CALL FOR TENDERS AND TENDER DOCUMENTATION

PUBLIC CONTRACT

**"Optimization of existing boilers K2 and K3"**

sub-threshold sectoral public contract for construction works awarded outside the procurement procedure in accordance with Act No. 134/2016 Coll., on Public Procurement, as amended (hereinafter referred to as "ZZVZ")

**SAKO Brno, a.s.**

**Registered office:** Jedovnická 2, 628 00 Brno

**Company ID number:** 60713470

# IDENTIFICATION DATA OF THE CONTRACTING AUTHORITY AND OTHER PERSONS

## CONTRACTING AUTHORITY

|  |  |
| --- | --- |
| **Name of the contracting authority** | **SAKO Brno, a.s.** |
| **Registered office of the contracting authority** | Jedovnická 2, 628 00 Brno |
| **Contracting authority's identification number** | 60713470 |
| **Registered in** | Commercial Register maintained by the Regional Court in Brno under file no. B 1371 |
| **Contracting authority profile** | [https://zakazky.sako.cz/](https://zakazky.sako.cz/profile_display_2.html) |
| **Persons authorized to represent the contracting authority** | Ing. Pavel Urubek, Chairman of the Board of Directors  Ing. Daniel Struž, MBA, Vice-Chairman of the Board of Directors  Ing. Karel Jelínek, Chief Executive Officer |

## Representative of the contracting authority

The representative of the contracting authority in matters related to the award of this public contract is MT Legal s.r.o., a law firm with its registered office at Jana Babáka 2733/11, 612 00 Brno, ID No. 28305043, e-mail: vz\_brno@mt-legal.com. In accordance with the analogous application of Section 43 of the ZZVZ, the contracting authority's representative is authorized to perform contracting activities in this tender procedure (this does not affect the powers of the statutory body or other authorized persons of the contracting authority). The contracting authority's representative also ensures communication on behalf of the contracting authority in accordance with Article 2 of the call for tenders and the tender documentation.

Communication takes place via the contracting authority's certified electronic tool E-ZAK at the address specified in section 1.1 of this call for tenders, via the contracting authority's data box, or via the email address of the contracting authority's representative.

## Sector contracting authority

The contracting authority is a public contracting authority in accordance with Section 4(1)(e) ZZVZ.

The contracting authority is awarding this below-threshold public contract for construction work in connection with the performance of relevant activities within the meaning of Section 153(1)(b) and (c) of the ZZVZ. In accordance with Section 151(1) of ZZVZ, this contract is considered a sectoral public contract. Since the estimated value of the public contract does not reach the financial limit set for this type of contract by Government Regulation No. 172/2016 Coll., on the determination of financial limits and amounts for the purposes of the ZZVZ, as amended, the contracting authority is not obliged under Section 158(1) of ZZVZ to award the sectoral public contract in question in a tender procedure.

**If this call refers to the provisions of ZZVZ, it is an analogous application of this Act, not voluntary submission to the procurement procedure regime under ZZVZ.**

# COMMUNICATION BETWEEN THE CONtraCTING AUTHORITY AND SUPPLIERS

## The public contract is awarded entirely electronically via the certified electronic tool E-ZAK (hereinafter referred to as the "electronic tool"). available at [https://zakazky.sako.cz/](https://zakazky.sako.cz/profile_display_2.html); The above does not imply voluntary submission to the tender procedure regime pursuant to ZZVZ.

## All actions within this tender procedure, as well as all communication between the contracting authority (or its representative) and the supplier, shall be conducted electronically, in particular via an electronic tool.

## All documents sent via the electronic tool shall be deemed to have been duly delivered on the date of their delivery to the addressee's user account in the electronic tool. The delivery of a document is not affected by whether the document has been read by the addressee or whether the electronic tool has sent a notification to the addressee's contact email address that a new message has been delivered to their user account in the electronic tool.

## The contracting authority hereby informs suppliers that in order to make full use of all the features of the electronic tool, it is necessary to complete the supplier registration process (in order to log into the E-ZAK system, it is necessary to register in the Central Database of Suppliers (CDD) of the FEN.cz system at <https://fen.cz/#/registrace>, where you can find all the details and instructions for registration). The manual for registering as a supplier in the electronic tool is provided in the user guide entitled "E-ZAK, version 5 – electronic tool for public procurement and electronic auction hall – user guide for suppliers of the E-ZAK system." The contracting authority notes that registration is not immediate and is subject to acceptance by the system administrator within 48 hours on working days; if there are deficiencies in the registration application, registration may be rejected.

## The terms and conditions and information relating to the electronic tool, including information on the use of electronic signatures, are available at <https://ezak.e-tenders.cz/manual.html>.

## The supplier is always responsible for familiarizing themselves with the documents sent by the contracting authority via the electronic tool in a proper and timely manner, as well as for the accuracy of the contact details provided by the supplier. The contracting authority requires that bids be properly encrypted, with encryption being performed via the electronic tool.

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

# SUBJECT MATTER OF THE PUBLIC CONTRACT

## Subject of the public contract

The subject of the public contract is **the implementation of construction works and structural modifications to the membrane walls in the combustion chamber area of boilers K2 and K3 operated by the contracting authority ZEVO (hereinafter referred to as "membrane walls"), including the preparation of design and production documentation for the modifications to the membrane walls, demolition and dismantling of membrane walls and headers, production and installation of new membrane walls and headers**, and other related work.

The public contract is being implemented using the Design & Build method.

More detailed specifications of the subject of performance are provided in the technical specifications and project documentation, in particular in the drawings of the existing membrane walls design, secondary air ducts, waste chute, steel structures, and other indicated common auxiliaries, which form Annex No. 2 to this call (Technical Specifications).

## Classification of the subject matter of the public contract (CPV)

code CPV 45111300-1 | Demolition work

code CPV 45223100-7 | Assembly of metal structures

code CPV 45223110-0 | Installation of metal structures

code CPV 45331110-0 | Installation and assembly of boilers

code CPV 45252000-8 | Construction modifications for wastewater treatment plants, cleaning stations, and waste incinerators

## Reserved change of obligation (option)

The subject of the public contract may also include the optimization of the secondary air system, in particular its distribution within the combustion chamber, where the contracting authority expects, in particular, an increase in boiler efficiency, a reduction in emissions, a reduction in urea consumption, etc.

The performance corresponding to this reserved change (option**) consists in the preparation of a proposal for the optimization of the secondary air system, in particular the preparation of a proposal for modifications to the geometry of the membrane wall, a proposal for adjustments to height levels, a proposal for adjustments to the geometry of the nozzles** and/or a **proposal for adjustments to the distribution of secondary air**, **preparation of a control calculation of secondary air flow, manufacture, delivery, and installation of all related parts for the optimization of the secondary air system**, including preparation of the necessary documentation.

A more detailed description of the optional performance is provided in Annex 2 to the call for tenders and tender documentation in the section "Option – optimization of the secondary air system for both boilers K2 and K3"; the method of exercising the optional performance is set out in Article 4 of Annex 1 to the call for tenders and tender documentation. The contracting authority expressly notes that the supplier is not obliged to offer the optional performance.

## Additional information – contracting authority's reservation

The contracting authority reserves the right (but not the obligation) to negotiate the terms and conditions of the public contract with the first supplier in the ranking according to the evaluation or only with the selected supplier before signing the contract, in particular for the purpose of improving the terms and conditions of the performance of the public contract for the contracting authority, including any necessary partial amendments to the contract for the performance of the public contract..

# TIME (DURATION) OF PUBLIC CONTRACT PERFORMANCE

The supplier shall commence performance of the public contract immediately after the contract for the performance of the public contract enters into force. The construction work shall be carried out at the instruction of the contracting authority and within a specified period of time. The contracting authority plans to carry out the construction work during regular autumn technological shutdowns at the contracting authority in 2026 and 2027, specifically in the period from the end of September to October, which places emphasis on a high level of organization of individual activities by the contractor. The contracting authority anticipates and plans to carry out construction work on one of the boilers during the technological shutdown in 2026 and on the other boiler during the technological shutdown in 2027.

By submitting a bid, the participant in the tender procedure acknowledges that at the time of submission, they are capable of performing the work in accordance with the contract for work, which forms Annex 1 to this invitation to tender, within the period specified in the previous paragraph. The contracting authority reserves the right to request a written statement from the selected contractor prior to signing the contract, confirming that they are capable of performing the public contract within the period specified in the previous paragraph. If the selected contractor fails to provide such a statement, they may be excluded from participation in the tender procedure by the contracting authority in accordance with the tender conditions.

# PLACE OF PERFORMANCE

## Place of performance of the public contract

The place of performance of the public contract is the contracting authority's waste-to-energy plant (ZEVO) at Jedovnická 4247/2, 628 00 Brno.

## Inspection of the place of performance of the public contract

The site inspection will take place **during the planned autumn shutdown** in 2025 (provisionally between September 29, 2025, and October 15, 2025). The exact date of the site inspection will be agreed with each candidate based on their written request for an inspection.

Participants in the tour of the place of performance will meet in front of the gatehouse at Jedovnická 4247/2, 628 00 Brno. Those interested are required to register in advance by email at [jedlicka@sako.cz](mailto:jedlicka@sako.cz).

The inspection serves to properly understand the scope of work, needs, and operations of the client.

# CLIENT'S QUALIFICATION REQUIREMENTS

In accordance with Section 73 et seq. of ZZVZ, a supplier who demonstrates that it meets the following requirements is qualified to perform a public contract:

1. [basic](#_Základní_kvalifikační_předpoklady) qualifications (paragraph 6.1)
2. [professional](#_Profesní_kvalifikační_předpoklady) qualifications (paragraph 6.2) a
3. [technical](#_Technická_kvalifikace_dle) qualifications (paragraph 6.3).

## Basic eligibility in accordance with Section 74 of ZZVZ

| **An eligible supplier is one who** | | **Method of proving basic eligibility (documents)** |
| --- | --- | --- |
| a) | has not been convicted in the country of its registered office in the last 5 years prior to the commencement of the tender procedure for a criminal offense listed in Annex No. 3 to the ZZVZ or a similar criminal offense under the legal system of the country of the supplier's registered office; expunged convictions shall not be taken into account;  In the case of a legal entity, this condition must be met by the legal entity and by each member of its statutory body.  If a member of the supplier's statutory body is a legal entity, 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;  The provisions of Section 74(3) of the ZZVZ apply to the demonstration of qualifications through a branch of the undertaking.  A branch of an undertaking with its registered office in the Czech Republic is considered, pursuant to Section 5 of the ZZVZ, to be a supplier with its registered office in the Czech Republic. | *Extract from the Criminal Register for*  *- every legal entity and*  *- every natural person*  *for whom it is required under the ZZVZ and the tender conditions.* |
| b) | has no outstanding tax arrears recorded in the tax records in the Czech Republic or in the country of its registered office; | *- Confirmation from the relevant tax office*  *and*  *- A sworn statement from the supplier regarding excise duty, clearly demonstrating compliance with this qualification requirement.* |
| c) | has no outstanding insurance premiums or penalties for public health insurance in the Czech Republic or in the country of its registered office; | *An affidavit of the supplier clearly demonstrating compliance with this qualification requirement.* |
| d) | has no outstanding arrears in insurance premiums or penalties for social security and contributions to state employment policy in the Czech Republic or in the country of its registered office; | *Confirmation from the relevant regional social security administration.* |
| e) | is not in liquidation, has not been declared bankrupt, has not been placed under receivership under any other legal regulation, or is not in a similar situation under the legal system of the country where the supplier is based. | *- Extract from the Commercial Register,*  *or*  *- Affidavit from the supplier regarding compliance with this requirement if the supplier is not registered in the Commercial Register.* |
| Documents proving basic eligibility must demonstrate that the required eligibility has been met no later than 3 months prior to the start of the tender procedure (i.e., they must not be older than 3 months at the time of the start of the tender procedure).  The contractor may also prove basic eligibility by submitting an extract from the list of qualified contractors or a certificate issued under the certified contractor system. | | |

## Professional qualifications

| **Professional qualification is demonstrated by a supplier who submits** | | **Method of proving professional qualifications (documents)** |
| --- | --- | --- |
| a) | an extract from the commercial register or other similar register. | *An extract from the Commercial Register or an extract from another similar register, if another legal regulation requires entry in such a register* |
| The contractor may also demonstrate compliance with the professional competence requirement by submitting an extract from the list of qualified contractors pursuant to Section 228 of the ZZVZ or a certificate issued under the certified contractor system pursuant to Section 234 of the ZZVZ, **to the extent that the information in** **the extract** **from the list of qualified suppliers** or a certificate proving that they meet the professional competence requirements. | | |

## Technical qualifications

| **Technical qualification is met by a supplier who submits** | | **Method of proving technical qualifications (documents)** |
| --- | --- | --- |
| a) | a list of significant contracts completed in the last 10 years prior to the commencement of the tender procedure. | *Submission of a list of significant contracts, which shall include at least the following information:*   1. *name of the contracting authority,* 2. *subject matter of the significant contract,* 3. *duration of the significant contract,* 4. *financial volume of the significant contract, if further required,* 5. *the client's contact person who can verify the implementation of the significant contract, including their contact email and telephone number.*   *The list of significant contracts must clearly show that the contractor has implemented at least* ***2 significant contracts*** *in the specified period (i.e., in the last 10 years prior to the start of the tender procedure), the subject of which (each of them) was* ***the processing of production documentation******and the simultaneous execution of construction work related to the modification*** *of the membrane walls of a steam boiler or other heat exchange surfaces of a steam boiler, whereby the subject matter of performance of* ***at least 1 of the significant contracts also included the application of Inconel cladding on the heat exchange surfaces of steam boilers*** *with a total financial volume of at least* ***CZK 25 million excluding VAT/contract****.*  *Unless otherwise specified, the supplier shall also meet the qualification requirements in the case of significant contracts commenced more than 10 years prior to the commencement of the procurement procedure, provided that they were completed within the last 10 years, or if they continued after the commencement of the procurement procedure, or if they are still ongoing, provided that the above parameters are met by the deadline for proving qualification (i.e., proper completion of the relevant part of the significant contract that meets the contracting authority's reference requirements).* |
| b) | certificates of education (if required) and professional qualifications of natural persons responsible for the provision of construction works | *The contracting authority requires each person to submit the following:*  *•* *professional CV demonstrating compliance with the contracting authority's requirements (for reference experience, if required below, the supplier shall provide information verifying compliance with the requirement, including the contact details of the customer for such a contract, i.e., contact email and telephone number),*  *•* *information on whether the person is in an employment or other relationship with the supplier (in which case, the supplier shall specify the nature of the relationship),*  *• documents proving compliance with the contracting authority's requirements for education or professional competence (relevant education document/certificate/authorization/license, if required below).*  *The supplier shall submit documents proving the professional qualifications of the following persons:*   1. ***Chief Project Engineer***   *This person must have:*   * *experience in the position of chief project engineer (or in a position with similar responsibilities and scope of activities) in the execution of at least* ***1 significant contract*** *that meets the requirements of the contracting authority according to paragraph 6.3 letter a) of the Call for tenders and tender documentation, including the requirement for the execution period (however, it does not have to be an identical reference of significant contract through which the participant demonstrates qualifications).*  1. ***Site manager***   *This person must have:*   * *experience in the position of site manager according to special legal regulations on a construction site during the execution of at least* ***1 significant contract*** *that meets the requirements of the contracting authority according to paragraph 6.3 letter a) of the Call for tenders and tender documentation, including the requirement for the execution period (however, it does not have to be an identical reference of significant contract through which the participant demonstrates qualifications).*   *The supplier selected in the tender procedure is sufficient to provide proof of professional competence as specified above, i.e. it does not have to be submitted at the time of submitting the tender, but can be provided in accordance with paragraph.14.1 of the call for tenders and the tender documentation only at the request of the contracting authority.* |

# COMMON PROVISIONS ON QUALIFICATION

## Authenticity and language of documents proving qualification within the deadline for proving qualification

The supplier shall prove compliance with the qualification requirements in all cases by submitting documents in electronic form as simple copies (e.g., scanned copies).

The supplier **is entitled to include in the tender, instead of all documents proving eligibility pursuant to paragraph 6.1 and paragraph 6.2 submit a sworn statement confirming that the supplier meets the basic and professional eligibility requirements.** The supplier is entitled to use the model affidavit attached as Annex 3 to this call for tenders and tender documentation. The model affidavit may also be used to provide information proving compliance with the technical qualification requirements under Section 6.3 of this call for tenders and tender documentation. If the supplier submits a declaration of honor, the contracting authority will not require further documentation proving compliance with the relevant eligibility conditions.

The supplier may also fulfill the obligation to submit a document by referring to the relevant information stored in the public administration information system within the meaning of Act No. 365/2000 Coll., on public administration information systems and on amendments to certain other acts, as amended, or in a similar system maintained in another Member State that allows unrestricted remote access. Such a reference must include the internet address and login details and search criteria for the required information, if such details are necessary. In the Czech Republic, this mainly concerns

* an extract from the commercial register,
* an extract from the public section of the trade register, or
* an extract from the list of qualified suppliers.

The supplier may also replace the required documents with a European Single Procurement Document, but only to the extent that the information/documents clearly follow from the European Single Procurement Document and prove that the given eligibility or qualification conditions have been met.

In the case of documents in **a language other than that accepted** by the contracting authority for the submission of tenders (see paragraph 11.2), The participant **shall attach a (simple) translation into Czech to the documents**. If the contracting authority has doubts about the accuracy of the translation, **it is entitled to request the submission of an officially certified translation of the document into Czech**. The obligation to attach a translation into Czech to the documents does not apply to documents in Slovak. Educational documents (e.g., university diplomas) may also be submitted in Latin.

## Documents submitted by the selected supplier

The contracting authority may request the supplier it has identified as the selected supplier to submit originals or certified copies of qualification documents (all or some of them), if they have not already been submitted in this form during the tender procedure, in electronic form (see Article 2). If the selected supplier has replaced the documents proving compliance with the eligibility and qualification conditions in the tender procedure with a European Single Procurement Document, it is not required to submit the individual documents replaced by this document, provided that it informs the contracting authority in which other tender procedure it has already submitted these documents and that they are still acceptable. (including from a time perspective, which applies to proving compliance with the basic eligibility conditions under paragraph. 6.1 calls for tenders and tender documentation).

For the avoidance of doubt, the contracting authority states that a scan of a document issued by a state administration body **is not considered** an original in electronic form (even if it is subsequently electronically signed by the supplier, for example).

## Proof of qualifications obtained abroad

If the qualification was obtained abroad, it shall be proven by documents issued in accordance with the legal system of the country in which it was obtained, to the extent required by the contracting authority.

Confirmation for foreign suppliers regarding the absence of outstanding payments in the Czech Republic is issued in relation to

* tax arrears to the Tax Office for Prague, Regional Office for Prague 1,
* arrears in insurance premiums and penalties for social security and contributions to state employment policy Regional Social Security Administration for the Capital City of Prague and the Central Bohemian Region (Prague Social Security Administration office)

## Proving part of the qualification through other persons

If a participant is unable to prove that they meet all of the technical qualifications required by the contracting authority and this call for tenders does not stipulate otherwise, they are entitled to prove that they meet the missing qualifications through another person. It is not possible to prove professional competence through another person in accordance with paragraph. 6.2 of this call.

A person with a different ID number is considered to be a different person, even if, for example, they are part of the same group as the participant.

In such a case, the participant is obliged to submit to the contracting authority

1. documents proving compliance with the basic eligibility requirements pursuant to paragraph 6.1 of the call for tenders and tender documentation,
2. documents proving professional qualification in accordance with paragraph. 6.2 letter a) of the call for tenders and tender documentation of another person,
3. documents proving that the missing part of the eligibility or technical qualification has been fulfilled by another person, and
4. a contract or other confirmation signed by another person confirming the existence of a contract, whereby the content of the contract is a written commitment by another person to provide specific performance intended for the performance of a public contract or to provide items or rights that the supplier will be entitled to dispose of within the framework of the performance of a public contract, at least to the extent to which the other person has demonstrated qualification as a supplier; if the other person has demonstrated qualification pursuant to paragraph 6.3 letter a) or b) of this call for tenders and tender documentation, the contract must include a commitment by that other person to perform the deliveries to which the demonstrated qualification criterion relates. The technical qualification requirement shall be deemed to be met if the written commitment of another person contains the joint and several liability of the participant and the persons through whom the participant proves part of the qualification in the performance of this public contract.

## Joint demonstration of qualification

In the case of joint participation by multiple suppliers, basic eligibility shall be demonstrated (paragraph 6.1 of the call for tenders and tender documentation) and professional competence (paragraph 6.2 letter. a) of the call for tenders and tender documentation) each of these suppliers separately in full.

Joint demonstration of qualifications must also meet the following conditions:

1. One of the suppliers will be explicitly identified as the lead participant designated for communication with the contracting authority within the procurement procedure;
2. The documents proving qualification must also include a document (e.g., a contract) clearly stating the obligation of all suppliers to bear joint and several liability for the performance of the public contract.

## Consequences of failing to meet the qualification requirements

A participant who fails to demonstrate that they meet the qualifications required in the call for tenders and the tender documentation may be excluded from participation in the tender procedure by the contracting authority. If the participant is the selected supplier, they must be excluded from the tender procedure for these reasons.

## Activities reserved exclusively for the participant

The participant is entitled to ensure the performance of the public contract through a subcontractor.

The participant is required to list their subcontractors in the subcontractor list template, which forms Annex 4 to this call for tenders. If the participant does not have any subcontractors, they shall include in their tender a subcontractor list stating that they will not use any subcontractors for the implementation.

# TERMS AND CONDITIONS

The terms and conditions are specified in more detail in the binding draft contract for work, which forms Annex 1 to this invitation. The participant is not entitled to make any changes or additions, with the exception of information that is expressly marked for addition by the participant.

The participant in the tender procedure must include the draft contract as part of the bid with additions in the marked places, but the draft does not have to be signed.

# REQUIREMENTS FOR THE METHOD OF PROCESSING THE BID PRICE

The offer price must be stated in the bid in accordance with Annex 5 of the call for bids and the tender documentation.

# EVALUATION OF BIDS

## Evaluation criterion:

Bids will be evaluated according to their economic advantage. The most economically advantageous bid is the bid that best meets the specified evaluation criteria:

|  |  |  |
| --- | --- | --- |
|  | **Evaluation criterion** | **Weight** |
| A. | Total offer price | 80 % |
| B. | K2 boiler and K3 boiler shutdown period | 20 % |

## Method of evaluation:

1. Bid price

Under this evaluation criterion, the contracting authority will evaluate the total bid price excluding VAT, i.e., the amount of the bid price that the contracting authority will pay the supplier. The more advantageous bid will be the offer with the lower total offer price shall be considered. Bids shall be evaluated under this evaluation criterion using a scoring method according to the following formula:

1. K2 boiler and K3 boiler shutdown period

Under this evaluation criterion, the contracting authority will evaluate the total (net) duration of the complete shutdown of boiler K2 and boiler K3 caused by the works that are the subject of this public contract; until the complete shutdown of the boiler, contractors shall not include other work (i.e., work that is not the subject of this public contract) carried out during the shutdown of boilers K2 and K3; The duration of the complete shutdown of boiler K2 and boiler K3 will be expressed in the number of calendar days in accordance with Annex 5 to the call for tenders and the tender documentation (hereinafter referred to as the "boiler shutdown period"). The boiler shutdown period is the sum of the (net) duration of the complete shutdown of boiler K2 and the (net) duration of the complete shutdown of boiler K3; for the avoidance of doubt, the contracting authority stipulates that any overlap between the shutdown of boiler K2 and the shutdown of boiler K3 shall not lead to a reduction or shortening of the boiler shutdown period. The supplier is obliged to clearly and visibly state the boiler downtime in its bid. A bid with a shorter boiler downtime is considered a more advantageous bid. Bids will be evaluated under this evaluation criterion using a scoring method according to the following formula::

## Determining the order of participants:

The ranking of participants will be determined based on the total number of points awarded according to individual evaluation criteria. A higher total score means a higher ranking. The participant with the highest total number of points is ranked first.

In the point evaluation, each evaluation criterion will always be rounded to two decimal places according to the rounding rules.

In the event of a tie, the ranking of bids with equal scores will be determined according to the date of their receipt in the certified electronic tool E-ZAK, with the earlier received bid being assigned priority

# REQUIREMENTS FOR PREPARING AND SUBMITTING A BID

## Participants in the tender procedure shall submit only a complete electronic version of their bid, using the E-ZAK electronic tool at <https://zakazky.sako.cz/>.

## The offer must be prepared in Czech, Slovak, or English.

## If any information in the participant's bid is stated in a currency other than CZK, without this being in conflict with this call (e.g. Article 9), the exchange rate announced by the Czech National Bank on the date of commencement of the tender procedure shall be used for conversion to CZK.

## The contracting authority requires that the tender also include the requested information and documents, and recommends using the following order of documents (especially if they are part of a single file)

* the contents of the tender, indicating the page numbers of the chapters of the tender, including a list of annexes,
* documents proving compliance with the qualifications
* data/parameters to be evaluated within the meaning of Article 10 this call for tenders, i.e. the total bid price and the boiler shutdown period specified in calendar days, with the contracting authority preferring this information/these parameters to be submitted in the form set out in Annex 5 to this call for tenders,
* draft contract for the performance of a public contract with details to be completed by the supplier,
* Brief technical specifications of the planned replacement of membrane walls, including a breakdown of the main work and specifications of the exact area of the new membrane walls,
* description of the proposed solution for connecting the new membrane wall to the existing boiler parts (in particular, connection to the headers and membrane walls),
* description of the planned modification of the secondary air system, including a description of the operational benefits (e.g., reduction of emissions, urea consumption, higher boiler efficiency); i.e., fulfillment within the scope of the reserved change of commitment pursuant to paragraph 3.3 of the call for tenders and tender documentation, if the supplier includes it as part of the tender.
* time schedule for the implementation of the public contract, containing at least the following milestones:
  + engineering and delivery of project documentation for approval by the contracting authority,
  + production of new parts,
  + delivery of individual parts to the site of implementation,
  + construction and assembly work
    - preparation of the construction site,
    - time required for complete shutdown of the boiler,
    - removal and dismantling of existing membrane walls,
    - installation of new membrane walls, including secondary air system connection,
    - NDT testing,
  + pressure test,
  + preparation for refractory lining installation and finishing work, including cleaning,
  + takeover of the work
* preliminary plan of inspections and tests,
* information on whether the supplier is capable of performing the option within the meaning of Section 3.3 of the call for tenders and tender documentation and the valuation of this performance in the form set out in Annex 5 to this call for tenders; for the sake of completeness, the contracting authority states that the valuation of the option performance is not included in the evaluation of tenders;
* information and/or documents within the meaning of paragraph 19.2 of this call, if the participant has doubts within the meaning of the aforementioned provision,
* other documents that, according to the participant, should form part of the tender

# BINDING NATURE OF THE CONTRACTING AUTHORITY'S REQUIREMENTS

The information and data specified in the tender documentation define the contracting authority's binding requirements for the performance of the public contract.

The participant is obliged to fully and unconditionally comply with these requirements when preparing their bid. Failure to accept the requirements of the contracting authority specified in this tender documentation will be considered a failure to meet the tender conditions.

If the tender conditions contain references to commercial companies, names or first and last names, specific designations of goods and services that apply to a specific person or their organizational unit as characteristic, patents for inventions, utility models, industrial designs, trademarks, or designations of origin, the contracting authority expressly allows the use of other solutions of similar quality and technical characteristics that fulfill the functionality required by the contracting authority or obvious to an expert.

# EXPLANATION, CHANGE OR ADDITION TO THE TENDER DOCUMENTATION

Although this call for tenders and tender documentation defines the subject matter of the public contract in sufficient detail for the preparation of tenders, suppliers may request clarification of the tender conditions.

The request must be delivered to the contracting authority no later than 8 working days before the deadline for submission of tenders pursuant to Article 15 of this call for tenders.

The contracting authority notes **that all communication with the contracting authority within the framework of the tender procedure for this public contract must be conducted exclusively by electronic means, in particular via the E-ZAK electronic tool, or via a data box or to the email address of the contracting authority's representative as specified in section 1.2** of this call for tenders.

The contracting authority shall publish an explanation of the call for tenders and the tender documentation, including the exact wording of the request, on the contracting authority's profile within three working days.

The contracting authority is entitled to publish an explanation of the call for tenders and the tender documentation on the contracting authority's profile, even on its own initiative. It may also publish changes or additions to the tender conditions in this way.

# CONDITIONS FOR CONCLUDING A CONTRACT WITH THE SELECTED SUPPLIER

## The supplier identified by the contracting authority as the selected supplier shall, at the request of the contracting authority, provide, under the conditions set out in paragraph. 7.1 (i.e. in electronic form the documents proving its eligibility or qualification that the contracting authority has requested and does not have at its disposal.

## If the selected supplier is a Czech legal entity, the contracting authority shall ascertain information about its beneficial owner in the register of beneficial owners maintained pursuant to Act No. 37/2021 Coll., on the register of beneficial owners, as amended. Unless the person is covered by a statutory exemption, the details of the beneficial owner must be entered in the register of beneficial owners. A selected supplier that is a Czech legal entity with a beneficial owner may be excluded from the procurement procedure if it is not possible to find information about its beneficial owner in the register of beneficial owners; entries made in the register of beneficial owners after the notification of the supplier's exclusion has been sent shall not be taken into account. For a selected supplier that is a foreign legal entity, Section 122(6) of the ZZVZ applies analogously.

# DEADLINE AND PLACE FOR SUBMITTING BIDS

The contracting authority hereby invites suppliers to submit bids in a tender procedure for the performance of a public contract. Participants in the tender procedure are required to submit their bids exclusively in electronic form via the E-ZAK electronic tool by the deadline for submission of bids.

**Deadline for submission of bids: until October 27, 2025, 10:00 a.m.**

**The place for electronic submission of bids is the contracting authority's profile pursuant to paragraph 1.1 of this call for tenders.**

# OPENING OF Bids

The opening of electronically submitted bids is not public.

# RESERVATIONS OF THE CONTRACTING AUTHORITY

## The costs associated with participation in the tender procedure shall be borne by the participant.

## The contracting authority reserves the right to amend the tender conditions or cancel the tender procedure.

## The contracting authority does not allow or require variants of the tender.

## The contracting authority may verify the authenticity of the information, documents, or models provided and may also obtain them itself, for example from third parties or publicly available sources. The participant is obliged to provide all necessary cooperation in this regard.

## The contracting authority requires contractors and their subcontractors to comply with the conditions set out in Section 4b of Act No. 159/2006 Coll., on conflicts of interest, as amended. The contracting authority will exclude a participant in the procurement procedure if the participant or subcontractor through which the participant proves its qualification violates the cited provision.

## The call for tenders and the tender documentation are prepared in both Czech and English versions; the English version is for information purposes only; the Czech version shall be binding.

# INFORMATION ON THE PROCESSING OF PERSONAL DATA

## The Contracting Authority, in its capacity as personal data controller, hereby provides the following information pursuant to Article 13 of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (hereinafter referred to as the "GDPR") and Act No. 110/2019 Coll., on the processing of personal data, as amended, hereby informs the participants in the tender procedure about the processing of personal data for the purpose of conducting the tender procedure in accordance with the ZZVZ.

## As part of the tender procedure, the contracting authority may process the personal data of suppliers and their subcontractors (from among natural persons engaged in business), members of statutory bodies and contact persons of suppliers and their subcontractors, persons through whom the supplier proves its qualifications, members of the supplier's implementation team, and the actual owners of the supplier.

## The contracting authority will process personal data only to the extent necessary for the implementation of the procurement procedure and only for the period specified by law, in particular the ZZVZ. Data subjects are entitled to exercise their rights under Articles 13 to 22 of the GDPR in writing at the address of the contracting authority's registered office.

## The contracting authority transfers personal data for processing to the contracting authority's representative as a personal data processor for the purpose of administering the tender procedure for the award of a small-scale public contract.

# SANCTIONS AGAINST RUSSIA AND BELARUS

## By submitting a bid, the participant confirms that, in the event of concluding a contract with the contracting authority, it will not provide payments made by the contracting authority in connection with the implementation of the public contract, either directly or indirectly, or even in part, to persons subject to individual financial sanctions within the meaning of Article 2(2) of Council Regulation (EU) No. 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine, Council Regulation (EU) No. 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, and Council Regulation (EC) No. 765/2006 of May 18, 2006, concerning restrictive measures against President Lukashenko and certain officials of Belarus, and which are listed in the so-called sanctions lists (according to Annexes No. 1 to these regulations).

## If the participant has doubts as to whether the conditions under paragraph 19.1 of the call for tenders and tender documentation, shall state the decisive circumstances and identify such person or persons in the tender within the meaning of paragraph 11.4 of the call for tenders and tender documentation. Participants may also, at their discretion, provide information and documents in a credible manner to dispel doubts in accordance with the previous sentence, or documents on measures taken by the participant.

## If the sanctions specified in paragraph 19.1 of this call imposed on a participant, the contracting authority shall proceed in accordance with Section 48a of the ZZVZ.

# LIST OF APPENDICEs

The following appendices are included in the tender documentation:

Appendix No. 1 – Terms and Conditions (binding text of the draft contract)

Appendix No. 2 – Technical Specifications and Project Documentation

Appendix No. 3 – Sample affidavit of qualification

Appendix No. 4 – Sample list of subcontractors

Appendix No. 5 – Breakdown of bid price and boiler shutdown, and information regarding optional performance

In Brno, on the date of the electronic signature

**SAKO Brno, a.s.**

represented by

MT Legal s.r.o., advokátní kancelář