

DCS REPLACEMENT

PROCUREMENT DOCUMENTS FOR AN ABOVE-
THRESHOLD PUBLIC CONTRACT

A NEGOTIATED PROCEDURE WITH PRIOR
PUBLICATION

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Z2020-028796

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Contracting Authority's profile:

<https://zakazky.prg.aero/>

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I. BASIC INFORMATION ABOUT THE CONTRACTING AUTHORITY

I.1. The Contracting Authority's identification

Letiště Praha, a. s.

registered

office:

K letišti 1019/6, Ruzyně, 161 00 Praha 6

Registration No.:

282 44 532

entry in the Commercial Register: The Municipal Court in Prague, Section B, Entry 14003

represented by:

Ing. Václav Řehoř, Ph.D, Chairman of the Board of Directors,

and Ing. Jiří Kraus, Vice-Chairman of the Board of Directors

(hereinafter the "**Contracting Authority**").

I.2. Contact person of the Contracting Authority

I.2.1. For the purposes of the procurement procedure (as defined below), the following contact person has been appointed by the Contracting Authority:

Ing. Eva Balíková

e-mail: eva.balikova@prg.aero

II. BASIC INFORMATION ABOUT THE PROCUREMENT DOCUMENTS

II.1. The procurement documents (hereinafter "**PD**") related to the procurement procedure of a public contract registered as "DCS replacement" (hereinafter the "**Public Contract**") were created by the Contracting Authority pursuant to the relevant provisions of concerned legal regulations, namely Act No. 134/2016 Coll., on Public Procurement, as amended, (hereinafter referred to as the "**PPA**") in order to define the Contracting Authority's requirements for an economic operator's qualification conditions and the manner in which their fulfilment can be proved, to define the Contracting Authority's requirements regarding the subject of performance and to define other requirements of the Contracting Authority regarding the performance of the Public Contract. The Contracting Authority states that pursuant to the provisions of Sections 24 of the PPA, this public contract is being awarded as a negotiated procedure with prior publication under Section 61 of the PPA.

II.2. The Contracting Authority states that pursuant to and following the conditions of the PPA, unlimited remote access will be given to the PD, including its annexes, by publishing it on the Contracting Authority's profile at: <https://zakazky.prg.aero/>.

II.3. The Contracting Authority states that no part of this PD was prepared by a person outside of the Contracting Authority.

III. SUBJECT MATTER OF THE PUBLIC CONTRACT:

III.1. The specification of the subject matter of the Public Contract

III.1.1. The subject matter of the Public Contract is the provision of DCS (Departure Control System) services including its implementation, employee training and service support.

Both by itself and in conjunction with other technical resources and functional applications, the system must comply with the conditions provided for in special legal regulations related to civil aviation (hereinafter also jointly referred to as the “**Performance**”).

III.1.2. Further specifications regarding the subject matter of Public Contract performance, terms and conditions and other requirements are provided in the annexes to these PD.

III.1.3. Any reference in the PD to a contract to perform this Public Contract means all contracts specified in the annexes to the PD if there is more than one.

III.2. The classification of the subject matter of the Public Contract

III.2.1. In accordance with the requirements of the PPA, the Contracting Authority has provided below the classification of the subject matter of the Public Contract.

72000000-5 IT services: consulting, software development, Internet, and support

III.3. Minimum technical specifications of Public Contract Procurement

III.3.1. Following Section 61 (4) of the Public Procurement Act, minimum technical conditions are provided in Annex G to these PD (hereinafter the “**Technical and functional requirements**”), namely in column E labelled “Required”.

III.3.2. Each participant who proves their fulfilment of the qualifications and is later invited to submit an indicative tender pursuant to Section 61 (5) and (6) of the PPA must comply with the Technical and Functional Requirements in its indicative tender as stated above.

III.3.3. Detailed conditions of performance may be further negotiated during the next stage of the procurement procedure with those qualified participants who have submitted preliminary bids; pursuant to Section 61 (10) of the PPA, during the course of negotiations, the Contracting Authority may specify other binding terms and conditions which the participants must respect in their bids.

IV. PLACE AND TERM OF THE PUBLIC CONTRACT’S PERFORMANCE

IV.1. Place of the Public Contract’s performance

IV.1.1. The place of performance is the Contracting Authority’s premises, i.e. Praha/Ruzyně International Airport.

IV.2. The period of performance of the public contract

IV.2.1. The contract will be made for a definite period of time, namely for 8 years from its effective date.

IV.2.2. The handover protocol regarding the Performance will be signed no later than 31 March 2021.

IV.2.3. The Contracting Authority would like to point out that the performance of the subject matter of this Public Contract is fully subject to airport operations. Following a notification from the Contracting Authority's operations centre, it may be decided that certain work be performed during night hours (i.e. between 10 PM and 6 AM) or on public holidays. Each participant in the procurement procedure must take this fact into account in its tender price.

V. QUALIFICATIONS

V.1. Basic Information about Qualifications

V.1.1. Proving qualification requirements specified in this PD is a prerequisite for selecting an economic operator within the meaning of the provisions of Section 122 et seq. of the PAA. Participants in the procurement procedure who fail to prove their qualifications to the required extent will be excluded by the Contracting Authority from further participation in the procurement procedure.

V.2. Qualification in the event of joint participation

V.2.1. In the case of the joint participation of economic operators, each economic operators shall demonstrate their basic and professional qualifications under Section 77 (1) of the PPA separately.

V.2.2. In accordance with the provisions of Section 103 (1) (f) of the PPA, the Contracting Authority requests that all economic operators submitting a joint bid to perform the Public Contract bear joint and several liability for the Public Contract's Performance. In that event, economic operators shall submit in their request to participate a written commitment of their joint and several liability towards the Contracting Authority in relation to the Public Contract.

V.3. Proof of qualification by a copy of an entry in the List of Approved Economic Operators

V.3.1. If the economic operator submits to the Contracting Authority a copy of an entry in the List of Approved Economic Operators, the copy of the entry shall replace a document proving:

- a) professional qualification under Section 77 of the PPA to the same extent as the information provided in the List of Approved Economic Operators proves the fulfilment of professional qualification; and
- b) basic qualifications under Section 74 of the PPA to the same extent as the information provided in the List of Approved Economic Operators proves the fulfilment of basic qualifications.

V.3.2. The Contracting Authority must accept an extract from the List of Approved Economic Operators if it is not older than 3 months on the last day on which basic or professional qualifications can be demonstrated. The Contracting Authority will not accept any

extract from the List of Approved Economic Operators stating the initiation of proceedings pursuant to Section 231(4) of the PPA.

- V.3.3. In the same manner as using an extract from the List of Approved Economic Operators, an economic operator may prove its qualifications by submitting a certificate issued in another Member State in which the economic operator has its registered office and which is an equivalent of the extract from the List of Approved Economic Operators.

V.4. Proving qualifications using a certificate from the System of Certified Economic Operators

- V.4.1. A valid certificate issued within a System of Certified Economic Operators under Section 233 et seq. of the PPA may be used to prove qualifications in the procurement procedure.

V.5. Proof of qualifications

- V.5.1. The Contracting Authority stipulates that documents made in any language other than English must be translated into English.
- V.5.2. Following the provisions of Section 86 (2) of the PPA, the Contracting Authority stipulates that an economic operator may not substitute the submission of documents in its bid by an affirmation subject to the exceptions expressly set out in these PD.
- V.5.3. Prior to the conclusion of a contract to perform this Public Contract, the Contracting Authority shall require that the selected economic operator submit originals or certified copies of qualification documents unless they have been submitted by the selected economic operator during the procurement procedure of the Public Contract. In order to ensure the proper conduct of the procurement procedure pursuant to Section 46(1) of the PPA, the Contracting Authority may require the submission of an original or a certified copy of any document.
- V.5.4. Documents proving basic qualifications pursuant to Section 74 of the PPA and professional qualifications pursuant to Section 77 (1) of the PPA must demonstrate compliance with the required eligibility criteria no later than three (3) months before the commencement date of the procurement procedure.
- V.5.5. The Contracting Authority stipulates that all affirmations submitted by an economic operator pursuant to these PD must be signed by a person authorised to represent the economic operator. If such person is acting under a power of attorney, a copy of the power of attorney must be submitted as part of the economic operator's tender.
- V.5.6. An economic operator may prove a certain portion of their professional qualifications and/or technical qualifications through other persons (subcontractors). In such a case, the economic operator is obliged to submit to the Contracting Authority:
- a) documents demonstrating the fulfilment of professional qualifications pursuant to Section 77(1) by another person,
 - b) documents demonstrating the fulfilment of the missing part of qualifications through another person,

- c) documents demonstrating the fulfilment of basic qualifications through another person pursuant to Section 74,
- d) a written undertaking of another person to provide performance intended for performance of the public contract or to provide things or rights which the economic operator is entitled to have at its disposal while performing the public contract, at least in the extent to which the other person demonstrated qualifications on behalf of the economic operator.

V.6. Basic qualifications under Section 74 of the PPA

V.6.1. The basic qualifications under Section 74 of the PPA are proved by any economic operator who:

- a) was not convicted by a final judgment in the country of its registered office of a crime specified in Annex No. 3 to the PPA or another similar crime pursuant to the laws of the country of its registered office in the past five years preceding the commencement of the procurement procedure; expunged convictions are disregarded;
- b) has no outstanding tax arrears registered in the tax records in the Czech Republic or in the country of its registered office;
- c) has no outstanding arrears with respect to payments or penalties of public health insurance in the Czech Republic or in the country of its registered office;
- d) has no outstanding arrears in respect of payments or penalties of social security contributions or contributions to the national employment policy in the Czech Republic or in the country of its registered office;
- e) is not in liquidation, has not been declared insolvent, or receivership has been imposed on it under another legal regulation, nor is it in a similar situation pursuant to the laws of the country of its registered office.

V.6.2. If the economic operator is a legal person, both this legal person and every member of its governing body must meet the conditions specified in paragraph Art. V.6.1 a). Where a legal person is a member of the governing body of the economic operator, the conditions specified in Art. V.6.1 a) will be met by this legal person, every member of the governing body of this legal person, and the person representing this legal person in the governing body of the economic operator.

V.6.3. An economic operator may prove its basic qualifications by a solemn declaration when the economic operator is entitled to use the template provided in Annex B to the PD. The affirmation must be signed by a person authorized to act on behalf of the economic operator in accordance with a valid economic operator's entry in the Commercial Register or by a person authorized to act under a power of attorney. The selected economic operator will have to submit originals or certified copies of specific documents proving the fulfilment of basic qualifications under Section 75 (1) of the Public Procurement Act unless they have already been provided to the Contracting Authority.

V.7. Professional qualifications under Section 77 of the PPA

V.7.1. Professional qualifications are proved by an economic operator who submits:

- a) **a copy of an entry in the Commercial Register** or other similar records provided that registration in such records is required pursuant to another legal regulation;
- b) a document proving **authorisation to pursue business activities** in the extent corresponding to the subject matter of this Public Contract, e.g. a document proving relevant trade authorisation or a trade licence.

V.8. Technical qualifications under Section 79 of the PPA

V.8.1. The scope of proving technical qualifications. An economic operator proves its technical qualifications pursuant to Section 79 of the PPA by submitting a **list of significant supplies** – provided by the economic operator over the last 3 (three) years prior to the commencement of this procurement procedure, including their time of provision and customers' identification.

V.8.2. The manner of proving technical qualifications. Each economic operator must submit the list in the form of a solemn declaration that must be signed by a person authorized to act on behalf of the economic operator. It must be obvious from the solemn declaration that the economic operator meets the required technical qualifications. An economic operator can use and fill in the appropriate annex to the PD that contains a template of such declaration and list.

V.8.3. The required minimum level of technical qualifications. The economic operator must provide **at least 3 similar contracts** performed **over the past 3 years**. A similar contract means the provision of a DCS for a handling company or an airport. The actual implementation of the DCS could happen earlier than 3 years ago as long as the service had already been actively provided by the economic operator over the past 3 years. At least one of the contracts must include a minimum of 150,000 passengers handled via the system per year and at least in one case the system must be implemented into an environment and in compliance with EU regulations, especially in terms of personal data and GDPR.

V.9. Other qualification criteria specified under Section 167 of the PPA

V.9.1. No other qualification criteria have been defined by the Contracting Authority.

VI. ELEMENTS OF A REQUEST TO PARTICIPATE, ITS STRUCTURE AND CONTENT

VI.1. Pursuant to Section 103(4) of the PPA, the Contracting Authority stipulates that requests to participate in the procurement procedure of the Public Contract may only be submitted in **electronic form**, using the electronic tool E-ZAK at <https://zakazky.prg.aero/>. To submit a request to participate, prior registration in this application is necessary due to technical reasons.

- VI.2.** The Contracting Authority recommends that all requests to participate be prepared in accordance with the Contracting Authority's recommendations as to the formal layout, structure, and content of the request to participate below:
- VI.3.** The Contracting Authority recommends the following manner of preparing a request to participate:
- VI.3.1. Requests to participate shall be submitted in English (unless expressly stated otherwise for a specific document under the PD) in a format that cannot be further modified (such as PDF and others);
 - VI.3.2. the Contracting Authority requests that each economic operator also submit its request to participate in open machine-readable format;
 - VI.3.3. with the exception of authenticated copies, all sheets of a request to participate shall be numbered in the bottom right corner in ascending numerical sequence beginning with 1 on the TABLE OF CONTENTS page;
 - VI.3.4. all documents must be properly legible, without deletions or overwriting except for necessary corrections made by the economic operator in respect of errors made prior to the submission of the request to participate. In such a case, the deletions, overwriting, or corrections made must be initialed by the person or persons signing the bid and shall be properly legible and clear.
- VI.4.** The Contracting Authority recommends that all requests to participate be submitted with the following structure:
- VI.4.1. a cover sheet of the request to participate prepared in accordance with the specimen provided in Annex A to these PD,
 - VI.4.2. a table of contents of the request to participate,
 - VI.4.3. documents and declarations proving capacity and qualifications with the following structure:
 - a) documents related to the proof of basic qualifications – Annex B to the PD may be used,
 - b) documents related to the proof of professional qualifications,
 - c) documents related to the proof of technical qualifications – Annex B to the PD may be used,
 - d) if a representative authorized on the basis of a power of attorney or an otherwise authorized person is acting on behalf of an economic operator, the valid power of attorney, at least a copy thereof, or the relevant authorization which indicates the right to make the draft contract on behalf of the economic operator,
 - e) other documents that the Contracting Authority requires to be submitted under the PD as part of the economic operator's request to participate.

VII. THE TIME LIMIT, FORM AND MANNER OF SUBMITTING REQUESTS TO PARTICIPATE

VII.1. The time limit for submitting requests to participate

VII.1.1. The time limit for submitting requests to participate is provided at the Contracting Authority's profile at <http://zakazky.prg.aero>.

VII.1.2. Requests to participate delivered to the Contracting Authority after the time limit for submitting requests to participate will be deemed not to have been filed. Such requests to participate will not be considered by the Contracting Authority. The Contracting Authority will immediately inform the economic operator that its request to participate was submitted after the time limit for the submission of requests for participation.

VII.2. The form and manner of submitting requests to participate

VII.2.1. Requests to participate may be submitted in writing during the whole duration of the time limit for the submission of requests to participate only in electronic form, using the electronic tool E-ZAK at <https://zakazky.prg.aero/>.

VIII. INDICATIVE TENDERS

VIII.1. An indicative tender may be submitted by any participant who proves their fulfilment of the qualifications and is invited by the Contracting Authority to submit an indicative tender. Participants who failed to prove their fulfilment of the qualifications shall be excluded from participation in the procurement procedure by the Contracting Authority.

VIII.2. The Contracting Authority shall not reduce the number of participants pursuant to Section 111 of the PPA.

VIII.3. Each indicative tender must comply with the Technical and Functional Requirements specified in Annex G to these PD where the items are labelled as "Required".

IX. ELEMENTS OF INDICATIVE TENDERS AND TENDERS, THEIR STRUCTURE AND CONTENT

IX.1. The Contracting Authority stipulates, in accordance with Section 103(4) of the PPA, that indicative tenders may only be submitted in electronic form, using the electronic tool E-ZAK at <https://zakazky.prg.aero/>. To submit a request to participate, prior registration in this application is necessary due to technical reasons.

IX.2. The Contracting Authority recommends that indicative tenders be prepared in accordance with the Contracting Authority's recommendations for the formal layout, structure and content of indicative tenders provided below:

IX.2.1. The requests to participate must be submitted in English (unless expressly stated otherwise for a specific document under the PD) in a format that cannot be further modified (such as PDF and others);

IX.2.2. The Contracting Authority requests that each Economic Operator submit its indicative also tender in an open machine-readable format, namely as *.doc and *.xls, or possibly in another format that enables copying and editing of the contents of the document;

- IX.2.3. all documents shall be properly legible, without any deletions or overwriting except for necessary corrections made by the participant in respect of any errors it made prior to the submission of the indicative tender. In such a case, the deletions, overwriting, or corrections made must be initialled by the person or persons signing the bid and shall be properly legible and clear.

IX.3. The Contracting Authority recommends that indicative tenders be submitted with the following structure:

- IX.3.1. a cover sheet of the indicative tender prepared in accordance with the specimen provided in an annex to these PD,
- IX.3.2. a table of contents of the indicative tender,
- IX.3.3. tender price – a completed annex to this PD for determining the tender price,
- IX.3.4. a draft contract to perform the Public Contract according to an annex (annexes) to the PD;
- IX.3.5. a data storage with an installation package of the offered DCS system application, including access data to the test version, eventually access data for a web browser access to the offered DCS system, for testing purposes;
- IX.3.6. if a representative authorized on the basis of a power of attorney or an otherwise authorized person is acting on behalf of the participant, the valid power of attorney, at least a copy thereof, or a relevant authorization which indicates the right to make the draft contract on behalf of the economic operator,
- IX.3.7. other documents that the Contracting Authority requires to be submitted under the PD as part of each participant's indicative tender.
- IX.3.8. If multiple economic operators are submitting an indicative tender together, the draft contract which forms part of the indicative tender must clearly indicate the economic operators' obligation to be bound towards the Contracting Authority in connection with the Public Contract jointly and severally.

IX.4. Additional requirements of the Contracting Authority for indicative tenders:

Each Economic Operator shall submit an implementation schedule to be included in Annex No. 4 to the Contract. The implementation schedule means the timing of the project from the conclusion of the contract – the implementation period including an initial set-up and the establishment and set-up of connectivity – the commencement of the test operation, the trial operation, training, etc. The schedule must respect dates specified in Annex D - the Service Provision Contract to these Procurement Documents.

IX.5. The Contracting Authority's requirements for tenders

- IX.5.1. The Contracting Authority stipulates that the requirements for indicative tenders set in Article IX. of the PD will also apply to tenders. More detailed requirements for tenders may be stipulated by the Contracting Authority in the invitation to submit tenders.

X. REQUIREMENTS FOR SETTING TENDER PRICES IN TENDERS/INDICATIVE TENDERS

- X.1.** The Contracting Authority's requirements for setting tender prices in indicative tenders:
- X.1.1. The Contracting Authority stipulates that the requirements for setting tender prices in tenders stated below in Article IX of these PD shall apply, except for Article IX.5, also for the purpose of preparing indicative tenders.
- X.2.** Setting tender prices
- X.2.1. Each participant is obliged to set in their tender the total tender price for the entire defined subject matter of this Public Contract in accordance with these PD as an absolute amount in CZK without VAT.
- X.2.2. The total tender price must be prepared by each participant as the maximum permissible price that cannot be exceeded, valid for the duration of the execution of the Public Contract.
- X.2.3. The tender price must be provided in Annex C – Setting tender prices – calculation. The tender price and the price information stated there must be identical to prices stated in other documents in the participant's tender if stated there. The price information in the participant's tender must be identical if stated repeatedly.
- X.3.** Elements of tender prices
- X.3.1. The Contracting Authority stipulates that the total tender price must include all costs necessary for the proper, complete, and high-quality execution of the subject matter of this Public Contract, including taking into account all risks during the performance of the Public Contract.
- X.4.** Conditions for exceeding tender prices
- X.4.1. The Contracting Authority stipulates that the total tender price may be changed only in connection with a change to the relevant VAT rate. The Contracting Authority stipulates that 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.
- X.5.** The conditions for setting tender prices may be modified within the framework of negotiations on indicative tenders. In such a case, the modified conditions for setting tender prices will be stated in the invitation to submit tenders.

XI. NEGOTIATIONS ON INDICATIVE TENDERS

- XI.1.1. The Contracting Authority may negotiate with the participants on indicative tenders with the aim improving the indicative tenders in favour of the Contracting Authority, it being understood that all aspects of the performance of the Public Contract shall be satisfied.

- XI.1.2. The Contracting Entity requires that each participant, with whom the negotiation on indicative bid will commence, is able to provide a live demonstration of the offered DCS, either of the production system or a test system, which will be provided to Contracting authority according to Art. IX.3.5. The demonstration might be arranged remotely in a form of a web conference or directly in the premises of the Contracting Entity. This demonstration will serve as a basis for evaluation of required system functions and properties and it should focus on system and user interface overview and demonstration of its functions and common procedures related to passenger check-in and weight and balance.
- XI.1.3. During the negotiations, the Contracting Authority may complete and/or amend the tender terms and conditions. Each participant's tender must correspond to the award criteria so amended or modified. In case of any modifications of or amendments to the award criteria, the Contracting Authority is also entitled to request from the participants the submission of modified indicative tenders, offering them a reasonable period to do so.
- XI.1.4. The negotiations shall be conducted in one or more rounds, the participants being invited in writing in advance for each round of negotiations at least 5 days in advance. The date and location of the next round of the negotiations may also be agreed to during the negotiations.
- XI.1.5. The Contracting Authority is entitled to state in the written invitation to negotiations that it is the last round of negotiations and that upon its completion, it will invite the participants to submit their tenders.
- XI.1.6. The Contracting Authority is entitled to state in the written invitation to the negotiations whether it will negotiate with the participants separately or together within the framework of each respective round.
- XI.1.7. The statutory body of each participant, or a person who is charged by a person authorized to represent the participant to conduct negotiations within the framework of a request to participate in the indicative tender, or a person who presents at the negotiations the relevant authorization or power of attorney to act (the authorized person) is entitled to represent the participant during the negotiations. A maximum of three persons may participate at one negotiation session on behalf of the participant.
- XI.1.8. The Contracting Authority will draw up a report on each negotiation with each participant, to which the attendance list of the participants at the negotiation shall be attached. Each participant is entitled to request a copy of the report on the negotiation at which it was present.
- XI.1.9. The Contracting Authority can stipulate that the negotiations may be conducted fully or partially in writing by means of electronic messages. If a negotiation is conducted only in writing, the Contracting Authority will not draw up a report thereon; it will only make the written communication part of the documentation.

XI.1.10. The Contracting Authority reserves the right to stipulate further conditions for holding negotiations with the participants.

XII. BUSINESS AND PAYMENT TERMS, INSURANCE

XII.1. The Contracting Authority stipulates that all business and payment terms are set out in Annex D to the PD – a draft contract to perform the Public Contract.

The draft contract may be modified during negotiations on indicative tenders. The Contracting Authority stipulates that, within each tender, the tenderer is obliged to submit a signed draft contract in the form in which it is modified during negotiations on indicative tenders.

XIII. SUBCONTRACTORS

XIII.1. Furthermore, the Contracting Authority stipulates that, in its tender, each economic operator is obliged, in accordance with Section 105 (1) of the PPA:

to submit a list of subcontractors who are known to the participant in the procurement procedure and to state which part of the Public Contract will be performed by each subcontractor.

XIV. FURTHER CONDITIONS OF THE CONTRACTING AUTHORITY FOR THE CONCLUSION OF A CONTRACT TO PERFORM A PUBLIC CONTRACT

XIV.1. In accordance with the provisions of Section 86 (3) of the PPA, the provisions of Section 104 of the PPA in conjunction with the provisions of Section 122 of the PPA, the Contracting Authority stipulates that the selected economic operator will be invited, in connection with the selection of the economic operator and the process of concluding a contract for the performance of this Public Contract, to submit:

- XIV.1.1. originals or certified copies of documents proving its qualifications, if the Contracting Authority does not already have them,
- XIV.1.2. information and documents under Section 104 (2) a) and b) if the selected economic operator is a legal entity, i.e. to submit:
 - c) identification data of all persons that are the real owners of the economic operator's company pursuant to the Act on Selected Measures against the Legitimation of Proceeds of Crime and Financing of Terrorism;
 - d) documents that demonstrate the relationship between all persons under the previous letter with the economic operator; such documents include, but are not limited to
 - a. a copy of an entry in the Commercial Register or other similar records;

- b. a list of shareholders;
- c. a decision made by the statutory body regarding the payment of a share in profits;
- d. a memorandum of association, a letter of formation or articles of association.

XV. THE TIME LIMIT, FORM AND MANNER OF SUBMITTING TENDERS / INDICATIVE TENDERS

XV.1. The form and manner of submitting tenders / indicative tenders

- XV.1.1. The time limit for the submission of indicative tenders will be set by the Contracting Authority in the invitation to submit indicative tenders.
- XV.1.2. The time limit for the submission of tenders will be set by the Contracting Authority in the invitation to submit tenders.
- XV.1.3. Tenders / indicative tenders delivered to the Contracting Authority after the expiration of the time limit for the submission of tenders / indicative tenders will be regarded as having not been submitted.

XV.2. The form and manner of submitting tenders / indicative tenders

- XV.2.1. Tenders / indicative tenders may be submitted in writing during the whole duration of the time limit for the submission of tenders / indicative tenders only in electronic form, using the electronic tool E-ZAK at <https://zakazky.prg.aero/>, with the exception of a data storage with the installation package for testing purposes according to Art. IX.3.5.

XVI. EVALUATION OF TENDERS

XVI.1. The Contracting Authority states that tenders will be evaluated according to their economic advantageousness under Section 114 (2) of the Public Procurement Act with the criteria as follows:

- XVI.1.1.1 Tender price – weight 60%,
- XVI.1.1.2 Optional technical criteria and a user-friendly system – weight 40%.

XVI.1.1. Under the sub-criterion “Optional technical criteria user-friendliness”, the Contracting Authority will award a score depending on the fulfilment of the below item.

Item	Description	The maximum score
1	The system will enable the calculation of overweight fees or other similar fees and it will be possible to implement a common use payment solution within the system which will make it possible to pay these fees with a payment card. (Art. 3.5.3 Technical Specifications)	4

2	The possibility to automatically verify visa requirements in the background of the check-in process against IATA Timatic data or another relevant data source (Art. 3.5.1 Technical Specifications).	2
3	AHM database management – both the possibility of self-management of the AHM databases and management provisions and guarantees by the economic operator (Art. 3.5.4 Technical Specifications).	6
4	A option of self-CUSS application and the possibility to implement it into SBD (SITA Scan & Fly). (Art. 3.5.5 Technical Specifications)	4
5	The possibility to use the system on mobile devices (Android or iOS) (Art. 3.5.2 Technical Specifications).	4
6	User-friendliness and support	20
	Total score	40

XVI.1.1. Items 1 to 5 of the above table correspond to Art. 3.5.1 to 3.5.5. of Annex G of the Procurement Documentation. If the Performance meets any of the listed items, the economic operator's tender will receive the appropriate score specified in the table. If an item is not met, the economic operator will receive 0 points.

XVI.1.2. The method of evaluating item No. 6 of the above table “User-friendliness and support”:

XVI.1.2.1 A system that includes the following will receive the best score:

- a) the clearest, most comprehensible, and most user-friendly graphical interface, enabling mouse control, with a clear and comprehensible structure of individual menus, grouped into logical thematic units,
- b) the most intuitive and best available required information -- the speed (meaning the number of steps needed to find the required information) and the intuitive access to the required check-in data, such as passenger identification, inbound/outbound filtering, baggage and its weight, additional payments, an overview of embedded API data, special groups of passengers, additional services and the possibility to filter and search for specific data will be assessed,
- c) the simplest steps for performing standard system transactions, such as passenger check-in, the aircraft loading and unloading planning process, retrieving, and exporting data for statistical purposes, sending operational reports, managing the distribution list, etc.
- d) the possibility of making automatic system notifications at check-in that a destination requires data entry into the APIS (the Advanced Passenger Information System).
- e) the possibility to generate and print refreshment and hotel accommodation vouchers.

- f) the best overall response of the system to orders and transactions that have been entered – the speed of order and transaction execution, and the display of selected data will be taken into account with respect to their complexity; the mouse cursor speed in the environment and the response of virtual buttons and menus to clicks, visible “freezing”, “sticking” and other failures of smooth operations with respect to the type of connection and whether it is a live production system or a test environment.
- g) the possibility of user customization of the environment, such as the arrangement of Windows or menu items, or other parameterization of the user interface,
- h) the highest speed and guarantee of response and time of processing user operational requests for the configuration of new airlines in the system and the generation of an appropriate database according to AHM documentation.
- i) the lowest demand on user training.

XVI.1.2.2 Tenders submitted by participants will always be evaluated in the given sub-criterion with a score that reflects the ratio (degree) of fulfilment of the requirements specified by the Contracting Authority.

XVI.1.2.3 The points received for items 1 – 6 will then be added up.

XVI.1.2.4 The sub-criterion “Optional technical criteria user-friendliness” will be evaluated on the basis of live demonstration of the offered DCS system mentioned in article XI.1.2.

XVI.1.3. The following will be considered the most advantageous values in the sub-criteria:

XVI.1.3.1 **The lowest tender price**, according to Annex C to the PD - Setting tender prices - calculation

XVI.1.3.2 **Optional technical criteria and user-friendliness** that have been awarded the highest score.

XVI.1.4. The sub-criteria will be multiplied by the weights according to Art. XVI.1.5.1 and Art. XVI.1.5.2 below. The scores of the sub-criteria recalculated based on weights will be summed up for each tender and the total score will determine the order of tenders. The tenders will be ranked in ascending order. The tender with the highest score will be evaluated as the most advantageous one and the tender with the lowest score as the least advantageous one.

XVI.1.5. The Contracting Authority provides a formula for the above tender evaluation:

XVI.1.5.1 **Tender price:**

$$X1 = (Y : Z) \times 60$$

where Y means the value of the lowest tender price, Z means the evaluated tender price, X1 means the score for the given criterion

XVI.1.5.2 Optional technical criteria and a user-friendly system:

$$X2 = (Z : Y) \times 40$$

where Z means the evaluated score, Y means the highest received score, X2 means the score for a given criterion

XVI.1.5.3 Total score: X = X1 + X2

where X means the total score awarded to the tender.

XVI.2. The rules specified in this Article XVI will also apply to the evaluation of indicative tenders as long as the Contracting Authority decides to award the contract based on indicative tenders.

XVII. EXPLANATION OF THE TENDER DOCUMENTATION

XVII.1. Each participant is entitled, pursuant to Section 98 of the PPA, to request in writing an explanation of the procurement documents to this Public Contract.

XVII.2. All written requests for an explanation of the PD must be delivered to the Contracting Authority no later than within the time limit stipulated in Section 98(3) of the PPA via the E-ZAK electronic tool.

XVII.3. The Contracting Authority will provide an explanation for the PD in accordance with the rules determined for the provision of explanations pursuant to Section 98 of the PPA.

XVII.4. The Contracting Authority is entitled to publish on its profile explanations of the PD, modifications of or amendments to the award criteria, even without a prior written request by a participant.

XVII.5. The provision of certain information may be conditioned, in accordance with Section 36(8) of the PPA, by the prior conclusion of an agreement on the protection of confidential information.

XVIII. VISIT TO THE PLACE OF PERFORMANCE

XVIII.1. Given the nature of the performance of this Public Contract, the Contracting Authority will not allow any visits to the place of performance.

XIX. SECURITY DEPOSIT.

XIX.1. No Security Deposit is required for this Public Contract.

XX. RIGHTS AND RESERVATIONS OF THE CONTRACTING AUTHORITY

XX.1. The Contracting Authority reserves the below rights related to the course of the entire procurement procedure and stipulates the following reservations:

- XX.1.1. the right to modify, specify or amend the award criteria within the statutory time period and under the conditions defined in the PPA;
 - XX.1.2. the right to verify the information and data declared by each economic operator in their tenders before making a decision on the selection of the most advantageous tender;
 - XX.1.3. the right not to return to the economic operators their submitted tenders;
 - XX.1.4. the right not to reimburse any costs related to the participation of economic operators in the procurement procedure, including the preparation and of their tenders and other requests, proposals, etc.;
 - XX.1.5. the right not to provide, in connection with the procurement procedure, any payments to economic operators related to their participation in the procurement procedure;
 - XX.1.6. the right to change the time limit for submitting tenders. Possible changes, if any, will be communicated to all economic operators and published on the Contracting Authority's profile.
- XX.2.** The Contracting Authority does not allow for any variants of tenders.
- XX.3.** In the event of any discrepancies between a legal regulation and the award criteria, the legal regulation, i.e. the PPA, will prevail.
- XX.4.** The Contracting Authority reserves the right, in accordance with Section 170 of the PPA, to cancel the procurement procedure for the Public Contract even without the fulfilment of the grounds pursuant to Section 127 of the PPA.
- XX.5.** The Contracting Authority may 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. Each participant is obliged to provide the Contracting Authority with all necessary assistance in this respect.
- XX.6.** The Contracting Authority is entitled to use any information or documents provided by the participants if this is necessary in order to proceed pursuant to the PPA or if it results from the purpose of the PPA.

XXI. OTHER PROVISIONS

- XXI.1.** The official language for all communication between the economic operator and the Contracting Authority concerning matters related to this procurement procedure is the English language.
- XXI.2.** All acts taken in the procurement procedure are to be done electronically using the E-ZAK electronic tool unless the Contracting Authority stipulates otherwise in this procurement document or in the course of the procurement procedure. The Contracting Authority draws each 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, each economic operator must complete their registration in this electronic tool. If an Economic Operator does not have an advanced electronic signature at its disposal, they can send their data to the contact person specified

in the Tender Documentation and ask for pre-registration. The steps are provided in the user guide for Economic Operators in the Czech language at <https://zakazky.cah.cz/manual.html?lang=cs> and in the English language at <https://zakazky.cah.cz/manual.html?lang=en>.

- XXI.3.** After logging into the E-ZAK electronic tool, each Economic Operator will be offered the ability to create and send a tender, including its encryption, in the details of the relevant procurement procedure. Detailed information necessary for submitting tenders is available in the Economic Operator's User Manual at the above-mentioned addresses. Tenders delivered contrary to the User Manual, e.g. via an internal E-ZAK message, will not be considered duly submitted and will be disregarded.
- XXI.4.** We recommend entering the tender in the application sufficiently in advance so that any potential technical problems can be resolved in time. In case of any technical issues, contact the QCM HelpDesk: tel. +420 538 702 719, e-mail: podpora@ezak.cz.
- XXI.5.** The Contracting Authority recommends that economic operators continuously monitor the public contract website.
- XXI.6.** All documents sent using the E-ZAK electronic tool will be deemed duly delivered on the date of their delivery to the recipient's user account in the E-ZAK electronic tool. The delivery of documents is not affected by whether or not the document has been read by the recipient, or whether the E-ZAK electronic tool has sent any notification to the recipient's contact email address that a new message has been delivered to its user account in the E-ZAK electronic tool.

Date the 17th August, 2020

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Ing. Václav Řehoř, Ph.D.
Chairman of the Board of Directors
Letiště Praha, a. s.

.....
Ing. Jiří Kraus
Vice Chairman of the Board of Directors
Letiště Praha, a. s.

The following annexes form an integral part of this PD:

- Annex A – Cover Sheet of Requests to Participate / Indicative Tenders / Tenders
- Annex B – Solemn Declaration Regarding Basic Qualifications and Technical Qualifications
- Annex C – Setting Tender Price - calculation
- Annex D – Service Provision Contract
- Annex E – Technical and Functional Specifications
- Annex F – ISR questionnaire
- Annex G – Technical and functional requirements – excel
- Annex H – Security Measures