuant to Section 4.1 of the qualification documentation (provisions of Section 74 and 75 of the PPA) through another entity,
- b) that prove compliance with the **professional qualification** pursuant to Section 4.2 (a) of the qualification documentation (provisions of Section 77 (1) of the PPA through another entity,
- c) documents proving compliance **with the missing part of the qualification or qualification** through another person, a
- d) **a contract or a confirmation of the contract existence signed by** another person, with the content of the contract forming a written commitment by another person to provide specific performance intended for the execution of a public contract or to provide objects or rights that the contractor will be entitled to make use of as part of the execution of the public contract in a minimum scope in which another person demonstrated compliance with the qualification criteria for the contractor; if another person proves compliance with the qualification criteria according to Section 4.4 (a) and/or Section 4.4 (b) of the qualification documentation, the contract shall indicate the obligation of this other person to implement the construction works or services to which the proven qualification criterion applies. Also see the provisions of Section 83 (2 and 3) of the PPA.

### 5.5. Joint proving of compliance with qualification criteria

In the case of joint participation of several contractors, the basic qualification (Section 4.1 of the qualification documentation) and part of the professional qualification (Section 4.2 (a) of the qualification documentation)) shall be proved in full by each of the contractors separately.

In addition, the joint proving of qualification criteria shall meet the following requirements:

- a) One of the contractors shall be explicitly identified as the lead participant designated to communicate with the contracting authority during the procurement procedure;
- b) The documents proving compliance with this qualification shall also include a document (e.g. a contract) indicating the commitment of all contractors to bear joint and several liability for the performance of the public contract

### 5.6. Consequence of a failure to comply with the qualification criteria

A participant who fails to prove compliance with the qualification criteria to the extent required by the PPA and the contracting authority will be excluded by the contracting authority from the participation in the procurement procedure; this is without prejudice to

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the contracting authority's option to proceed according to Section 46 (1) of the PPA (even in relation to the selected contractor).

### **6. SUBMISSION OF REQUESTS TO PARTICIPATE**

#### **6.1. Conditions for submitting the requests to participate in electronic form**

The request to participate may only be submitted in electronic form, using the electronic tool according to Section 2 of the procurement documentation. The request to participate shall be encrypted in accordance with the legal requirements and the electronic tool.

Address for submitting the request to participate: <https://zakazky.sako.cz/>

#### **6.2. Other requirements for the request to participate (language, content)**

The request to participate shall be drawn up in Czech or Slovak or English, documents in other languages shall be submitted together with their translation into one of these languages.

#### **6.3. Time-limit for submitting the request to participate**

The time-limit for submitting the requests to participate is set out in the procurement procedure commencement notice.

### **7. REDUCING (SHORTLISTING) THE NUMBER OF PARTICIPANTS**

Pursuant to Section 61 (5) of the PPA, the contracting authority reserves the right to reduce the number of the participants (at the stage after submitting the requests to participate and prior to the invitation to submit indicative tenders) so that the invitation to submit indicative tenders could be sent to 4 participants if a sufficient number of requests to participate has been submitted and/or a sufficient number of participants demonstrates compliance with the qualification (otherwise no reduction in the number of participants will be made).

#### **7.1. Rules of reducing the number of participants**

The number of participants who submit a request to participate and meet the conditions for participation may be reduced according to the criterion listed below. The contracting authority has the option, at its discretion, to reduce the number of participants to 4 participants, if a sufficient number of participants prove their qualifications, at the stage after submitting the requests to participate and before sending the invitation to submit indicative tenders.

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### ***Criterion for reducing the number of participants:***

#### **Number of significant projects consisting in the implementation of construction/assembly and commissioning of "chute to stack" technology<sup>8</sup> for waste-to-energy**

The list of significant projects for the purpose of reducing the number of participants according to this criterion shall be provided by the participants as part of the submitted request to participate, with information provided to the same extent as required under Section 4.4 (a) (method of proving compliance with the technical qualification)<sup>9</sup>. It can be both significant works (contracts) through which the participant proves compliance with the technical qualifications according to Section 4.4 and also different significant works (contracts) that are different if they meet requirements of this criterion.

**7.2.** The criterion for reducing the number of participants will take into account significant works (contracts) consisting in the construction/assembly and commissioning of "chute to stack" technology<sup>8</sup> for energy recovery of waste, which also meets both of the following requirements cumulatively:

- a) were implemented (properly completed) in the last 11 years before the start of this procurement procedure, or before the end of the time-limit for submitting the requests to participate;
- b) it was a waste-to-energy facility with a waste incineration capacity of a minimum of 80 thousand tonnes/year.

The participant will be awarded 1 point for each significant work (contract) fulfilling the criteria according to Section 7.1 of the qualification documentation.

**7.3.** The maximum number of evaluated reference works (contracts) of the participant in the procurement procedure in relation to this criterion will be 10 (i.e. a maximum of 10 points). Each evaluated reference work (contract) can be taken into account only once.

**7.4.** If the process of reducing (shortlisting) the number of participants is activated, the first 4 participants with the highest sum of point values will succeed. Participants who fail (will rank lower) will be excluded from the procurement procedure. However, if more

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<sup>8</sup>The term "**chute to stack**" means a part of the works involving construction/assembly and commissioning of the complete technology, i.e. from the boiler hopper to the flue gas duct outlet downstream the connection to the stack including related auxiliary facilities; the above, on the other hand, does not include construction work consisting in the construction of foundations, pillars partition walls and constructional fixing of technological equipment to the building foundations.

<sup>9</sup>The contracting authority similarly reserves the right defined in footnote 3 above (require the client's certificate of proper provision and completion of a specific construction project for selected construction projects).

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participants with the same awarded point values are placed the 4th within the process of reducing (shortlisting) the number of participants, all these participants will succeed in the reduction (i.e. the number of participants after the reduction will be higher than 4 in this case and all such participants will be invited to submit their indicative tenders).