

## THE GENERAL TERMS AND CONDITIONS OF THE TENDERING PROCEDURE

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## **1. THE GENERAL TERMS AND CONDITIONS OF THE TENDERING PROCEDURE**

- 1.1** These terms and conditions for tendering procedures, including all annexes, are provided only for the purpose of processing a tender for assignment in a specific tender procedure; the economic operator is not entitled to use them for any other purposes.
- 1.2** Each tender must be submitted before expiration of the time limit for submitting tenders. Tenders that were delivered late will be excluded from this tendering procedure. The Contracting Authority reserves the right not to exclude tenders that were delivered late in cases where the tenders delivered within the deadline for the submission of tenders have not yet been opened, or their content has not yet been made available.

## **2. LANGUAGE OF TENDERING PROCEDURES**

- 2.1** The official language for all communication between the economic operator and Contracting Authorities concerning matters related to this tendering procedure is the Czech language.
- 2.2** The Contracting Authority states that documents in the English, Slovak and Latin languages may be submitted without a translation into Czech. If a requested document is not issued under the relevant legal order, i.e. the legal order of the country where the document comes from, it can be replaced by a solemn declaration.
- 2.3** The tender must be prepared in the Czech language.

## **3. THE E-ZAK ELECTRONIC TOOL**

- 3.1** All acts and communication, including the submission of a tender in a tendering procedure, are done electronically using the E-ZAK electronic tool (<http://zakazky.prg.aero>), unless the Contracting Authority expressly stipulates otherwise in the rules of the tendering procedure or in the course of the tendering procedure. The Contracting Authority draws the economic operator's attention to the fact that, in order to be able to fully use all the capabilities of the E-ZAK electronic tool, the economic operator must complete their registration in this electronic tool. If the economic operator does not have an advanced electronic signature at its disposal, it can send its data to the Contracting Authority's contact person specified in the rules of the tendering procedure and ask for temporary execution of a pre-registration. Only registered economic operators may submit a tender. If an economic operator is already registered, it is not necessary to register again. The Contracting Authority request economic operators to submit the tender only through functionality for creating and sending the electronic tender. Detailed information necessary for submitting an electronic tender is given in the manual given below. Economic operators who submit their tender in another way, eg by means of an internal message in E-ZAK, shall take such notice of the fact that the Contracting Authority can not guarantee the confidentiality of the tender until the deadline for submission of tenders.
- 3.2** All documents sent using the E-ZAK electronic tool shall be deemed duly delivered at the moment of their delivery to the recipient's user account in the E-ZAK electronic tool. The delivery is not affected by whether or not the message was read by the recipient, or whether the E-ZAK electronic tool sent any notification to the recipient's contact email address that a new message was delivered to its user account in the E-ZAK electronic tool.

- 3.3** The conditions and information concerning the E-ZAK electronic tool, including information on the use of electronic signatures, are available in a manual at <https://zakazky.prg.aero/manual.html>. We recommend placing the offer in the electronic tool E-ZAK well in advance to solve technical problems in a timely manner.

## **4. REQUIREMENTS FOR ECONOMIC OPERATORS**

- 4.1** Economic operators who fail to prove fulfilment of the requirements stipulated in the rules and the terms and conditions of the tendering procedure in the prescribed extent can be excluded by the Contracting Authority from further participation in this tendering procedure. A contract for performance of the contract may only be concluded in the context of this tendering procedure with an economic operator who proves their fulfilment of the requirements stipulated in the rules and the terms and conditions of the tendering procedure.
- 4.2** If, in the rules of the tendering procedure, the Contracting Authority requires that the economic operator have experience with a similar contract, the economic operator is not obliged to prove to the Contracting Authority any earlier similar contracts which were performed for the Contracting Authority or its legal predecessor. In such case, the economic operator shall indicate the title of the earlier similar contract, the number of the contract and the date of its conclusion in its tender.
- 4.3** If the economic operator fulfilled any of the requirements for the economic operators (qualification criteria) in another tendering procedure and/or a procedure conducted under Act No. 134/2016 Coll., on Public Procurement, as amended, announced by the Contracting Authority during the previous 12 months from the date of the announcement of this tendering procedure and the data in the documents which the economic operator submitted to the Contracting Authority at that time have not changed, the economic operator is not obliged to again prove the fulfilment of the Contracting Authority's requirements for economic operators. In such case, however, the economic operator is obliged to identify in its tender the tendering procedure or the procedure conducted under Act No. 134/2016 Coll., on Public Procurement, as amended, in which the fulfilment of the requirements was proved.
- 4.4** Together with the tender, the economic operator shall submit a solemn declaration attesting to the fact that it has the authorization(s) to conduct business in the extent corresponding to the subject of performance of the contract at its disposal. The economic operator is obliged to submit, upon the Contracting Authority's request and within the specified time limit, a document proving the authorization to conduct business, i.e. a simple copy of an extract from the Commercial Register or a simple copy of a trade certificate or an extract from the Trades Register or an extract from another register if the economic operator is registered there under special legal regulations. The documents proving the authorization to conduct business in the extent corresponding to the subject of performance must not be older than three (3) months before the date of commencement of this tendering procedure. If the economic operator fails to submit these documents within the specified time limit, the Contracting Authority shall be entitled to exclude such economic operator from participation in this tendering procedure. The economic operator is obliged to submit, upon the Contracting Authority's request and within the specified time limit, a documents proving requirements related to the subject matter of performance and general requirements (the qualifications of Economic Operators) (a simple copy) - such documents that is obliged to submit selected economic

operator. If the economic operator fails to submit these documents within the specified time limit, the Contracting Authority shall be entitled to exclude such economic operator from participation in this tendering procedure.

- 4.5** If the economic operator submits to the Contracting Authority, as part of the tender, a copy of an extract from the List of Approved Economic Operators, such document shall replace the submission of documents proving the fulfilment of the requirements for economic operators (economic operator's qualifications) in the extent in which the information in the extract from the List of Approved Economic Operators proves the fulfilment of the requirements for economic operators stipulated by the Contracting Authority in this tendering procedure. The extract from the List of Approved Economic Operators shall mean the List of Approved Economic Operators within the meaning of Act No. 134/2016 Coll., on Public Procurement, as amended. The extract from the List of Approved Economic Operators must not be older than three (3) months before the date of commencement of this tendering procedure. The Contracting Authority reserves the right not to accept any extract from the List of Approved Economic Operators in which information about the commencement of proceedings concerning a change of data or about the exclusion of the economic operator from the List of Approved Economic Operators is indicated.

## **5. JOINT TENDERS**

- 5.1** If more than one economic operators submit a joint tender for this tendering procedure, they must submit a document in the tender which indicates that all these economic operators will be bound and liable towards the Contracting Authority and any third parties in respect of any obligations that may arise in connection with the performance of the subject of this contract or due to the default or any other breach of contractual or other obligations in connection with the performance of the subject of this tendering procedure jointly and severally.
- 5.2** All economic operators submitting a joint tender must fulfil the general requirements specified in Paragraph III.2 of the rules of this tendering procedure. At least one of the economic operators submitting a joint tender must always fulfil the requirements specified in Paragraph III.1 of the rules of this tendering procedure.

## **6. SUBCONTRACTORS**

- 6.1** If an economic operator is not able to prove fulfilment of the requirement for proving the authorization to conduct business in the extent corresponding to the subject of performance or a certain part of other requirements for economic operators in the full extent, it is entitled to prove their fulfilment of the requirements in the missing extent through another person (hereinafter "subcontractor"). In such case, the economic operator is obliged to submit to the Contracting Authority in this tender a contract concluded with the subcontractor which indicates the subcontractor's obligation to provide performance intended for performance of the contract by the economic operator or to provide materials or rights which the economic operator will have at its disposal within the framework of the performance of the contract, at least in the extent in which the subcontractor proved the fulfilment of the requirements for economic operators.

## **7. SOLEMN DECLARATIONS ON ECONOMIC OPERATORS' OWNERSHIP STRUCTURE**

- 7.1** Together with their tender, each economic operator shall submit a solemn declaration on the economic operators' ownership structure as of the date of submission of the tender, up to the beneficial owner. A list of the individual beneficial owners indicating the amount of their voting rights and their shares in registered capital shall be attached to the solemn declaration. If an economic operator has the legal form of a joint-stock company and its shares are traded on a stock exchange, the economic operator shall state the required facts in the solemn declaration only in relation to those shares which are not traded on the stock exchange. An economic operator who is a natural person – entrepreneur does not have to state their ownership structure, but he/she is obliged to submit a sworn declaration on potential beneficiaries, i.e. persons who receive at least 25% of the profits from this economic operator.
- 7.2** A beneficial owner means a natural person who, in fact or in law, has the possibility to exercise directly or indirectly decisive influence over the economic operator. It shall be deemed that if the conditions set out in the first sentence are met, the beneficial owner is a natural person who
1. alone or together with other persons acting in conformity with such person disposes of more than 25% of all voting rights in the given business corporation or has a share in the registered capital exceeding 25%,
  2. alone or together with other persons acting in conformity with such person controls the person specified in 1,
  3. is entitled to receive at least 25% of the profit of the business corporation, or
  4. is a member of the statutory body, represents a legal entity in this body or is in a position similar to the position of a member of the statutory body, if the beneficial owner does not exist or cannot be determined under points 1 through 3,
- 7.3** If the economic operator is a legal entity incorporated in a public register pursuant to Act No. 304/2013 Coll., on public registers of legal entities and natural persons, as amended, the solemn declaration may include the economic operator's statement of the fact that data about the beneficial owners can be found in the public administration information system – records of beneficial owners of a legal entity incorporated in a public register.

## **8. SOLEMN DECLARATIONS ON CONFLICT OF INTEREST**

- 8.1** In connection with persons on the part of the Contracting Authority in respect of whom the economic operator states in their solemn declaration on conflict of interest that it is of the opinion that these persons are or may be in conflict of interest, the Contracting Authority shall take appropriate measures on its part to prevent the conflict of interest during this tendering procedure and in the course of performance of the contract itself.
- 8.2** For the purpose of this tendering procedure and performance of the contract, a conflict of interest shall mean any situation where the economic operator or its managers or persons participating in the performance of the contract are, as of the day of the submission of the tender, in any relationship with a person in respect of which they are aware as of the day of the submission of the tender that this person is participating in and/or has influence over the preparation and/or execution of the tendering procedure and/or is going to participate in and/or have influence over the performance of the contract itself on the part of the Contracting Authority.

- 8.3** By submitting a tender, each economic operator undertakes to inform the Contracting Authority in writing without delay about the fact that a conflict of interest could occur or has occurred over the course of the performance of the contract, including providing identification data of the persons with whom the given situation concerns.

## **9. BUSINESS AND PAYMENT TERMS**

- 9.1** The business and payment terms are specified in the annex to the rules of this tendering procedure – Specimen Contract / Contractual Terms and Conditions for the Preparation of a Contract. In its tender, each economic operator is obliged to submit:

a) a completed draft contract in the form that is contained in the annex to the rules of this tendering procedure, i.e. in the form of a draft contract (not signed by the economic operator) for performance of this contract prepared by the Contracting Authority, or in the form of a draft contract for performance of this contract prepared by the economic operator (not signed by the economic operator) while respecting the contractual terms and conditions for the preparation of the contract stipulated by the Contracting Authority; the economic operator is entitled to change or amend the draft contract only in places specified by the Contracting Authority (identification data of the contracting party, price, etc.), or

b) a completed draft contract (not signed by the economic operator) with modifications to the contract proposed by the economic operator; the proposed changes to the contract must be recorded in the document in revision mode – tracking changes; the Contracting Authority is not obliged to accept the proposal for these modifications and reserves the right to negotiate on the economic operator's proposals.

- 9.2** By submitting a tender, the economic operator agrees that the provisions of Section 1740(3), the first sentence, of Act No. 89/2012 Coll., the Civil Code, as amended, shall not be used for the purpose of concluding a contract with the selected economic operator.

- 9.3** The Contracting Authority hereby asks to the economic operator to remove the text "Annex ....." and "Specimen", etc. from the Specimen Contract.

- 9.4** If the selected economic operator fails to provide the Contracting Authority with cooperation necessary for the conclusion of a contract within 14 calendar days from the day of delivery of the request to deliver the contract signed by the economic operator to the Contracting Authority and/or if the selected operator otherwise fails to fulfil the requirements of this tendering procedure, the Contracting Authority reserves the right to terminate these negotiations on the conclusion of the contract and to start negotiations on the conclusion of a contract with the economic operator whose tender was next in the order of advantageousness.

- 9.5** The Contracting Authority is an entity within the meaning of Section 2(1)(n) of Act No. 340/2015 Coll., on special conditions for the effectiveness of certain contracts, the publication of these contracts and on the register of contracts.

## **10. INSURANCE**

- 10.1** If the obligation to have insurance coverage is imposed on the economic operator, the selected economic operator is obliged to submit, at the Contracting Authority's request, proof of conclusion of an insurance policy in accordance with the terms and conditions specified in the Specimen Contract / Contractual Terms and Conditions for the Preparation of a Contract. A simple photocopy of a valid insurance contract or

insurance certificate issued by an insurance company or broker with whom the economic operator is insured which proves this fact shall be regarded as a document proving insurance coverage. If several persons submit a joint tender for this tendering procedure, all persons submitting the joint tender must prove the fulfilment of this prerequisite. If the selected economic operator fails to submit this document within the aforementioned time limit, the Contracting Authority shall be entitled to terminate negotiations on the conclusion of a contract with this economic operator and to start negotiations on the conclusion of a contract with the economic operator whose tender was next in the order of advantageousness.

## **11. REQUIREMENTS FOR THE METHOD OF PREPARING THE TENDER PRICE**

- 11.1** If the tender price is set in the draft contract, it shall be indicated in the draft contract as the maximum admissible price in Czech crowns (unless otherwise stipulated in the rules of this tendering procedure) without value added tax. VAT according to the applicable legal regulations shall be added to the price. The tender price shall include transport costs and any and all other costs incurred by the economic operator necessary for the proper, complete and high quality performance of the subject matter of this contract, including taking into account all risks that might occur over the course of the provision of performance of the contract, unless otherwise specified in the documentation for this tendering procedure.

- 11.2** The economic operator is responsible for the inclusion of all costs in the total tender price and for the completeness of the valuation of unit prices (if these are to be valued), including all costs related to the specific place of performance of the contract. The total tender price must be prepared by the economic operator as the maximum admissible price that cannot be exceeded, and it is to remain valid for the duration of the execution of the contract. The total tender price may be changed only in connection with a change to the relevant VAT rate. The total tender price may not be changed in connection with any inflation of the Czech currency, the exchange rate of the Czech currency towards foreign currencies or other factors affecting the exchange rate, currency stability or customs duties.

- 11.3** If the rules of this tendering procedure include a form for determining the tender price as its annex, such form shall serve as the basis for determining the tender price and must form an integral part of the economic operator's tender. The economic operator is obliged to fill in the draft contract the same unit prices and the total price as indicated in this annex.

- 11.4** If the rules of this tendering procedure do not include any form for determining the tender price as its annex, the draft contract (a binding draft contract for performance of the contract prepared by the Contracting Authority or a draft contract for performance of the contract prepared by the economic operator while respecting the contractual terms and conditions for the preparation of a contract stipulated by the Contracting Authority) shall serve as the basis for determining the tender price, if it is to be determined.

- 11.5** The unit prices used to create the tender price shall be regarded as the maximum prices for the whole duration of the performance of the contract.

- 11.6** The price information in the economic operator's tender must be identical if stated repeatedly. If the price data in the economic operator's tender are not identical, the Contracting Authority reserves the right to exclude such economic operator from participating in this tendering procedure.

## 12. METHOD OF EVALUATING TENDERS

- 12.1** Tenders shall be assessed and evaluated on the basis of set criteria by a committee appointed by the Contracting Authority.
- 12.2** Negotiations on tenders
- 12.2.1** The Contracting Authority reserves the right to negotiate, at its discretion, on the tender price (or on other terms and conditions of performance) with those economic operators whose tenders will be evaluated. During the negotiations, economic operators can offer a more advantageous tender to the Contracting Authority. Economic operators will be informed, in the invitation to the negotiations, about the date and form of the negotiations, whether or not it the upcoming round is the last round of negotiations on tenders and about all other details of the negotiations.
- 12.2.2** The Contracting Authority reserves the right to reduce, in the course of negotiations, the number of economic operators advancing to the next round of negotiations. The exact manner and conditions of reducing the number of economic operators shall be communicated to the economic operators always together with an invitation for the next round of negotiations; similarly, economic operators shall be informed about whether the current round the last round of negotiations on tenders. In justified cases, when an unexpected change of conditions surrounding the execution of the subject of performance occurs after the closure of the last round of negotiations on tenders (especially shifting the time of execution, substantial changes in the extent of deliveries/works, requirements for securing proper fulfilment of the economic operators' obligations, etc.), the Contracting Authority is entitled to call on the economic operators to confirm their tenders or to modify their tenders with regard to the change of conditions of execution of the subject of performance.
- 12.2.3** By submitting a tender, each economic operator grants its consent to the Contracting Authority that if the tender price is negotiated and the economic operator's tender contains the tender price most advantageous for the Contracting Authority, this information can be communicated (as anonymous information) to the other economic operators whose tenders were evaluated.
- 12.3** Electronic auction
- 12.3.1** An electronic auction may be used as a means of evaluating the tenders.
- 12.3.2** After evaluating the tenders, the Contracting Authority shall enter the results into the electronic auction as the initial state and invite the economic operators to submit new auction values into the electronic auction. The invitation shall be sent to the electronic auction participants electronically.
- 12.3.3** The E-ZAK electronic tool at <https://zakazky.prg.aero> shall be used as the electronic means for the electronic auction.
- 12.3.4** All other details concerning the course of the electronic auction shall be provided in the invitation to submit new auction values.
- 12.4** In the event of a match between the lowest bid price or the highest number of points received in the bids, that are on the

first place in the order of advantageousness, the date and time of submission of bids is decisive, i.e. will be selected the bid submitted sooner within the deadline listed on the customer's profile at <http://zakazky.prg.aero>.

## 13. BEING BOUND BY A TENDER AND CHANGES TO TENDERS

- 13.1** Economic operators are bound by their tenders for a period of six (6) months from the end of the time limit for the submission of tenders specified in the rules of this tendering procedure. Economic operators may not withdraw from a tendering procedure or to take back their tender beginning on the day of the submission of their tender and for the whole period referred to above. Possible withdrawal / taking back of a tender by an economic operator is ineffective, but the Contracting Authority is entitled to exclude such economic operator from further participation in the tendering procedure.
- 13.2** A tender may be changed or amended only within the limits envisaged by the rules of this tendering procedure or by these General Terms and Conditions of the Tendering Procedure.
- 13.3** The Contracting Authority shall inform the selected economic operator that its tender was selected as the most advantageous tender. The Contracting Authority shall inform those economic operators who submitted a tender about the conclusion of a contract with the selected economic operator.

## 14. RIGHTS AND RESERVATIONS OF THE CONTRACTING AUTHORITY

- 14.1** The Contracting Authority is not obliged to conclude any contract for the performance of a contract with the winning economic operator. A contract with the economic operator shall be concluded at the moment it is signed by the authorized representatives of the last contracting party. Any previous acts on the part of the Contracting Authority (including the announcement of the result of the tendering procedure) shall not be considered acceptance of the economic operator's tender and do not oblige the Contracting Authority to perform in any way, even if the conclusion of the contract seems highly probable. By submitting a tender, the economic operator acknowledges this fact and agrees to exclude the application of the provisions of Section 1729 (1) of Act. No. 89/2012 Coll., the Civil Code, as amended.
- 14.2** The Contracting Authority reserves the right to cancel the tendering procedure or any part thereof at any time before the conclusion of a contract with the selected economic operator.
- 14.3** The Contracting Authority reserves the right to reject all submitted tenders; furthermore, the Contracting Authority reserves the right to clarify and/or change and/or amend the rules or terms and conditions of this tendering procedure at any time before the most advantageous tender is selected. This clarification, change and/or amendment shall always be communicated to the economic operators whose contact data the Contracting Authority has at its disposal and, at the same time, published in the E-ZAK electronic tool at <http://zakazky.prg.aero>. Therefore, the Contracting Authority recommends that the economic operators, in case they are participating in a tendering procedure, confirm activation of the receipt of notifications about changes made to the rules or the terms and conditions of the tendering procedure, or an explanation of the rules / term and conditions of the tendering procedure. Furthermore, the Contracting Authority recommends all economic operators to check the current version of the rules or the terms and conditions of the tendering procedure published in the E-ZAK electronic tool before submitting their tender. The time limit for submitting

tenders may be reasonably extended by the Contracting Authority in justified cases.

- 14.4** Each economic operator submits its tender for free; it cannot raise any claims against the Contracting Authority on the basis of their submitted tender. No economic operator is not entitled to the reimbursement of any costs associated with the preparation of their tender, participating in this tendering procedure or any other requests, proposals, etc.
- 14.5** The Contracting Authority is entitled to decide to not provide any payments to economic operators in connection with this tendering procedure associated with their participation in the tendering procedure.
- 14.6** The Contracting Authority is entitled to change the time limit for the submission of tenders and the date and time for inspecting the place of performance if such inspection is to be performed. All potential changes shall be communicated to all economic operators and published in the E-ZAK electronic tool at <http://zakazky.prg.aero>.
- 14.7** The Contracting Authority is entitled not to return submitted tenders or any part thereof to the economic operators.
- 14.8** The Contracting Authority does not allow for the submission of any partial tenders. Each economic operator is obliged to submit a tender for the entire subject of performance.
- 14.9** The Contracting Authority does not allow for variants of tenders unless expressly provided otherwise in the rules of this tendering procedure.
- 14.10** The Contracting Authority is entitled to eliminate tenders which do not comply with the rules and the terms and conditions of this tendering procedure, or to exclude the economic operator from participating in this tendering procedure.
- 14.11** The Contracting Authority rules out the possibility for making any changes and/or amendments to tenders after the expiration of the time limit for the submission of tenders except for those cases expressly envisaged in the rules of this tendering procedure and/or in these General Terms and Conditions of the Tendering Procedure. Tenders may be amended at the request of the Contracting Authority demanding that the economic operators clarify their submitted data, documents, samples or models, or provide additional or missing data, documents, samples or models within the specified time limit. The Contracting Authority permits the possibility of clarifying itemized budgets providing the total tender price and all other evaluation criteria are not affected, unless the Contracting Authority provides otherwise.
- 14.12** The Contracting Authority reserves the right to ask the economic operators through the appointed committee for written explanations of their tenders in the event of uncertainty. In their request for written explanation, the committee shall state where it sees uncertainty in a tender submitted by the respective economic operator and what they should explain in greater detail. The committee shall set a time limit within which each economic operator is obliged to deliver their written explanation of uncertainties. If an economic operator fails to deliver their explanation of uncertainties within the set time limit, such economic operator may be excluded from participating in this tendering procedure.
- 14.13** The Contracting Authority reserves the right to exclude from this tendering procedure any economic operator who has or has had in the past problems with fulfilling its obligations towards the Contracting Authority.
- 14.14** If the documents presented by an economic operator proving their fulfilment of the requirements for an economic operator, or an economic operator's solemn declaration contains incorrect data, the Contracting Authority reserves the right to

exclude such economic operator from participating in this tendering procedure. Such economic operator can be excluded from participating in other tendering procedures of the Contracting Authority for a period of the following 2 years after the day of exclusion.

- 14.15** The Contracting Authority reserves the right to publish or to disclose to the other economic operators, after termination of the tendering procedure, the identification of the economic operator whose tender was selected as the most appropriate based on the chosen method of evaluation, including the tender price offered by this economic operator.
- 14.16** The economic operator shall submit the required documents in a simple copy, unless the Contracting Authority expressly requires otherwise in a particular case. The Contracting Authority reserves the right to request from the selected economic operator, prior to the conclusion of a contract for performance of the contract, the submission of originals or certified copies of documents if these were not submit to the Contracting Authority. The conclusion of a contract with the the selected economic operator is conditional on the submission of the said documents if they were requested by the Contracting Authority.
- 14.17** The Contracting Authority reserves the right to verify the credibility of the data and documents provided and may also obtain them on its own, for example, from third parties or from publicly available sources. The economic operator is obliged to provide the Contracting Authority with all necessary assistance in this respect.
- 14.18** The Contracting Authority reserves the right to verify, in connection with the management of supplier-customer relations, information and declarations provided by the economic operator in the tendering procedure. The verification may include the quality of fulfilment of previous contractual relations by the economic operator, its financial stability and good reputation. The scope of the verification may be given, in particular, by the significance of the future contractual relationship that could arise from this tendering procedure between the Contracting Authority and the economic operator with whom a contract is to be concluded. The Contracting Authority reserves the right to enter into negotiations on additional terms and conditions of performance of the subject of the contract based on the results of such verification.
- 14.19** The Contracting Authority reserves the right to exclude any economic operator from participating in this tendering procedure if the tender submitted by that economic operator contains an abnormally low tender price. An abnormally low tender price means a tender price or costs stated by the economic operator which appear to be abnormally low in relation to the subject of performance of the tendering procedure.
- 14.20** The Contracting Authority reserves the right to exclude any economic operator from participating in this tendering procedure if:
- the performance offered by the economic operator would lead to non-compliance with the obligations resulting from environmental, social or labour-law regulations or collective agreements relating to the subject of performance of the contract,
  - the economic operator wrongfully attempts to influence the Contracting Authority's decision in the tendering procedure or to obtain non-public information that could provide the economic operator with unjustified advantage in the tendering procedure,
  - the economic operator has committed serious professional misconduct in the last 3 years prior to the commencement of

this tendering procedure or after the commencement of this tendering procedure which calls into question the economic operator's credibility, including misconduct for which the economic operator was disciplinarily punished or for which a disciplinary measure was imposed on the economic operator pursuant to special legal regulations,

**14.21** the Contracting Authority obtains information and suspects that the economic operator concluded a prohibited agreement with other persons pursuant to Act No. 143/2001 Coll., on the protection of competition and on the amendment to certain acts (The Act on the Protection of Competition), as amended, in connection with the contract being awarded.

**14.22** Economic operators excluded from participating in this tendering procedure shall be informed by the Contracting Authority accordingly.

## **15. REGISTER OF IDENTIFIED ECONOMIC OPERATORS**

**15.1** The economic operator with whom a contract for performance of the contract is concluded, where the implementation of the subject of the contract requires entry into the security restricted area of the Prague/Ruzyně Airport undertakes, by submitting their tender, to perform, prior to the commencement of performance, all acts necessary for entry of the economic operator into the Register of Identified Economic Operators of airport suppliers for the Prague/Ruzyně Airport. The necessary acts and information are listed in separate documents for this tendering procedure.

## **16. CONDITIONS FOR ENTRY INTO THE SECURITY RESTRICTED AREA**

**16.1** With regard to the place of performance of the subject of the contract, the economic operator with whom a contract for performance of the contract will be concluded shall be obliged

to ensure fulfilment of the conditions prescribed by Act No. 49/1997 Coll., on civil aviation and on the amendment to Act No. 455/1991 Coll., on trade licensing (the Trade Licensing Act), as amended (hereinafter the "Civil Aviation Act") and by other regulations. The economic operator will be obliged to ensure that in places where implementation of the subject of the contract requires access to the security restricted area of the Prague/Ruzyně Airport, persons authorized by the economic operator who have undergone a background check pursuant to Section 85e of the Civil Aviation Act be present and have undergone integrated security training for the Prague/Ruzyně Airport and who have been issued identification cards granting access to the security restricted area. The economic operator will be obliged to ensure fulfilment of this condition for the whole duration of performance of the subject of the contract.

**16.2** Further information is provided on the Contracting Authority's website at [www.prg.aero](http://www.prg.aero) in the "About the airport" section or at [www.skoleni-lp.cz](http://www.skoleni-lp.cz).

**16.3** The Contracting Authority draws the economic operators' attention to the fact that when preparing their tender price, they must take into account the costs for fulfilling the conditions stated in the Civil Aviation Act that are listed in Annex No. 1 to these General Terms and Conditions of the Tendering Procedure.

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**Annex No. 1 to the General Terms and Conditions of the Tendering Procedure – the main foreseeable costs (the specific amount of the costs is determined by the price list of services of Letiště Praha, a. s. valid at the time of ordering the service) for fulfilling the conditions stated in the Civil Aviation Act**

<b>Item</b>	<b>Unit of measure</b>	<b>Price excl. VAT</b>	<b>Validity</b>
Making an ID card – chip-based	ea	CZK 247.93	5 years
Making an ID card – non-chip based	ea	CZK 148.76	5 years
making an entry permit for the special-purpose road between the north and south grounds for 1 service/company vehicle	ea	CZK 148.76	1 year
Entry permit to the SRA for 1 service /company vehicle	ea	CZK 561.98	1 month
Entry permit to the SRA for 1 service /company vehicle	ea	CZK 5,619.83	1 year
Entry permit to the non-public area for 1 service/company vehicle	ea	CZK 314.05	1 month
Entry permit to the non-public area for 1 service/company vehicle	ea	CZK 3,140.50	1 year
A2 – safety awareness (= initial safety training)	person	CZK 495.87	2 years
A3 – Safety awareness update	person	CZK 247.93	2 years
B17 – Safety management (for a person responsible for safety in the company)	person	CZK 2,148.76	2 years
C4 – Safety inspection of in-flight supplies and airport supplies (= conditions for delivering equipment and material to the SRA)	person	CZK 1,500.00	1 year
Traffic Rules – training + test	person	CZK 991.74	2 years
Traffic Rules – driving sessions (practical examination after the initial training)	person	CZK 495.87	2 years