

PARKING SYSTEM FOR PRAGUE AIRPORT

**PROCUREMENT DOCUMENTATION FOR AN
ABOVE-THRESHOLD PUBLIC CONTRACT
A NEGOTIATED PROCEDURE WITH PRIOR
PUBLICATION**

Contract ref. No.: Z2021-006620

File No.: 0227008092

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, postal code 161 00, Praha 6

ID 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

inquiries can only be sent electronically via the E-ZAK application. Phone inquiries shall be disregarded. Answers to all inquiries without the inquirer's name will always be sent to the person who submitted the inquiry and will also be published in the E-ZAK application.

II. BASIC INFORMATION ABOUT THE PROCUREMENT DOCUMENTATION

II.1. The procurement documentation (hereinafter the "**PD**") related to the procurement procedure of a public contract registered as "Parking System for Prague Airport" (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 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, and that it is not a public contract divided into lots with the meaning of the provisions of Section 101 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 these 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 for supply is the delivery and implementation of a new parking system and upon completion of the implementation, the provision of support over a period of 10 years (hereinafter jointly also 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
 - 31000000-6 Electrical machinery, apparatus, equipment and consumables; lighting
 - 51200000-4 Installation services of equipment for measuring, checking, testing and navigating
- III.3. The Contracting Authority allows for **tenderers to submit multiple tenders.**
- III.4. Minimum technical specifications of Public Contract Procurement
 - III.4.1. In accordance with Section 61 (4) of the PPA, the minimum technical specifications are provided in Annex E to these procurement documents labelled as “**MANDATORY (M)**” (hereinafter the “**Minimum Technical Specifications**”).
 - III.4.2. These Minimum Technical Conditions must be met in all tender variants submitted by the tenderers.
 - III.4.3. Any 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 minimum technical requirements in its indicative tender as stated above.
 - III.4.4. 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.

- III.4.5. In addition to contracts to perform the public contract, the winning tenderer will also be required to enter into a contract on the protection of Personal Data, a draft of which is attached in Annex M to this procurement documentation.

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.1.2. The performance will be done by the selected participant in the procurement procedure during the operating hours of the airport in the airport's non-public and designated security area while complying with the Contracting Authority's operating measures.
- IV.1.3. With regard to the place of performance of the subject matter of the Public Contract, the participant selected in the procurement procedure will be obligated 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**") as well as by other regulations. The participants selected in the procurement procedure will be obliged to ensure that in places where implementing the subject of the Public Contract requires access to a 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 them access to the security restricted area. The participant selected in the procurement procedure will be obliged to ensure fulfilment of this condition for the whole duration of performance of the subject of the Public Contract.
- IV.1.4. Further information is provided on the Contracting Authority's website at www.prg.aero in the "About" section or at www.skoleni-lp.cz.
- IV.1.5. The Contracting Authority would like to inform the participants in the procurement procedure that the tender price must take into consideration the following costs related to compliance with the conditions stated in the Civil Aviation Act:

Item	Unit of measure	Price excl. VAT	Validity
Making an ID card – chip-based	ea	CZK 206.62	5 years
Making an ID card – non-chip based	ea	CZK 132.24	5 years
making an entry permit for the special-purpose road between the north and south grounds for 1 service / company vehicle	ea	CZK 99.18	1 year
Entry permit to the SRA for 1 service / company vehicle	ea	CZK 537.20	1 month

Entry permit to the SRA for 1 service / company vehicle	ea	CZK 5,413.23	1 year
Entry permit to the non-public area for 1 service / company vehicle	ea	CZK 301.66	1 month
Entry permit to the SRA for 1 service / company vehicle	ea	CZK 3,016.53	1 year
A2 – safety awareness (= initial safety training)	person	CZK 495.86	2 years
A3 – Safety awareness update	person	CZK 247.93	2 years
C4 – Safety inspection of in-flight supplies and airport supplies (= conditions for delivering equipment and materials to the SRA)	person	CZK 1,500.00	1 year
Traffic Rules – training + test	person	CZK 991.73	2 years
Traffic Rules – driving sessions (practical examination after the initial training)	person	CZK 495.87	2 years

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

IV.2.1. The Performance will be handed over within 180 days after the Contract for Work has been signed. Servicing will be provided for a period of 10 years (120 months) from the due termination of the Pilot Operation of the Performance.

IV.2.2. 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 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. THE CONTRACTING AUTHORITY'S REQUIREMENTS FOR TENDER VARIANTS

V.1.1. In this procurement procedure, the Tenderers may submit several tender variants provided the variants meet the following conditions:

- The Tenderers may submit multiple variants for each individual brand/concept that they offer.
- Each variant will be assessed separately.

V.1.2. The Contracting Authority allows tender variants both for indicative tenders and for final tenders.

V.1.3. Documents proving the fulfilment of the Tenderers' qualifications under Art. VI hereof may be submitted by the Tenderer jointly for all variants, i.e. only once.

- V.1.4. Each tender variant shall **include all documents required in:**
- Article X hereof – Requirements for indicative tenders
 - Article X hereof – Requirements for setting tender prices in tenders/indicative tenders
- V.1.5. Each submitted tender variant will be evaluated separately by the Contracting Authority as if it were a separate tender.
- V.1.6. During negotiations on indicative tenders, all tender variants that were submitted by the Tenderers will be considered in steps and negotiated at one meeting.

VI. QUALIFICATIONS

VI.1. Basic Information about Qualifications

- VI.1.1. Proving qualification requirements specified in these 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.

VI.2. Qualification in the event of joint participation

- VI.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.
- VI.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.

VI.3. Proof of qualification by a copy of an entry in the List of Authorised Economic Operators (AEO)

- VI.3.1. If the economic operator submits to the Contracting Authority a copy of an entry in the List of Authorised Economic Operators, the copy of the entry shall replace a document proving:
- a) basic qualifications under Section 74 of the PPA to the same extent as the information provided in the List of Authorised Economic Operators proves the fulfilment of basic qualifications, and
 - b) professional qualifications under Section 77 of the PPA to the same extent as the information provided in the List of Authorised Economic Operators proves the fulfilment of professional qualifications.

- VI.3.2. The Contracting Authority must accept an extract from the List of Authorised 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 Authorised Economic Operators stating the initiation of proceedings pursuant to Section 231(4) of the PPA.
- VI.3.3. In the same manner as using an extract from the List of Authorised 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 Authorised Economic Operators.
- VI.4. Proving qualifications using a certificate from the System of Certified Economic Operators**
- VI.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.
- VI.5. Proof of qualifications**
- VI.5.1. The Contracting Authority stipulates that documents made in any language other than Czech, English or Slovak must be submitted translated into Czech.
- VI.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.
- VI.5.3. Within the meaning of Section 87 of the PPA, an economic operator may also replace the required documents by a European Single Procurement Document. A template of the European Single Procurement Document is provided in Commission Implementing Regulation (EU) 2016/7 of 5 January 2016 establishing the standard form for the European Single Procurement Document.
- VI.5.4. 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.
- VI.5.5. 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.
- VI.5.6. 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.

- VI.5.7. 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 under Section 74 through another person (the solemn declaration template attached in Annex B hereto can be used),
 - 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.

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

- VI.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.
- VI.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. VI.6.1 a). Where a legal person is a member of the governing body of the economic operator, the conditions specified in Art.VI.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.

VI.6.3. An economic operator may prove its basic and technical qualifications by a solemn declaration in those cases where 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.

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

VI.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.

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

VI.8.1. An economic operator proves its technical qualifications pursuant to Section 79 of the PPA by submitting

A list of significant supplies pursuant to Section 79 (2) b) of the PPA provided by the economic operator over the last 3 (three) years prior to the commencement of this procurement procedure, including their price, time of provision and customers' identification.

VI.8.2. The manner of proving technical qualifications.

An economic operator may prove its technical qualifications by a solemn declaration in those cases where 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.

VI.8.3. The required minimum level of technical qualifications.

The economic operator will list at least three supplies of a similar character that the economic operator has provided:

- the subject matter of which is the supply of a minimum 100 pieces of end-point hardware for a parking system,
- of which at least one involved the implementation of 3-level parking.

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

- VII.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.
- VII.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:
- VII.3.** The Contracting Authority recommends the following manner of preparing a request to participate:
- VII.3.1. Requests to participate shall be submitted in Czech or 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);
- VII.3.2. the Contracting Authority requests that each economic operator also submit its request to participate in open machine-readable format;
- VII.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;
- VII.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 initialled by the person or persons signing the bid and shall be properly legible and clear.
- VII.4.** The Contracting Authority recommends that all requests to participate be submitted with the following structure:
- VII.4.1. a cover sheet of the request to participate prepared in accordance with the specimen provided in Annex A to these PD,
- VII.4.2. a table of contents of the request to participate,
- VII.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,

- VII.4.4. 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,
- VII.4.5. the draft confidentiality agreement (Annex K to these PD),
- VII.4.6. other documents that the Contracting Authority requires to be submitted under the PD as part of the economic operator's request to participate.

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

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

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

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

- VIII.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/>.

IX. INDICATIVE TENDERS

- IX.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.
- IX.2. The Contracting Authority shall not reduce the number of participants pursuant to Section 111 of the PPA.
- IX.3. Indicative tenders must meet the minimum technical requirements.

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

- X.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.

X.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:

X.2.1. Requests to participate must be submitted in Czech or 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);

X.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;

X.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.

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

X.3.1. a cover sheet of the indicative tender prepared in accordance with the specimen provided in an annex to these PD,

X.3.2. a table of contents of the indicative tender,

X.3.3. tender price – annex C to these PD for determining the tender price,

X.3.4. drafts contracts for the performance of the Public Contract that correspond to the proposals contained in Annexes D and I to these PD,

X.3.5. completed Annex F in .xlsx format, i.e. in the same format in which it was published,

X.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,

X.3.7. other documents that the Contracting Authority requires to be submitted under the PD as part of each participant's indicative tender.

X.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.

X.4. The Contracting Authority's requirements for tenders

X.4.1. The Contracting Authority stipulates that the requirements for indicative tenders set in Article X. 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.

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

XI.1. The Contracting Authority's requirements for setting tender prices in indicative tenders:

XI.1.1. The Contracting Authority stipulates that the requirements for setting tender prices in tenders stated below in Article XI. of these PD will apply, with the exception of Article XI.5, also for the purpose of preparing indicative tenders.

XI.2. Setting tender prices

XI.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.

XI.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.

XI.2.3. The tender price will be provided in the form that is attached in Annex C to these PD. 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.

XI.3. Elements of tender prices

XI.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.

XI.4. Conditions for exceeding tender prices

XI.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.

XI.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.

XII. NEGOTIATIONS ON INDICATIVE TENDERS

XII.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.

XII.1.2. During the negotiations, the Contracting Authority may complete and/or amend the procurement 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.

- XII.1.3. 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.
- XII.1.4. 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.
- XII.1.5. 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.
- XII.1.6. 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.
- XII.1.7. 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.
- XII.1.8. The Contracting Authority reserves the right to stipulate further conditions for holding negotiations with the participants.
- XII.1.9. The Contracting Authority reserves the right not to negotiate on indicative tenders and award the public contract based on an indicative tender.

XIII. BUSINESS AND PAYMENT TERMS, INSURANCE

- XIII.1.1. The Contracting Authority stipulates that all business and payment terms are set out in Annex D and Annex I to the PD – a draft contract and service contract to perform the Public Contract.
- XIII.1.2. 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.

XIV. SUBCONTRACTORS

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

- a) 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.2. Following the provisions of Section 105 (2) of the PPC, the Contracting Authority requires that designated significant tasks during the performance of the Public Contract be provided directly by the selected contractor without the use of any sub-contractor. The designated significant tasks within the meaning of this article of the PD include the **system configuration and installation**, the connection and recovery of terminal devices.

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

XV.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:

- XV.1.1. originals or certified copies of documents proving its qualifications, if the Contracting Authority does not already have them,
- XV.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:
 - b) 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;
 - c) 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.

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

XVI.1. The method for submitting tenders / indicative tenders

- XVI.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.
- XVI.1.2. The time limit for the submission of tenders will be set by the Contracting Authority in the invitation to submit tenders.
- XVI.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.

XVI.2. The manner of submitting tenders / indicative tenders

- XVI.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/>.

XVII. EVALUATION OF TENDERS

XVII.1. The Contracting Authority below defines the evaluation criteria, the method of tender evaluation under different criteria and the weight of the criteria.

XVII.2. Under Section 114 (2) of the PPA, the tenders will be evaluated based on their economic advantageousness, i.e. according to the following evaluation criteria:

- XVII.2.1. Tender price – weight 50%,
- XVII.2.2. Quality – OPTIONAL items – weight 50%.

XVII.3. The Contracting Authority will assign a score to the Quality – OPTIONAL items, evaluating OPTIONAL items in Annex E hereto. A score will be assigned to each OPTIONAL item and if the given items passes, the tenderer will receive the number of points listed in Annex F hereto. The maximum score for OPTIONAL items is 38,400 points.

XVII.4. The evaluation of the Quality – OPTIONAL items criterion. A description of the items' evaluation is provided in Annex E hereto.

XVII.5. The following will be considered the most advantageous values in the sub-criteria:

- XVII.5.1. the Lowest Tender Price,
- XVII.5.2. the Quality – OPTIONAL items with the highest awarded score.

XVII.6. The sub-criteria will be multiplied by the weights according to Art. XVII.2.1 and Art. XVII.2.2 above. 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.

XVII.7. The Contracting Authority provides a formula for the above tender evaluation:

- XVII.7.1. Tender price:Tender price

$$X1 = (Y : Z) \times 50$$

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

XVII.7.2. Quality – functional and technical criteria:

$$X2 = (Z : Y) \times 50$$

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

XVII.7.3. Total score: $X = X1 + X2$

where *X* means the total score awarded to the tender.

XVII.8. An electronic auction will be used as a means of evaluating the tenders.

XVII.9. Prior to the commencement of the electronic auction, the Contracting Authority will proceed pursuant to the provisions of Section 121 of the PAA. After evaluating the tenders, the Contracting Authority will enter the results into the electronic auction as the initial state and invite the participants in the procurement procedure to submit new auction values into the electronic auction. The invitation shall be sent to the electronic auction participants electronically. The electronic auction will not be started earlier than 2 business days after the invitation has been sent.

XVII.10. Following the provisions of Section 120 (4) of the PPA, the Contracting Authority hereby provides the following information on the electronic auction:

XVII.10.1. the subject matter of the electronic auction will be the tender price.

XVII.10.2. the Contracting Authority will not restrict the number of new tenders.

XVII.10.3. participants in the procurement procedure will be provided with information about their current position in the electronic auction and on the lowest tender price at any given moment.

XVII.10.4. the electronic auction will have one round and will have a firmly determined beginning. The duration of the auction round will be limited by 1 hour and the time limit will always be prolonged by 5 minutes if a better bid is received within the last minute of the basic or prolonged time limit, i.e. if any of the economic operators offers a better bid (a bid including a lower tender price). This procedure will be followed as long as no better bid is received in the last minute of the basic or extended time limit; after that, the electronic auction will automatically end.

XVII.10.5. The tenderer can improve its own bid both within the basic and the prolonged time limit by a minimum increase of CZK 10,000 at a time. Improvement only applies to those bids submitted by a given tenderer and it does not equal the minimum required difference compared to the best bid.

XVII.10.6. The mathematical formula to be applied in the electronic auction to automatically determine changes in order based on submitted auction values and which includes all criteria set for the evaluation is provided in Article XVII.7. hereof.

XVII.10.7. The E-ZAK electronic application at <https://zakazky.prg.aero> will be used as the means for holding the electronic auction. **Tenderers must register in the application in order to participate in the procurement procedure.**

XVII.11. All other details concerning the course of the electronic auction will be provided in the invitation to submit new auction values.

XVII.12. The rules specified in this Article XVII will also apply to the evaluation of indicative tenders as long as the Contracting Authority decides to award the contract based on indicative tenders.

XVIII. EXPLANATION OF THE PROCUREMENT DOCUMENTATION

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

XVIII.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.

XVIII.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.

XVIII.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.

XVIII.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.

XIX. VISIT TO THE PLACE OF PERFORMANCE

XIX.1. Given the nature of the performance of this Public Contract, the Contracting Authority will allow visits to the place of performance.

XIX.2. The date of the visit to the place of performance will be stated in the invitation to submit indicative tenders.

XIX.3. Notice: Entities interested in taking part in a visit to the place of performance must provide the following identification data for each intended participant and submit it to the Contracting Authority's contact person at least 48 hours prior to the visit to the place of performance as indicated in the invitation to submit indicative tenders: date of birth, ID number or passport number, based on which a card to access the non-public section of the airport will be issued. Participants without entrance cards will be excluded from making a visit to the place of performance. The Contracting Authority hereby notifies tenderers that in exceptional cases (due to operational reasons), the date of the visit to the site of

performance may be changed. A visit to the site of performance may be attended by a maximum of 2 persons from each tenderer.

XX. SECURITY DEPOSIT

- XX.1.** Pursuant to Section 41 of the PPA, the Contracting Authority requests that tenderers provide a security deposit of CZK 1,000,000 to secure their obligations resulting from their participation in the procurement procedure.
- XX.2.** The security deposit shall be provided in the form of
- XX.2.1. a payment in favour of the Contracting Authority's bank account or
- XX.2.2. in the form of an irrevocable and unconditional bank guarantee – a written letter of guarantee (within the meaning of Section 2029 of Act No. 89/2012 Coll., the Civil Code), or guarantee
- XX.2.3. insurance under Section 2868 of Act No. 89/2012 Coll., the Civil Code.
- XX.3.** Proof that a security deposit has been paid to the Contracting Authority's bank account can be satisfied by a tender's bank statement which shows that the tenderer transferred the amount corresponding to the required security deposit to the Contracting Authority's bank account provided above, or a bank confirmation that the amount corresponding to the required security deposit has been paid to the Contracting Authority's bank account. Necessary information for the payment of the security deposit to the Contracting Authority's bank account is as follows:
- Name of the bank: UniCredit Bank Czech Republic and Slovakia, a.s.
- Account number and bank code: 801812025 / 2700
- The variable symbol will be announced to the Tenderers together with the invitation to submit tenders.
- XX.4.** The security deposit must be provided to the Contracting Authority and the proof documenting the provision of the security deposit must be submitted in the tender within the time limit for the submission of tenders. The security deposit, in the form of a payment made to the Contracting Authority's account, must be credited to the Contracting Authority's bank account within the time limit for the submission of tenders.

XXI. RIGHTS AND RESERVATIONS OF THE CONTRACTING AUTHORITY

- XXI.1.** The Contracting Authority reserves the below rights related to the course of the entire procurement procedure and stipulates the following reservations:
- XXI.1.1. the reservation to change the economic operator pursuant to Section 100 (2) of the PPA during the course of performance of the public contract if the Contracting Authority

withdraws from the contract with the winning economic operator. In such case, the tenderer who came second will be invited to enter into a contract.

- XXI.1.2. the right to modify, specify or amend the award criteria within the statutory time period and under the conditions defined in the PPA;
- XXI.1.3. 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;
- XXI.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.;
- XXI.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;
- XXI.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.
- XXI.2.** The Contracting Authority does not allow for the submission of any partial tenders.
- XXI.3.** In the event of any discrepancies between a legal regulation and the award criteria, the legal regulation, i.e. the PPA, will prevail.
- XXI.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.
- XXI.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.
- XXI.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.

XXII. OTHER PROVISIONS

- XXII.1.** The official languages for all communication between the economic operator and the Contracting Authority concerning matters related to this procurement procedure are either the Czech or the English languages. In case of any disagreement between the language versions of the document, the Czech version shall prevail.
- XXII.2.** In case, that the winning tenderer will be a company based in the Czech Republic, the contracts may be conducted only in the Czech language. In case of a foreign tenderer, the contracts will be concluded in both language versions. In case of any disagreement between the language versions of the document, the Czech version shall prevail.

- XXII.3.** The award period within the meaning of Section 40 (1) of the PPA during which the tenderers may not withdraw from the procurement procedure is 18 months after the end of the time limit for the submission of tenders.
- XXII.4.** 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 Procurement 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>.
- XXII.5.** 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.
- XXII.6.** 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.
- XXII.7.** The Contracting Authority recommends that economic operators continuously monitor the public contract website.
- XXII.8.** 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

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

Annex A – Cover Sheet of Requests to Participate / Indicative Tenders / Tenders

Annex B – Solemn Declaration

Annex C – Setting the Tender Price

Annex D – Contract for Work

Annex E – Mandatory and Optional Technical Criteria

Annex F – Functional and Technical Requirements - Evaluation Criteria

Annex G – Hardware

Annex H – Parking System Training

Annex I – Contract for the Provision of Servicing Services

Annex J – Passporting of the current condition of the parking system – Hardware

Annex K – Non-Disclosure Agreement

Annex L – A Map of the Parking Lots

Annex M – Personal Data Processing Agreement

Annex N – Justification of Responsible Procurement