

NÁHRADA SYSTÉMU FIDS / FLIGHT INFORMATION DISPLAY SYSTEM

TENDER DOCUMENTATION FOR ABOVE-
THRESHOLD PUBLIC PROCUREMENT

OPEN PROCEDURE USING AN ELECTRONIC
AUCTION

Ref. no. of the contract: Z2018-011281

File number: 0122002839

Contracting Authority Contracting Authority profile: <https://zakazky.cah.cz/>

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I. CONTRACTING AUTHORITY BASIC INFORMATION

I.1. Contracting Authority Identification

Český Aeroholding, a.s.

Registered office: Praha 6, Jana Kašpara 1069/1, post code 160 08

Company identification No.: 248 21 993

CR incorporation: Municipal Court in Prague, Section B, Insert 17005

Represented by: Ing. Radek Hovorka, Vice-Chairman of the Board of Directors and JUDr. Petr Pavelec, LL.M., Member of the Board of Directors

I.2. Contracting Authority Contact Person

I.2.1. For the purposes of the Public Contract award procedure (as defined below) the Contracting Authority has appointed the following contact person:

Anna Csabová

E-mail: anna.csabova@cah.cz

I.2.2. Document delivery address:

Český Aeroholding, a.s., Praha 6, Jana Kašpara 1069/1, post code 160 08.

II. BASIC INFORMATION ABOUT THE TENDER DOCUMENTS

II.1. This tender documentation (hereinafter “TD”) relating to the award of a public contract conducted under the title “**Flight information display system**” (hereinafter “**Public Contract**”) was created by the Contracting Authority in accordance with the relevant provisions of the concerned regulations, especially Act 134/2016 Coll., Public Procurement Act, as amended (hereinafter “**PPA**”) in order to define the requirements of the Contracting Authority for the qualifications of the supplier and means of demonstrating this compliance, defining the requirements of the Contracting Authority for the desired performance, and also to define the other requirements of the Contracting Authority for performing this Public Contract. In accordance with the provisions of section 24 of PPA, the Contracting Authority states that this public contract will be awarded in the form of an open procedure in accordance with the provisions of section 56 of PPA.

II.2. The Contracting Authority provides that there will be unlimited remote access to this TD, including annexes, in accordance with and under the conditions established in PPA, via their publication on the profile of the Contracting Authority at this address: <https://zakazky.cah.cz/>.

III. SUBJECT OF THE PUBLIC CONTRACT

III.1. Basic specifications of the subject of the Public Contract

III.1.1. The subject of this Public Contract is to supply and implement new flight information display system (FIDS) and after successful implementation provide support for 96 month. (referred to collectively as “**Performance**”).

III.1.2. Detailed specification of the subject of the Performance, the conditions and other requirements are specified in the annexes to this TD.

III.1.3. Wherever a contract for the performance of this Public Contract is discussed in this TD, it means all contracts referred to in the annexes to this TD, should there be more of them.

III.2. Classification of the subject of the Public Contract

III.2.1. In accordance with the requirements of PPA, the Contracting Authority provides the classification of the subject of the Public Contract according to [Common Procurement Vocabulary](#) below.

72212000-4	Programming of applicaton software
72500000-0	Computing services
72510000-3	Computer control
72212332-5	Develpement of software for planning
72212517-6	Development of software for IT
72000000-5	Information technologies: consulting, software development, internet and support

IV. PLACE AND TIME OF PERFORMING THE PUBLIC CONTRACT

IV.1. Place of performing the Public Contract

- IV.1.1. The place of performance is Prague/Ruzyně Airport, the building of Terminal 1.
- IV.1.2. The performance will be carried out by the winner of the tender in the closed and security restricted area of the airport while it is in operation and the operational measures of the Contracting Authority are maintained.
- IV.1.3. With regard to the place of performance of the Public Contract, the selected tenderer is obliged to ensure the fulfillment of the conditions stipulated by Act 49/1997 Coll., on civil aviation and on amending and supplementing Act 455/1991 Coll., Trade Act, as amended (hereinafter "**Civil Aviation Act**") and other regulations. The selected tenderer will be obliged to ensure that in areas where the performance of the Public Contract requires entry into the security restricted area of Prague/Ruzyně Airport there will be persons authorized by it who have undergone background checks according to section 85e of the Civil Aviation Act, undergone security training for Prague/Ruzyně Airport, and were issued identification cards to enter the security restricted area. The Contracting Authority requires that at least 2 people of the selected bidder have identification cards. The selected tenderer will be responsible for ensuring compliance with this condition throughout the period of the performance of the Public Contract.
- IV.1.4. More information is also available on the website of the Contracting Authority www.prg.aero, in About us or at www.skoleni-lp.cz.
- IV.1.5. The Contracting Authority notifies the tenderers that in preparing their bids they must take into account the following costs for complying with the conditions stipulated in the Civil Aviation Act:

Item	MJ (inter alia)	Price without VAT	Validity
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Making ID cards – chip	qty	206.62 CZK	5 years
making IDs - non-chip	qty	132.24 CZK	5 years
Making the entry permit for the designated road between the North and South complex for 1 official/company vehicle	qty	99.18 CZK	1 year
Entry permit for 1 official/company vehicle to the SRA zone	qty	537.20 CZK	1 month
Entry permit for 1 official/company vehicle to the SRA zone	qty	5,413.23 CZK	1 year
Entry permit for 1 official/company car to the non-public area	qty	301.66 CZK	1 month
Entry permit for 1 official/company car to the non-public area	qty	3,016.53 CZK	1 year
A2 - Security awareness (= entry-level security training)	Person	495.86 CZK	2 years
A3 - Security awareness updates	Person	247.93 CZK	2 years
B17 - Security management (for the person responsible for security in the company)	Person	1,983.00 CZK	2 years
E3 - Professional training for authorized auditors (for the person carrying out internal quality control)	Person	5,950.00 CZK	2 years
C4 - Safety inspection of on-board supplies and airport supplies (= condition bringing equipment and material into SRA)	Person	1,500.00 CZK	1 year
Transport Regulations - training + test	Person	991.73 CZK	2 years
Transport Regulations - driving (= practical examination after initial training)	Person	495.87 CZK	2 years

IV.1.6. In submitting a bid, the winning tenderer agrees that in the event that its offer was selected as the best, it shall take all steps necessary to be entered in the Registry of known suppliers of airport supplies at Prague/Ruzyně Airport prior to the commencement of work, if not already registered in it. These necessary steps and the required information are given in the annexes to this TD.

IV.2. Time for the performance of the Public Contract:

IV.2.1. The implementation within 300 calendar days from the date of signing the agreement and 96 months of provision of maintenance services from the entry into effect of the agreement. For more information, see the Sample Agreement annexed to this TD.

IV.2.2. The Contracting Authority points out that the realization of this Public Contract is completely subordinated to the operation of the airport. Upon notification from the operations division of the Contracting Authority, it may be decided that work will proceed only at night (i.e. from 22:00 to 6:00) or during non-working days. The tenderer is obliged to take this fact into account in calculating its bid.

V. QUALIFICATIONS

V.1. Basic information on qualifications

V.1.1. Demonstrating the qualifications set out in this TD is a prerequisite for choosing the supplier within the meaning of section 122 et seq. of PPA. Tenderers that do not demonstrate their qualifications to the extent required can be excluded from further participation in the tender for the Public Contract by the Contracting Authority.

V.2. Qualifications in the case of joint participation

V.2.1. In the case of the joint participation of suppliers, each supplier shall separately demonstrate their qualifications in accordance with the provisions of section 77 paragraph 1 of PPA.

V.2.2. In accordance with the provisions of section 103 paragraph 1(f) of PPA, the Contracting Authority requires, in the event suppliers submit a joint bid for the performance of the Public Contract, that all suppliers submitting a joint bid to bear responsibility for the performance of the Public Contract jointly and severally. In this case, the suppliers shall submit as part of their bid a written commitment, jointly and severally, of liability to the Contracting Authority in connection with the Public Contract.

V.3. Proof of qualifications with an extract from the list of qualified suppliers

V.3.1. If the supplier submits an extract from the list of qualified suppliers to the Contracting Authority, this extract replaces documentation proving:

- a) Professional qualifications under section 77 of PPA demonstrate, to the extent of the information in the extract from the list of qualified suppliers, compliance with the criteria for professional qualifications.

V.3.2. The Contracting Authority is required to accept the extract from the list of qualified suppliers unless the extract from the list of qualified suppliers is more than 3 months old as of the last day on which the professional qualifications must be demonstrated. The Contracting Authority will not accept the extract from the list of qualified suppliers that shows the initiation of proceedings in accordance with section 231 paragraph 4 of PPA.

V.3.3. The same as with the extract from the list of qualified suppliers the supplier may prove qualifications with a certificate that comes from another member state where the supplier has its headquarters, which is similar to the extract from the list of qualified suppliers.

V.4. Proving qualifications with a certificate from a system of certified suppliers

V.4.1. In this tender, qualifications can be proven with a valid certificate issued within the framework of a system of certified suppliers in accordance with the provisions of section 233 et seq. of PPA, to the extent specified in the certificate.

V.5. Documentation for qualifications

V.5.1. The Contracting Authority provides that documents drawn up in a language other than Czech, English or Slovak must be translated and submitted in the Czech and/or English language.

- V.5.2. Following the provisions of section 86 paragraph 2 of PPA, the Contracting Authority provides that it will not permit the supplier, as part of its bid, to substitute the documents required to demonstrate qualifications with an affidavit except as expressly provided in this TD.
- V.5.3. Prior to the conclusion of an agreement for the performance of this Public Contract, the Contracting Authority will require the chosen supplier to submit the originals or certified copies of documents on qualifications unless they were already submitted in the tender for this Public Contract by the chosen supplier. For the purposes of ensuring the proper course of the tender in accordance with section 46 paragraph 1 of PPA, the Contracting Authority can require the submission of the original or certified copy of the submitted document any time during the course of the tender.
- V.5.4. The documents demonstrating professional qualifications under section 77 paragraph 1 of PPA may not be older than 3 (three) months prior to the date of the commencement of the tender.
- V.5.5. The Contracting Authority provides that any affidavit submitted by the supplier in accordance with this TD must be signed by the person authorized to represent the supplier. If this person is acting as a proxy, a copy of the power of attorney must be part of the supplier's offer.

V.6. Professional eligibility under the provisions of section 77 of PPA

- V.6.1. Professional eligibility is demonstrated by the supplier that submits:
- a) **Extract from the Commercial Register** or other similar record if another regulation requires such registration;
 - b) **Business license** to the extent that includes the subject of this Public Contract, e.g. document proving the relevant trade or business license.

V.7. Technical qualifications pursuant to the provisions of section 79 of PPA

- V.7.1. Extent demonstrating technical qualifications. Technical qualifications pursuant to section 79 of PPA are demonstrated by the supplier that submits:
- a) **List of major supplies** provided by the supplier for the last 5 (five) years prior to the commencement of this tender specifying the time and cost of the performance and identification of the customer and contact person with contact details;
- V.7.2. Method of demonstrating technical qualifications. The supplier shall submit a list of major supplies in the form of an affidavit to be signed by the person authorized to represent the supplier. The contents of the affidavit must show that the supplier meets the required technical qualifications and contain the contact person with contact details for each major supply. The supplier can use and complete the annex B to TD that contains a sample affidavit and list..
- V.7.3. Required minimum level of technical qualifications. The supplier shall list **at least three (3) supplies of system providing information for passenger or customers**, where the price of each of them was higher than 5 million CZK without VAT and under which **in the last five (5) years** it supplied, installed and provided maintenance services for

one (1) FLIGHT INFORMATION DISPLAY SYSTEM. This one supply shall be functionally, but not to size, similar to subject of this public contract.

VI. COMMERCIAL AND PAYMENT TERMS, INSURANCE

- VI.1.** The Contracting Authority provides that all commercial and payment terms are stated in an annex to this TD – binding draft agreement for the performance of this Public Contract. The Contracting Authority provides that the supplier is required to submit the signed draft agreement as part of its offer, in the form in which it is contained in the annex to this TD – binding draft agreement for the performance of this Public Contract.
- VI.2.** The Contracting Authority further provides that the supplier is entitled to amend or supplement the binding draft agreement only in places designated by the Contracting Authority and indicated as follows: “[completed by the Supplier]”.
- VI.3.** The Contracting Authority informs the supplier that the conclusion of an insurance policy for the conditions specified in the agreement is required for the agreement for the performance of the Public Contract.

VII. REQUIREMENTS FOR THE METHOD OF PREPARING THE BID

VII.1. Determining the bid

- VII.1.1.** The Contracting Authority provides that the supplier shall base its bid on the total price for the subject of this Public Contract specified in its entirety in accordance with this TD, namely the absolute amount in Czech crowns without VAT.
- VII.1.2.** The total bid price must be processed by the supplier as the maximum allowable, not to be exceeded and valid throughout the performance of the Public Contract.
- VII.1.3.** The bid will be included in the supplier’s offer stated in the annex F to this TD.
- VII.1.4.** The bid will be included in the cover sheet of the offer. Here the bid and price information must be identical to the prices stated in other documents of the supplier’s offer, should they be stated in them. The price information in the candidate’s bid must be identical if given repeatedly.

VII.2. Particulars of the bid

- VII.2.1.** The Contracting Authority provides that the total bid price must include all costs necessary for the proper, complete and high-quality performance of this Public Contract, including taking all risks into account during the performance of the Public Contract.

VII.3. Conditions for exceeding the bid price

- VII.3.1.** The Contracting Authority provides that the total bid price may be changed only in connection with a change in the applicable VAT rate. The Contracting Authority provides that the total bid price must not be changed in connection with the inflation of the Czech currency, the value of the Czech currency exchange rate against foreign currencies or other factors with an impact on the exchange rate, currency stability or customs duties.

VIII. SUBCONTRACTORS

VIII.1. Under the provisions of section 105 paragraph 1 of PPA, the Contracting Authority further provides that the supplier is required in its bid to:

a) Submit a list of subcontractors if known to the tenderer and indicate which part of the Public Contract each of the subcontractors will carry out.

VIII.2. Under the provisions of section 105 paragraph 2 of PPA, the Contracting Authority requires that certain significant activities during the course of the performance of the Public Contract be carried out directly by the selected supplier without the use of subcontractors.

VIII.3. Under this article of TD, the certain significant activities mean the installation of FLIGHT INFORMATION DISPLAY SYSTEMS.

IX. PARTICULARS OF THE OFFER, ITS STRUCTURE AND CONTENT

IX.1. In accordance with section 103 paragraph 1(c) of PPA, the Contracting Authority provides that offers for the performance of the Public Contract shall be submitted in writing only **in paper form**. The Contracting Authority provides that offers for the performance of the Public Contract shall be submitted **in a properly sealed envelope marked with the name Public Procurement and the inscription “DO NOT OPEN”**.

IX.2. The Contracting Authority recommends that the offer be prepared in the formal treatment, structure and content of the offer as recommended below by the Contracting Authority.

IX.3. The Contracting Authority recommends the following method for processing offers:

IX.3.1. The offer for the performance of the Public Contract shall be submitted in one (1) paper copy written in the Czech or English or Slovak language (unless expressly provided otherwise for a specific document in this TD) marked “ORIGINAL” and recommendations in one (1) paper copy of the offer marked “COPY” (the copy of the offer shall be made from the original of the offer);

IX.3.2. In addition to the paper form, the Contracting Authority requests the supplier submit its offer likewise in electronic form on USB flash disk;

IX.3.3. The individual parts of the offer or its annexes (in each copy) shall be clearly separated in a manner that enables easy navigation between the different parts of the copies;

IX.3.4. All sheets of the offer with the exception of certified copies shall be numbered along the lower right edge with an uninterrupted ascending numerical series starting with number 1 on the “CONTENTS” page;

IX.3.5. The envelope shall be closed with the stamp of the supplier or signature of the statutory body of the supplier or with another appropriate form;

IX.3.6. All documents shall be properly legible, without cuts or re-writes except for the necessary corrections of the supplier for mistakes made prior to submitting the offer. In this case, the cuts, re-writes or corrections shall be initialed by the person or persons signing the offer and shall be properly legible and unambiguous.

IX.4. The Contracting Authority recommends that the offer be submitted in the following structure:

- IX.4.1. The cover sheet of the offer prepared in accordance with the sample provided in the annex A to this TD,
- IX.4.2. Contents of the offer,
- IX.4.3. Documents and statements establishing eligibility and qualifications in the following breakdown:
 - a) Documents relating to the demonstration of professional competence,
 - b) Documents relating to the demonstration of technical qualifications
- IX.4.4. Draft agreements for the performance of the Public Contract, which will match the draft contained in the annex (annexes) to this TD,
- IX.4.5. Valid power of attorney if a proxy or person empowered otherwise negotiates in the name or on behalf of the supplier, at the minimum in a copy or relevant empowerment that demonstrates the authority to negotiate the draft agreement in the name or on behalf of the supplier,
- IX.4.6. Written description of the flight information display system, its topology and/or communication scheme.
- IX.4.7. Other documents that the Contracting Authority requires the submission of as part of the supplier's offer within this TD.

X. OTHER CONDITIONS OF THE CONTRACTING AUTHORITY FOR CONCLUDING AN AGREEMENT FOR THE PERFORMANCE OF THE PUBLIC CONTRACT

- X.1. In accordance with the provisions of section 86 paragraph 3 of PPA, the provisions of section 104 of PPA in conjunction with the provisions of section 122 of PPA, the Contracting Authority provides that the selected supplier, in conjunction with the selection of the supplier and process to conclude an agreement for the performance of this Public Contract, be invited to submit:
 - X.1.1. Originals or certified copies of documents about its qualifications unless they have already been submitted to the Contracting Authority in this tender,
 - X.1.2. Information and documents under section 122 paragraph 5(a) and b) if the selected supplier is a legal person, who has no record in the Register of actual owners, i.e. to submit:
 - a) Identification data of all persons who are the actual owners of the supplier under the law on certain measures against the legalization of proceeds from crime and terrorist financing;
 - b) Documents that show the relationship of all persons under the preceding paragraph to the supplier; these documents are especially:
 - a. Extract from a commercial register or other similar records;
 - b. List of shareholders;
 - c. Decision of the statutory body to pay out dividends;

- d. Social contract, memorandum and articles of association.

XI. DEADLINE AND PLACE FOR SUBMITTING OFFERS

XI.1. Deadline for submitting offers

XI.1.1. The Contracting Authority provides that the deadline for submitting offers is **22/05/2018 at 13:00 p.m.**

XI.1.2. Any offer received by the Contracting Authority after the deadline for submitting offers will be treated as if never submitted. These offers will not be opened by the Contracting Authority, nor assessed and evaluated. The Contracting Authority shall promptly inform the supplier that its offer was submitted after the deadline for submitting offers.

XI.2. Place for submitting offers

XI.2.1. Offers can be submitted throughout the period for submitting offers, namely:

- a) in person on weekdays at the mailroom in building APC, address Jana Kašpara 1069/1, Prague 6, postal code 160 08, room 151a – mailroom hours on weekdays from 7:00 to 15:00, or
- b) By post or registered mail sent to the address: Letiště Praha, a. s., mailroom APC, Jana Kašpara 1069/1, 160 08 Prague 6, Czech Republic.

XII. OPENING THE OFFERS

XII.1. The opening of the envelopes with the offers will be done on **22/05/2018 at 13:00 p.m.**

XII.2. The opening of the envelopes will take place without the presence of the tenderers, because this tender will be done in the form of an electronic auction.

XII.3. Professionals invited at the discretion of the Contracting Authority may participate in the opening of the envelopes.

XIII. EVALUATION OF OFFERS

XIII.1. The offers will be assessed according to economic advantageousness of offers. Subcriteria include the total price without VAT according to annex F of TD and the assessment of technical and functional solution, with the following weights being assigned to each subcriterion:

XIII.1.1. Total price	60%
XIII.1.2. Technical and functional solution	40%

The total price will be inserted by the tenderer into the annex F to this TD, specification of the technical version/solution will be attached in a separate document.

XIII.2. Offers will be assessed so that the most advantageous value of the subcriterion will receive the highest ranking (100 points) and the ranking of the same subcriterion of other tenders will be recalculated proportionally to the most advantageous tender. Within the subcriteria the following values will be considered the most advantageous:

- XIII.2.1. the lowest total price,
- XIII.2.2. technical and functional solution with the highest assigned ranking.

- XIII.3.** The subcriterion technical and functional solution will be assessed according to the methodology and procedure described in the annex G to this TD. The most advantageous technical and functional solution will be the solution which receives the highest ranking for individual criteria.
- XIII.4.** After evaluation of criteria those will be multiple with percentage priority in accordance with art. VII.1. of this TD. This procedure will be done in every tender and total value of points will set the order of the offers. The evaluation of the offer is going to be made according to the following formula:
- XIII.4.1. total price: $P1 = 100 * (B / E) * 0,6$ - where B means the best (lowest) value, E means evaluated value, P1 means number of points for tender price
- XIII.4.2. Technical and functional solution: $P2 = 100 * (E / B) * 0,4$ – where B means the best (highest) value, E means evaluated value, P2 means number of points for technical and functional solution
- XIII.4.3. $P = P1 + P2$ - where P means total score of points.
- XIII.5.** The order of offers will be determined by the sum of all values representing economic advantageousness of each subcriterion, where the most advantageous offer will be the offer which receives the highest total number of points.
- XIII.6.** After evaluation of offers as mentioned above the electronic auction will be set up. Tenderer is entitled to adjust only total price in electronic auction. Total score of each offer for technical and functional solution will be insert as a fix value. The evaluation ration will be same as in section XIII.2 hereof.
- XIII.7.** An electronic auction will be used as the means for judging the offers pursuant to their economic advantageousness.
- XIII.8.** Before commencing the electronic auction, the Contracting Authority shall proceed in accordance with the provisions of section 121 of PPA. After evaluating the offers, the Contracting Authority shall introduce the bids given by the candidate in the draft agreement in its offer for the electronic auction as the starting point and invite the tenderers to submit new bids to the electronic auction. The invitation will be sent electronically to participants of the electronic auction. The electronic auction will start sooner than 2 working days after the invitation has been sent out.
- XIII.9.** In accordance with the provisions of section 120 paragraph 4 of PPA, the Contracting Authority provides this information for the electronic auction:
- XIII.9.1. The subject of the electronic auction will be the amount of the bid.
- XIII.9.2. The Contracting Authority will not limit the amount of new values of the bids.
- XIII.9.3. During the course of the electronic auction, the tenderers will receive information about their current ranking and the lowest bid currently on offer.
- XIII.9.4. The electronic auction will take place in one auction round, which will have a fixed starting point. The duration of the auction round will be 1 hour, which will always be extended for 3 minutes in case if, during the final minute of the base or extended period, a better bid will be offered, i.e. a bid from any of the suppliers that improves on the current best bid (offer with the lowest bid price). It will continue in this manner until no

improved bid is submitted during the final minute of the base or extended period. The electronic auction will then be automatically closed.

- XIII.9.5. The supplier will be able to improve its bid in the base or extended period by a minimum of 10,000 CZK (ten thousand Czech crowns), i.e. the minimum increased bid. This improvement applies only to the offer of the supplier in question and does not concern the minimal required difference from the current best offer.
- XIII.9.6. As the electronic resource for conducting the electronic auction, the E-ZAK application at this address will be used <https://zakazky.cah.cz/>. **The prior registration of the supplier is required to use this application.**
- XIII.10.** All of the details of the electronic auction will be supplied in the invitation to submit new bids.

XIV. CLARIFICATION OF THE TENDER DOCUMENTATION

- XIV.1.** Under section 98 of PPA, the supplier is entitled to make a written request for clarification of TD of this Public Contract.
- XIV.2.** The written request for clarification of TD must be received by the Contracting Authority no later than the period set forth in the provisions of section 98 paragraph 3 of PPA. The Contracting Authority recommends that tenderers submit the request for clarification via email to the address of the Contracting Authority's contact person.
- XIV.3.** The Contracting Authority shall provide clarification to TD in accordance with the rules set forth for the provision of such clarification under the provisions of section 98 of PPA.

XV. INSPECTION TOUR OF THE PLACE OF PERFORMANCE

- XV.1.** Due to the nature of the performance of this Public Contract, the Contracting Authority shall allow an inspection tour of the place of performance.
- XV.2.** The inspection tour of the place of performance shall take place during the period for submitting offers, latest 12 business days prior to the deadline for submitting offer. with each candidate individually. The specific date of the tour will be specified to the candidate in an email message, see art. XV.3. below.
- XV.3. Notice:** Those interested in a tour of the place of performance must send identification data for each intended participant of the tour to the Contracting Authority's contact person at least 2 working days before intended day of the tour, but at the latest by 12 business days prior to the deadline for submitting offer: date of birth, identity card number or passport number to arrange entry cards to the airside portion of the airport. Nobody without an entry card may participate in a tour of the place of performance. The Contracting Authority notifies suppliers that in exceptional cases (for operational reasons) the date of the tour can be moved to an alternate date. A maximum of 2 people may attend the tour for the supplier.

XVI. RIGHTS AND RESERVATIONS OF THE CONTRACTING AUTHORITY

- XVI.1.** The Contracting Authority reserves the following rights related to the course of the tender and establishes the following reservations:

- XVI.1.1. The right to modify, clarify or supplement the terms of the tender before the statutory deadline and under the conditions specified in PPA;
 - XVI.1.2. The right to verify the data and information provided by the supplier in its offer prior to choosing the most beneficial bid;
 - XVI.1.3. The right not to return a submitted offer to the supplier;
 - XVI.1.4. The right not to provide any compensation for costs associated with the participation of suppliers in the tender, including preparing and submitting their offers and other requests, proposals, etc.;
 - XVI.1.5. The right not to provide any payment to suppliers connected to their participation in the tender;
 - XVI.1.6. The right to change the deadline for submitting offers and the date of the inspection tour of the place of performance. Any change will be announced to all suppliers and published on the profile of the Contracting Authority.
- XVI.2.** The Contracting Authority does not allow the submission of a partial offer.
- XVI.3.** The Contracting Authority does not allow variants of offers.
- XVI.4.** In the event of a conflict between the law and the terms of the tender, the law shall prevail, i.e. PPA.
- XVI.5.** In accordance with the provisions of section 170 of PPA, the Contracting Authority reserves the option to cancel the tender for the Public Contract without providing any reasons for it, as per the provisions of section 127 of PPA.
- XVI.6.** The Contracting Authority may verify the veracity of the information and documents provided and may also procure them, e.g. from third parties or from publicly available sources. The tenderer is obliged to provide all necessary assistance in this regard.
- XVI.7.** The Contracting Authority is entitled to use the information or documents provided by tenderers should they become necessary for the procedure under PPA or if it arises from the purpose of PPA.
- XVI.8.** The Contracting Authority notifies the supplier and the supplier acknowledges that the Customer intends to execute the merger in accordance with Act No. 125/2008 Coll., on transformations of companies and cooperatives. In which case the rights and obligations of the Contracting Authority shall transfer to the entity, which would be the legal successor of the Contracting Authority in accordance with Act No. 125/2008 Coll., on transformations of companies and cooperatives.

XVII. OTHER

- XVII.1.** The Contracting Authority notifies tenderers that under the provisions of section 48 paragraph 9 of PPA the Contracting Authority will verify whether a reason exists to exclude the selected supplier under the provisions of section 48 paragraph 7 of PPA, i.e. verify whether the selected supplier, which is a joint-stock company or has a legal form similar to a joint-stock company, has issued book-entry-only shares. The Contracting Authority shall exclude a selected supplier from the tender

that is a joint-stock company or has a legal form similar to a joint-stock company but has not issued book-entry-only shares.

The Contracting Authority shall request that selected supplier with a registered address abroad, which is a joint-stock company or has a legal form similar to a joint-stock company, submit a written affidavit within a reasonable time about those persons who own stock with a total nominal value exceeding 10% of the share capital of the tenderer, indicating the source of the data about the size of the share of the shareholders.

The above does not apply for a selected supplier, which is a joint-stock company whose shares in an aggregate nominal value of 100% of the share capital is owned by a municipality under Act 128/2000 Coll., on municipalities (municipal establishments), as amended, or regions pursuant to Act 129/2000 Coll., on regions (regional establishments), as amended.

XVII.2. The official language for all communications between the tenderer and Contracting Authority in matters related to this tender is the English language.

Date 13. 4. 2018

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Ing. Radek Hovorka
Vice - Chairman of the board
Český Aeroholding, a.s.

.....
JUDr. Petr Pavelec, LL.M.
Member of the board
Český Aeroholding, a.s.

The following annexes form an integral part of this TD:

Annex A – Cover Sheet of the offer
Annex B – Affidavit
Annex C – Sample Works Agreement
Annex D – Sample SLA
Annex E – Technical and functional requirements
Annex F – Tender price calculation
Annex G – Methodology of evaluation of Technical and functional requirements – word description