

## 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:**

**"High-efficient combined heat and power facility utilizing  
renewable sources (OHB II - line K1) "**

over-the-limit utilities contract for construction works awarded in a negotiated  
procedure with prior publication pursuant to the 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., a law firm, with its registered office at Jakubská 121/1, 602 00 Brno, ID number 28305043 e-mail: **vz@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 participant 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/>. 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 or whether the electronic tool has sent a notification to the addressee to the contact e-mail

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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 refused.

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/data/manual/EZAK-Manual-Dodavatele.pdf>.

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**, **usually available on business days between 8 a.m. to 8 p.m.**).

### **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 the high-efficiency combined heat and power facility utilizing renewable resources (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

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

### 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 criteria pursuant to Section 74 and 75 of the PPA (section 4.1)
- b) [professional](#) qualification pursuant to Section 77 of the PPA (section 4.2),
- c) [economic](#) qualification pursuant to the provisions of Section 78 of the PPA (section 4.3) and
- d) [technical](#) qualification pursuant to the provisions of Section 79 of the PPA (section 4.4), unless a derogation from Section 79 of the PPA is stipulated.

#### 4.1. **Basic qualification pursuant to Section 74 of the PPA**

<b>A qualified contractor is a contractor who</b>	<b>Method of proving compliance with basic 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><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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A qualified contractor is a contractor who		Method of proving compliance with basic qualification (documents)
	Under Section 5 of the PPA, the branch of a business registered in the Czech Republic shall 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,	- Confirmation from the relevant tax authority and - contractor's affidavit in relation to the excise duty, which clearly indicates that this qualification requirement is met.
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.	- Extract from the Business Register, or - contractor's affidavit in relation to the compliance with this qualification requirement if the contractor is not registered in the Commercial Register.
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).		

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A qualified contractor is a contractor who	Method of proving compliance with basic qualification (documents)
<p>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.</p>	

### 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)
<p>a) extract from the Commercial Register or another similar register;</p>	<p><i>extract from the Commercial Register or any other extract from similar records if other legal regulations require registration in such records.</i></p>
<p>b) document proving that the contractor is authorized to conduct business to the extent specified by the contracting authority;</p>	<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>

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	<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:</p>	<p><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 confirmation of registration in the list of registered persons pursuant to Section 23 (6) (e) of the cited Act, for the line of business:</i></p> <ul style="list-style-type: none"> <li><i>(i) <b>building construction,</b></i></li> <li><i>(ii) <b>structural stability and dynamics of buildings,</b></i></li> <li><i>(iii) <b>technological equipment of buildings ,</b></i></li> <li><i>(iv) <b>building environment technology, specialization technical equipment,</b></i></li> <li><i>(v) <b>fire safety of buildings,</b></i></li> </ul> <p><i>where one person can prove authorization (confirmation) for all/more required lines of business.</i></p> <p><i>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.</i></p>
<p>d)</p>	<p>document proving professional qualification or availability of a person through which the</p>	<p><i>Certificate according to Section 13 (1)(a) and (c) of Act No. 200/1994 Coll.,</i></p>



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	professional qualification is demonstrated, to the extent specified by the contracting authority:	<i>on Surveying and on Amendments to Certain Acts related to its implementation, as amended, i.e. authorization to verify the results of surveying work to the required extent, in relation to at least one entity.</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>Authorization pursuant to Section 8 of 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 Section 6a (1)(c) of Act No. 174/1968 Coll., pursuant to point 1 of Annex No. 2 to Decree No. 73/2010 Coll., on the determination of dedicated electrical equipment, their classification into classes and groups and on more detailed conditions of their safety (Decree on dedicated electrical technical equipment) for class II, group A of electrical technical equipment.</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 according to Section 4 (1) of the Decree of the Czech Office for Occupational Safety and the Czech Mining Office No. 18/1979 Coll., which determines reserved pressure equipment and sets out certain conditions to ensure their safety, for reserved pressure equipment according to Section 2 (1)(a) and (b) of this Decree</i>
<p>An extract from the Commercial Register or an extract from other similar records shall prove compliance with the requirement for professional qualification pursuant to Article 4.2 (a) of the procurement documentation no later than 3 months before the date of commencement of the procurement procedure (i.e. it must not be older than 3 months at the time of commencement of the procurement procedure).</p> <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</p>		

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Section 228 of the PPA or a certificate issued within the system of certified contractors pursuant to Section 234 of the PPA **to the extent in which the data in the extract** from the list of qualified contractors or the certificate demonstrate comply with the professional qualification.

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### 4.3. Economic qualification as per Section 78 of the PPA

Economic qualification will be proved by a contractor who submits	Method of proving compliance with economic qualification (documents)
<p>a) <i>profit and loss statement showing that the total contractor's turnover for 3 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>1.3 billion</b>.</i></p>	<p><i>Profit and loss statement for the last 3 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>In connection with Section 84 of the PPA, the contracting authority requires that at least one person participating in the procurement on the part of the participant (be it the participant, subcontractor, another entity or one of the contractors in case of joint proof of qualification) shows the amount of a minimum of CZK <b>700 million</b> for the 3 immediately preceding accounting periods for which this person has drawn up or is obliged to draw up financial statements,</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>

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### 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>10 years</b> before commencement of the procurement procedure<sup>1</sup>;</p>	<p><i>The list of significant contracts shall indicate the following information as a minimum:</i></p> <ul style="list-style-type: none"> <li><i>a) name of the client,</i></li> <li><i>b) subject of the significant contract, which will clearly indicate that all the following requirements have been met,</i></li> <li><i>c) time of and place of the significant contract execution,</i></li> <li><i>d) financial volume of the significant contract, if further requested,</i></li> <li><i>e) The client's contact person who can be contacted to verify execution of the significant contract , incl. contact e-mail and phone number,</i></li> <li><i>f) information on whether the significant contract has been executed</i> <ul style="list-style-type: none"> <li><i>i. solely by the contractor acting as the general/main contractor,</i></li> <li><i>ii. by the contractor jointly with another contractor or contractors, or</i></li> <li><i>iii. by the contractor acting as a subcontractor;</i></li> </ul> </li> </ul>

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<sup>1</sup>The Employer reserves the right to require the participant to provide proof of the client'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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Technical qualification will be proved by a contractor who submits	Method of proving compliance with technical qualification (documents)
	<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 <i>duly executed</i> a minimum of:</b></p> <ol style="list-style-type: none"> <li>1. <b>3 significant contracts</b>, the subject of which was (as a minimum) <ol style="list-style-type: none"> <li>a) in two cases, the construction or reconstruction of power engineering facilities<sup>2</sup>, which included supply of technology with its financial volume of a minimum of CZK 300 mil. excluding VAT/construction;</li> <li>b) in one other case, construction or reconstruction of an industrial facility<sup>3</sup> or power engineering facility with a financial volume of a minimum of CZK 300 mil. excluding VAT;</li> </ol> </li> </ol>

<sup>2</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, electricity, construction/reconstruction of boiler rooms or waste incinerators. This definition also applies to other occurrences of the term herein below.

<sup>3</sup>For the purposes of qualification documentation, an **industrial facility** means only civil structures classified according to the Classification of Construction Works CZ-CC in the category of *Civil structures for industry and storage*, in the following range (i.e. the following codes):

1251251125111 - Industrial buildings

1251251125112 - Buildings for energy production

1251251125113 - Water management, water and wastewater treatment buildings

1251251125179 - Underground industrial buildings

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Technical qualification will be proved by a contractor who submits	Method of proving compliance with technical qualification (documents)
	<p>2. <b>2 significant contracts</b>, the subject of which were, in each individual case, design<sup>4</sup> as well as assembly/installation/construction of a steam boiler for the incineration of mixed municipal waste with a thermal input of a minimum of 40 MW based on the moving-grate technology, and at least one of such significant contracts had to be designed in accordance to EN norms/standards (European norms/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 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</p>

<sup>4</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>"permit" (IPPC) requirements under Article 1 (7) of the cited Directive;</i></p> <p>3. <b>2 significant contracts</b>, the subject of which in each individual case was the assembly/installation/construction of a flue gas cleaning system for a mixed municipal waste incineration plant with a flue gas flow of at least 75,000 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 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.</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 10 years or later, if</i></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>completed in the last 10 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>c)</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 requirement can be verified, including contact details of the client in such contract, i.e. contact e-mail and phone number),</i></li> <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>



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Technical qualification will be proved by a contractor who submits	Method of proving compliance with technical qualification (documents)
	<p><b>1) <u>Project Manager</u></b>  <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 10 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) letter a) and/or b) of the qualification documentation;</i></li> <li>• <i>experience in managing contractor's team for a minimum of 12 consecutive months in the last 10 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) letter a) and/or b) and/or 2 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>5</sup> project, where the said person managed the contractor's team in relation to design and construction;</i></li> </ul> <p><b>2) <u>Chief Design Engineer</u></b>  <i>this person shall have:</i></p> <ol style="list-style-type: none"> <li>a) <i>experience in the position of Chief Design Engineer for at least 12 consecutive months in the last 10</i></li> </ol>

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<sup>5</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.

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Technical qualification will be proved by a contractor who submits	Method of proving compliance with technical qualification (documents)
	<p><i>years before the commencement of the procurement procedure with the implementation of design and construction or reconstruction of a minimum of 1 incineration plant<sup>6</sup>, which included assembly/installation/construction 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> <p><i>b) further experience as Chief Design Engineer for a minimum of 12 consecutive months in the last 10 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</i></li> </ul>

<sup>6</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 and Amending Certain Other Acts or an equivalent incineration plant pursuant to the requirements defined in Article 3 (4) of Directive 2000/76/EC of the European Parliament and of the Council of 4th December 2000.

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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>waste incineration capacity of a minimum of 100 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.</i></p> <p><b>3) <u>Site Manager</u></b>  <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 10 years before the 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 100 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></li> </ul> <p><i>Provision of document (s) on professional qualification (i.e. Authorisation) of the</i></p>

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	Technical qualification will be proved by a contractor who submits	Method of proving compliance with technical qualification (documents)
		<p><i>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>
d)	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 implementation of civil structures or technological facilities.</b></i></p>
e)	Description of measures ensuring occupational health and safety;	<p><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></p>

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	Technical qualification will be proved by a contractor who submits	Method of proving compliance with technical qualification (documents)
f)	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**

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, 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,

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

The contractor can replace the required documents by a European Single Procurement Document pursuant to Section 87 of the PPA.

As to the language of the documents, Section 6.2 of the qualification documentation applies.

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

The contracting authority shall 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 Section 2 of the qualification documentation).

With respect to certificates issued by a state administration body, this may be, for example, a certificate that will be electronically signed and sent by this body to the contractor's data box (in which case, this electronically signed file will be sufficient) or it may be the original hard copy converted into electronic form by authorized conversion (for example, at one of the Czech POINT offices).

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).

### 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,
- Prague Social Security Administration for arrears related to social insurance premium and penalties and contributions to the state employment policy.

### 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).

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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

- 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) that prove compliance with the **missing part of the qualification criteria** through another entity,
- d) a written **commitment** of such an entity (as the case may be, in the form of a contract with the contractor) to provide performance intended for the performance of the public contract or to provide things or rights which the contractor is entitled to use when performing the public contract, at least to the extent to which such an entity proves its qualification instead of the contractor. See also the provisions of Section 83 (2) of the PPA.

### 5.5. Joint proving of qualification

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 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.

## 6. SUBMISSION OF REQUESTS TO PARTICIPATE

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

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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 and the electronic tool requirements.

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 save for documents for which submission is required exclusively in Czech or Slovak or their translation into Czech is required pursuant to the relevant provisions of the PPA.

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

The time-limit for submitting the requests to participate is set out in the contract 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 will be reduced according to the criterion listed below.

**Criterion:**

**Number of significant project consisting in the implementation of construction/assembly and commissioning of "chute to stack" technology<sup>7</sup> for energy recovery of waste**

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>8</sup>. It can be

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<sup>7</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>8</sup>The contracting authority similarly reserves the right defined in footnote 1 above ( require the client's certificate of proper provision and completion of a specific construction project for selected construction projects).



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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) they have been implemented (duly completed) in the last 7 years before the commencement of the procurement procedure;
- b) it was a facility for energy recovery of waste with a waste incineration capacity of a minimum of 100 thousand tonnes/year.

The participant will be awarded 1 point for each significant work (contract) fulfilling the criteria according to this section 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.** As part of the process of reducing (shortlisting) the number of participants, 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 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).