



THE PROVISION OF CUPPS/CUSS SYSTEMS II

PROCUREMENT DOCUMENTS FOR AN ABOVE-THRESHOLD PUBLIC CONTRACT

A NEGOTIATED PROCEDURE WITH PRIOR PUBLICATION

File No.:

VR/0227006132

The Contracting Authority's profile:

<https://zakazky.cah.cz/>



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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.: 28244532

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

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:

Ondřej Němeček

II. BASIC INFORMATION ABOUT THE PROCUREMENT DOCUMENTS

- II.1.** The procurement documents (hereinafter "PD") related to the procurement procedure of the public contract registered as The Provision of CUPPS/CUSS Systems II (Poskytování služeb systémů CUPPS/CUSS II) (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 and 161 of the PPA, the 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 enabled to the PD, including its annexes, by publishing it at the Contracting Authority's profile at: <https://zakazky.cah.cz/>.
- II.3.** The Contracting Authority states that no part of this Procurement Documents 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 to conclude a new contract for the provision of CUPPS and CUSS systems and other related technologies. The subject matter of the Public Contract also includes subsequent service support for the CUPPS/ CUSS systems and other related technologies for a period of 60 months from the successful implementation of CUPPS/CUSS and other related technologies. The support will be provided under the conditions set out in the Annex D Draft Contract and other relevant annexes to these procurement documents (hereinafter referred to as the "**Services**").



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.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 in accordance with the Common Procurement Vocabulary (CPV).

- 48810000-9 – Information systems
- 51221000-7 – Installation services of automatic airport check-in devices
- 51611100-9 – Hardware installation services
- 30231000-7 – Computer screens and consoles
- 72267100-0 – Maintenance of information technology software
- 72253200-5 – System support services
- 32422000-7 – Network components
- 72310000-1 – Data processing
- 72700000-7 – Computer network services
- 72263000-6 – Software implementation services
- 72268000-1 – Software supply services

III.3. Minimum technical specifications of Public Contract Procurement

III.3.1. In accordance with Section 61 (4) of the PPA, the minimum technical specifications are provided in Annex C to these procurement documents (hereinafter referred to as the **“Minimum Technical Specifications”**).

III.3.2. A participant who proves their fulfilment of the qualification 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 Specifications in its indicative tender as stated above.

III.3.3. Detailed conditions of performance set out in Annex F to these procurement documents (hereinafter referred to as the **“Technical and Functional Specifications”**) may be further negotiated in the next stage of the procurement procedure with qualified participants who have submitted their 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.3.4. The Contracting Authority declares that the requested system defined in the subject matter of the Contract shall form part of the Prague Airport Basic Information System (hereinafter referred to as the **“Z-IS LP”**), which has been determined to be a basic service information system in accordance with Act No. 181/2014 Coll., on Cyber Security and on the Amendment to Related Acts (The Cyber Security Act), as amended.

III.3.5. The Contracting Authority declares that the subject matter of performance must not be non-compliant with regard to information security; any performance involving technologies/key elements against whose manufacturers a competent administrative authority has taken action under Act No. 181/2014 Coll., on Cyber Security and on the



Amendment to Related Acts (The Cyber Security Act), and which, according to a risk analysis, pose a high risk will be considered non-compliant.

IV. PLACE AND TERM OF PUBLIC CONTRACT PERFORMANCE

IV.1. Place of Public Contract performance

IV.1.1. Place of performance: Prague Airport Ruzyně grounds

IV.2. Term of Public Contract performance:

IV.2.1. Term of delivery: Delivery and successful implementation of CUPPS/CUSS systems within 6 months of the contract's effective date. The provision of the CUPPS/CUSS systems including service support for a period of 60 months from the successful implementation of the systems.

V. QUALIFICATION

V.1. Qualification in the event of joint participation

V.1.1. In the case of the joint participation of economic operators, each economic operator shall demonstrate its basic and professional qualification under Section 77 (1) of the PPA separately.

V.1.2. 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.2. Proof of qualification by a copy of an entry in the List of Approved Economic Operators

V.2.1. 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 qualification 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 qualification.

V.2.2. 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 qualification can be demonstrated. The Contracting Authority will not accept an extract from the List of Approved Economic Operators stating the initiation of proceedings pursuant to Section 231(4) of the PPA.



- V.2.3. In the same manner as using an extract from the List of Approved Economic Operators, an economic operator may prove its qualification 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.3. Proving qualification using a certificate from the System of Certified Economic Operators**
- V.3.1. A valid certificate issued within a System of Certified Economic Operators under Section 233 et seq. of the PPA may be used to prove qualification in the procurement procedure.
- V.4. Proof of qualification**
- V.4.1. The Contracting Authority states that documents in the English language may be submitted without a translation into Czech. Documents in other than the Czech, Slovak or English languages must be submitted both in the English language and in the original language version.
- V.4.2. Following the provisions of Section 86 (2) of the PPA, the Contracting Authority stipulates that an economic operator may substitute the submission of documents in its bid by an affirmation subject to the exceptions expressly set out in these PD.
- V.4.3. 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.
- V.4.4. 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 anytime during the procurement procedure.
- V.4.5. The documents demonstrating basic qualification under Section 74 and professional qualification under Section 77 (1) of the PPA shall demonstrate the fulfilment of the required qualification criteria no later than three months before the date of the commencement of the procurement procedure.
- V.4.6. The Contracting Authority stipulates that all affirmations submitted by an economic operator pursuant to these PD shall 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 shall be submitted as part of the economic operator's request to participate
- V.5. Basic qualification under Section 74 of the PPA**
- V.5.1. The basic qualification under Section 74 of the PPA are proved by an economic operator who:



- a) has not been convicted by a final judgement in the country of its registered office of any of the crimes specified in Annex No. 3 to this Act or any other similar crime pursuant to the Act of the country of its registered office in the past five years preceding the commencement of the procurement procedure; expunged convictions are disregarded,
- b) it has no outstanding tax arrears registered in the tax records in the Czech Republic or in the country of its registered office;
- c) it 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) it 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) It is not in liquidation, has not been declared insolvent, 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.5.2. If the economic operator is a legal person, both this legal person and every member of its governing body shall meet the conditions specified in paragraph Art. V.5.1. a). Where a legal person is a member of the governing body of the economic operator, the conditions specified in Art. V.5.1. a) shall 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.5.3. The economic operator may prove basic qualification in this tender by an affirmation, for which the template provided in Annex E to these Procurement Documents may be used. 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 the originals or certified copies of specific documents proving the fulfilment of basic qualification, unless they have already been provided to the Contracting Authority.

V.6. Professional qualification under Section 77 of the PPA

V.6.1. Professional qualification 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; and
- b) **a document demonstrating** that it has **a licence to undertake business** within a scope corresponding to the subject-matter of the Public Contract.
 - i) The manufacture of electronic components, electrical equipment and the manufacture and repair of electric machinery, apparatuses and electronic devices operating on a low voltage



- ii) Wholesale and retail – or similar

V.7. Technical qualification under Section 79 of the PPA

V.7.1. Technical qualification are proved by an economic operator who:

- a) Has provided at least two (2) significant services over the last five (5) years as of the bid submission date. A significant service for the purposes of this Public Contract is the provision of a CUPPS system, including implementation, or the provision of CUSS kiosks, where:
 - i. at least one significant service must involve at least 250 or more pieces of installed and operated workstations or CUPPS system terminals,
 - ii. and at least one significant service must involve the implementation of a contract to operate at least 20 CUSS Self Check-In kiosks,
 - iii. at least one of those two significant services mentioned above must involve the implementation of a CUPPS system in compliance with the legal regulations of the European Union, particularly in the area of personal data protection (GDPR),
- b) whose CUPPS platform, which is part of its bid, is certified to version 1.03 of the IATA CUPPS Technical Specification at a minimum.

V.7.2. The economic operator shall prove their technical qualification as specified in Article V. 7.1 (a) by submitting an affirmation in the form of a list of significant services and the affirmation shall minimally include

- i. the time and period of delivery of the significant service,
- ii. identification of the entity to which the significant service was provided, including a contact person, telephone number and e-mail,
- iii. identification of the airports to which the significant service was provided, the number of CUPPS stations or terminals and CUSS Self Check-In kiosks that were installed and operated, as well as the annual number of checked-in passengers.

V.7.3. The economic operator may use the affirmation template provided in Annex B to these Tender Documents. Attached to the affirmation shall be a detailed description of all stages of CUPPS/CUSS implementation under the significant service, including a description of its integration with existing data sources for at least one of the airports and time and personnel requirements of each implementation step. The implementation description may not exceed 10 pages of A4 format.

V.7.4. The economic operator shall prove its technical qualification as specified in Article V. 7.1 (b) by submitting a valid certification of its platform in accordance with the IATA



CUPPS Technical Specifications provided by a registered IATA CTE (Compliance Testing Entity).

V.8. Other qualification criteria under Section 167 of the PPA

V.8.1. 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 located on the Contracting Authority's profile at <https://zakazky.cah.cz/>. To submit a bid, prior registration in this electronic tool is necessary. The Contracting Authority recommends entering requests to participate in the electronic tool sufficiently in advance so that any possible technical problems can be resolved in time.

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. the request to participate shall be submitted in a format that cannot be subsequently modified (e.g. in PDF format, etc.);
- 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. individual parts of the request to participate or its annexes will be clearly separated in a way allowing for easy orientation between the individual parts;
- VI.3.4. all documents shall 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 shall be initialled 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 qualification with the following structure:
 - a) documents related to the proof of basic qualification
 - b) documents related to the proof of professional qualification



- c) documents related to the proof of economic qualification (if required),
 - d) documents related to the proof of technical qualification,
- VI.4.4. if a representative authorized on the basis of a power of attorney or an otherwise authorized person is acting on behalf of the 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,
- VI.4.5. 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 Contracting Authority also states that the time limits for submitting requests to participate is provided in the Tenders Electronic Daily and on the Contracting Authority's profile.
- 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 throughout the time limit for the submission of requests to participate and only in electronic form, using the E-ZAK electronic tool located on the Contracting Authority's profile at <https://zakazky.cah.cz/>.

VIII. INDICATIVE TENDERS

- VIII.1.** An indicative tender may be submitted by a participant who proves their fulfilment of the qualification and is invited by the Contracting Authority to submit an indicative tender. Participants who failed to prove their fulfilment of the qualification shall be excluded from participation in the procurement procedure by the Contracting Authority. The invited participants may not submit a joint indicative tender.
- VIII.2.** The Contracting Authority shall not reduce the number of participants pursuant to Section 111 of the PPA.
- VIII.3.** Indicative tenders must meet the Minimum Technical Specifications.
- VIII.4.** Each indicative tender must include a comprehensive proposal for specification of the entire solution and a price calculation prepared by an itemized valuation of all parts of the solution.



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 located at the Contracting Authority's profile at <https://zakazky.cah.cz/>. To submit a bid, prior registration in this electronic tool is necessary. The Contracting Authority recommends entering tenders in the electronic tool sufficiently in advance so that any potential technical problems can be resolved in time.
- 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. indicative tenders shall be submitted in a format that cannot be subsequently modified (e.g. in PDF format, etc.);
 - IX.2.2. the Contracting Authority requests that each economic operator also submit its indicative tender in open machine-readable format;
 - IX.2.3. the individual parts of indicative tenders or their annexes shall be clearly separated in a way that allows for easy orientation between the individual parts;
 - IX.2.4. 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 shall 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 Annex A to these PD,
 - IX.3.2. a table of contents of the indicative tender,
 - IX.3.3. the tender price specified in the cover sheet of the indicative tender and in Annex H to these PD,
 - IX.3.4. drafts of contracts for the performance of the Public Contract that correspond to the proposals contained in the annexes to these PD, including their annexes,
 - IX.3.5. 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.3.6. other documents which the Contracting Authority requires to be submitted within these PD as part of the indicative tender of the participant (particularly a comprehensive proposal for the specification of the entire solution together with a description of the particular means proposed).



IX.3.7. 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. Further requirements of the Contracting Authority for indicative tenders

IX.4.1. The Contracting Authority does not stipulate any further requirements for indicative tenders.

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 these PD shall also apply to tenders, except for Article IX.3.3. of these PD. More detailed requirements for tenders shall 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 X of these PD shall apply, except for Article X.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 shall be stated in the cover sheet of the tender. 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.2.4. Each participant is obliged to prepare the total tender price in Annex A (Cover Sheet of Requests to Participate / Indicative Tenders / Tenders) and, at the same time, by an itemized valuation of all parts including the total tender price in Annex D (Draft Contract for the Provision of Services) and Annex H (Price Calculation) of the Procurement Documents.

X.3. Elements of tender prices

X.3.1. The Contracting Authority stipulates that the total tender price must include all costs necessary for 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 (except for the Minimum Technical Specifications stated in Annex C to this Procurement Documents) may be the subject matter of discussion.

XI.1.2. The Contracting Authority is entitled, during negotiations, to amend or modify the award criteria, particularly technical criteria (e.g. to modify the functional and technical specifications, etc.) except for the Minimum Technical Specifications stated in Annex C to this Procurement Documents. 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.1.3. The negotiations shall be conducted in one or more rounds, the participants being invited in writing in advance for each round of negotiations. The date and location of the next round of the negotiations may also be agreed to during the negotiations.

XI.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.

XI.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.

XI.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 or 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.1.7. 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.1.8. 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.1.9. The Contracting Authority reserves the right to stipulate further conditions for negotiations with the participants.

XII. BUSINESS AND PAYMENT TERMS, INSURANCE

XII.1. The Contracting Authority stipulates that all business and payment terms and insurance terms are set out in Annex D – Draft Contract for the Provision of Services of these PD – in draft contracts for the performance of this Public Contract.

XII.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.

XIII. SUBCONTRACTORS

XIII.1. Furthermore, the Contracting Authority stipulates that, in its indicative tender and 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. FURTHER CONDITIONS OF THE CONTRACTING AUTHORITY FOR THE CONCLUSION OF A CONTRACT TO PERFORM A PUBLIC CONTRACT

XIV.1. In accordance with Section 86 (3) of the PPA, in conjunction with 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 originals or certified copies of documents proving its qualification, unless the Contracting Authority already has them at its disposal.



XIV.2. If the economic operator is a legal entity and has no data about the beneficial owner pursuant to the Act on Certain Measures against Money Laundering and the Financing of Terrorism (hereinafter “**Beneficial Owner**”) entered in the record of beneficial owners pursuant to the act regulating public registers of legal entities and natural persons, the selected economic operator will be invited:

- XIV.2.1. to communicate the identification data of all persons who are its Beneficial Owner, and
- XIV.2.2. to submit documents that indicate the relation of all Beneficial Owners to 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 time limit for the submission of tenders / indicative tenders

- XV.1.1. The time limit for the submission of indicative tenders will be set by the Contracting Authority at the Contracting Authority's profile.
- XV.1.2. The time limit for the submission of tenders will be set by the Contracting Authority at the Contracting Authority's profile.
- 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. Such tenders / indicative tenders will not be opened by the Contracting Authority, considered or evaluated. The Contracting Authority will inform each economic operator without delay about the fact that its tender / indicative tender was submitted after the expiration of the time limit for the submission of tenders / indicative tenders.

XV.2. The manner of the submission of tenders / indicative tenders

Tenders / indicative tenders may be submitted in writing for the whole duration of the time limit for the submission of tenders / indicative tenders only in electronic form, using the electronic tool E-ZAK located at the Contracting Authority's profile at <https://zakazky.cah.cz/>.



XVI. OPENING TENDERS / INDICATIVE TENDERS

XVI.1. Invited experts determined by the Contracting Authority may participate in the opening of tenders / indicative tenders.

XVII. EVALUATION OF TENDERS

XVII.1. Tenders will be evaluated pursuant to Section 114(2) of the PPA based on their economic advantageousness in the manner described below in these PD.

XVII.2. The basic criterion of the evaluation is the economic advantageousness of the tender. The Contracting Authority will evaluate the economic advantageousness of tenders based on the lowest tender price.

XVII.3. The evaluation will be conducted using the method specified in Annex H to these PD.

XVII.4. When evaluating the **Tender Price** criterion, the tender with the lowest tender price will be rated as the most advantageous and the tender with the highest tender price will be rated as the least advantageous.

XVIII. EXPLANATION OF PROCUREMENT DOCUMENTS

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

XVIII.2. All written requests for an explanation of the procurement documents must be delivered to the Contracting Authority no later than within the time limit stipulated in Section 98(3) of the PPA. The Contracting Authority recommends that the participants submit their requests for explanation only by means of the electronic tool E-ZAK to the address of the Public Contract.

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 at its profile explanations of the procurement documents, modifications of or amendments to the award criteria, even without a prior written request by a tenderer.

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 not allow any visits to the place of performance.

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 the submission of requests to participate / indicative tenders / tenders. Possible changes, if any, will be communicated to all economic operators and published at the Contracting Authority's profile.
- XX.2.** The Contracting Authority does not allow for the submission of any partial tenders.
- XX.3.** The Contracting Authority does not allow for variants of tenders.
- XX.4.** In the event of any discrepancy between a legal regulation and the award criteria, the legal regulation, i.e. the PPA, shall prevail.
- XX.5.** 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.6.** 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. The participant is obliged to provide the Contracting Authority with all necessary assistance in this respect.
- XX.7.** 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. RESERVED CHANGES TO OBLIGATION

- XXI.1.** The Contracting Authority reserves the right, in accordance with Section 100(1) of the PPA, to the following changes in obligation:
- a. At the Contracting Authority's request made during the term of the contract concluded on the basis of this Public Contract, the economic operator is obliged to extend the Services by additional functionalities pursuant to Attachment No. 2 to Annex D of the Procurement Documents for the price specified in



Attachment No. 3 to Annex D of the Procurement Documents (hereinafter “**Additional Functionalities**”).

- b. The value of the Additional Functionalities is included in the expected value of the Public Contract.
- c. The price of the Additional Functionalities will be the subject matter of the evaluation under these PD.

XXII. OTHER

- XXII.1.** The Contracting Authority informs the participants that, pursuant to Section 48(9) of the PPA, the Contracting Authority will exclude from the procurement procedure selected economic operators who are joint-stock companies or have a legal form similar to a joint-stock company and have not only dematerialized shares issued. This will not apply to any selected economic operator with its registered office abroad and for a joint-stock company whose shares in the aggregate nominal value of 100% of the registered capital are owned by the state, by a municipality or by a region.
- XXII.2.** All communication will be conducted in the Czech, Slovak or English languages using electronic means through the electronic tool E-ZAK located at the Contracting Authority's profile at <https://zakazky.cah.cz/>.
- XXII.3.** In communication between the Contracting Authority and the economic operators as well as in all acts of the economic operators, the Contracting Authority allows the use of English words when it comes to technical terms or terminology where the use of Czech language / Slovak language equivalents is not common.

Date

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

.....
Ing. Jiří Černík
Member 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 – Statutory Declaration
- Annex C – Minimum Technical Specifications
- Annex D – Draft Contract for the Provision of Services
- Annex E – Sworn Statement – Basic Qualification
- Annex F – Technical and Functional Specifications
- Annex G – Information Security Requirements for Cloud Services
- Annex H – Price Calculation