

## PROCUREMENT DOCUMENTATION

of the procurement procedure for the contract entitled **Supply of 1 Winding Machine for MKP elements**, which is carried out under the Rules for the Selection of Contractors using the procedure under the Rules or Act No. 134/2016 Coll., on public procurement, effective from 10 August 2018 (hereinafter the “**Selection Rules**”)

**This procurement procedure is not a procurement procedure in the sense of Act No. 134/2016 Coll., on public procurement, as amended (the “Public Procurement Act”). Where a reference is made in this procurement documentation to the Public Procurement Act, this reflects the equivalent procedure under the relevant provision of the Public Procurement Act; however, this does not mean that the present procurement procedure is subject to the procedure under the Public Procurement Act.**

### 1. IDENTIFICATION OF THE CONTRACTING AUTHORITY

**Name of the Contracting Authority:** HYDRA, a.s.  
**Registered office of the contracting authority:** Průmyslová 1110, Valdické Předměstí, 506 01 Jičín  
**Id. No.:** 256 10 562  
**Profile of the Contracting Authority:** [https://www.tenderarena.cz/profilu/Hydra\\_as](https://www.tenderarena.cz/profilu/Hydra_as)  
(hereinafter referred to as the „**Contracting Authority**“)

For the purposes of administration of the procurement procedure, the Contracting Authority is represented by:

**HAVEL & PARTNERS s.r.o., law office**  
with its registered office at Na Florenci 2116/15, 110 00 Prague 1  
**Id. no.:** 264 54 807  
**Contact person:** Mgr. Kamila Kulhánková  
**E-mail/telephone:** [kamila.kulhankova@havelpartners.cz](mailto:kamila.kulhankova@havelpartners.cz), + 420 255 000 946

### 2. IDENTIFICATION OF THE PUBLIC PROCUREMENT

**Title of the public procurement:** **Supply of 1 Winding Machine for MKP elements**  
**Subject of the public procurement:** Supply

### **3. PRECISE DEFINITION OF THE SUBJECT OF THE CONTRACT AND REQUIREMENTS OF THE CONTRACTING AUTHORITY**

This procurement procedure is concerned with the selection of a contractor with whom the Contracting Authority will enter into a contract for the supply of 1 winding machine for MKP elements (hereinafter the “**Contract**”).

The subject of performance to be contracted is the **supply of 1 winding machine for MKP elements with the technical parameters specified in Annex 1 to the binding form of the draft Contract** which forms Annex 1 to this Procurement Documentation.

If any trade names are indicated in this Procurement Documentation or its annexes, this is only to define the required standard and the Contracting Authority allows also some other solution that is comparable technically and in terms of quality. The Contracting Authority further states that if the technical conditions contained in the terms of reference for this contract are provided through a direct or indirect reference to specific contractors or products, or patents for inventions, utility designs, industrial designs, trademarks or designations of origin, the Contracting Authority allows a solution to be offered in respect of each such reference that is equal in terms of quality and technical approach.

CPV: 42113190-2 – Winding equipment

### **4. ESTIMATED VALUE OF THE CONTRACT**

On the basis of a market survey carried out, the Contracting Authority has set the estimated value of the contract at **CZK 7,500,000 excluding VAT**.

The Contracting Authority has set the estimated value of the contract in accordance with section [General Principles] par. 5 of the Rules, taking account of the method of determination of estimated value under the Public Procurement Act.

### **5. TIME AND PLACE OF PERFORMANCE OF THE CONTRACT**

The Contracting Authority anticipates conclusion of the Contract without unnecessary delay after the Contracting Authority determines the most advantageous bid.

The deadline for delivery of the subject of performance, i.e. the winding machine for MKP elements, is 7 months after the effective date of the Contract.

The place of performance of the subject of performance is partly the registered office of the selected bidder for the manufacture of the winding machine and, subsequently, the place of registered office of the Contracting Authority for the delivery and installation of the winding machine at the place of the registered office of the Contracting Authority.

## 6. DEMONSTRATING QUALIFICATION

### 6.1. General information on the method of demonstrating qualification by the contractor

- **The Contracting Authority requires that a contractor taking part in this procurement procedure demonstrate compliance with the following in its bid:**
  - a) basic qualification in the sense of Section 74 of the Public Procurement Act;**
  - b) professional qualification in the sense of Section 77 (1) of the Public Procurement Act; and**
  - c) technical qualification in the sense of Section 79 (2) of the Public Procurement act; pursuant to the instructions of the Contracting Authority specified below.**
- A contractor may submit the qualification documents in its bid in simple copies or, unless hereafter stated otherwise, instead of the aforementioned documents the contractor may submit an affidavit, the European Single Procurement Document or extract from the record of qualified contractors or extract from the system of certified contractors.
- A contractor may submit an analogous document under the legal rules of the country of its registered office in which the document is issued; the document is to be accompanied by a simple translation into the Czech language. If the required document is not issued under the relevant legal rules, it is to be replaced by an affidavit. The affidavit should declare non-existence of the required document under the relevant legislation and should contain a declaration concerning compliance with the requirement that would otherwise be proven by the relevant document.
- A contractor can comply with the duty to submit a document by referring to the corresponding information contained in an information system of the public administration or an analogous system kept by another EU member state with unfettered remote access. Such a reference must contain, if needed, the Internet address and data for login and searching the required information.
- If a bid is submitted by several contractors together, the demonstration of compliance with the required qualification by the individual contractors is analogously governed by Section 82 of the Public Procurement Act, .e. each contractor has the duty to demonstrate separately compliance with basic qualification and professional qualification in the sense of Section 77 (1) of the Public Procurement act; as for the remaining requirements (i.e. compliance with the technical qualification required by the Contracting Authority), contractors may demonstrate compliance with the qualifications required by the Contracting Authority together.
- A contractor may not demonstrate compliance with basic qualification or professional qualification under this Procurement Documentation through any other person (subcontractor).

- **If a contractor demonstrates compliance with a part of the required qualification (only technical qualification) through some other person (subcontractor), the contractor is obliged to include documents in the bid that are analogous to those required under Section 83 of the Public Procurement Act.**
- Documents demonstrating compliance with basic qualification in the sense of Section 74 of the Public Procurement Act and professional qualification in the sense of Section 77 (1) of the Public Procurement Act must prove compliance with the required qualification criterion not later than 3 months before the date of commencement of the procurement procedure.

## 6.2. Basic qualification

To be qualified for the performance of the contract, a contractor shall prove the following in the sense of Section 74 of the Public Procurement Act:

- a) the contractor was not convicted by final judgment in the country of its registered office of a crime specified in Annex No. 3 to the Public Procurement Act or another similar crime pursuant to the law of the country of its registered office in the past 5 years before the commencement of the procurement procedure; expunged convictions are disregarded;

If the contractor is a legal entity, the condition pursuant to subpar. (a) above must be met by that legal entity and, at the same time, by each member of the governing body. If a legal entity is a member of the governing body of a contractor, the condition under subpar. (a) above must be met by the following:

1. this legal entity
2. each member of the governing body of the legal entity;
3. the person representing the legal entity in the contractor's governing body;

If a participant in the public procurement is a branch of business

1. of a foreign legal entity, the condition under subpar. (a) above must be met by this legal entity and the head of the branch;
  2. of a Czech legal entity, the condition under subpar. (a) above must be met by this legal entity, each member of the governing body of the legal entity and the head of the branch.
- b) the contractor does not have any tax arrears registered in tax records in the Czech Republic and in the country of its registered office;
  - c) the contractor does not have any arrears in respect of payments and penalties of public health insurance in the Czech Republic and in the country of its registered office;
  - d) the contractor does not have any arrears in respect of payments and penalties of social security contributions and contribution to the national employment policy in the Czech Republic and in the country of its registered office;

- e) the contractor is not in liquidation, it has not been declared insolvent, receivership has not been imposed on it under another legal regulation and no similar situation has occurred under the legal regulations of the country of the contractor's registered office.

A contractor shall demonstrate compliance with basic qualification by submitting the following:

- a) a copy of an extract from the Criminal Record with respect to subpar. (a) above;
- b) a copy of a confirmation of the competent revenue authority in respect of subpar. (b) above;
- c) written affidavit in respect of excise tax with respect to subpar. (b) above;
- d) a written affidavit with respect to subpar. (c) above;
- e) a certificate issued by the competent district office of the social security administration with respect to subpar. (d) above;
- f) a copy of an extract from the Commercial Register or, if the bidder is not registered in the Commercial Register, a written affidavit, with respect to subpar. (e) above.

Instead of all the above-specified documents, a contractor may submit a written **affidavit on demonstration of compliance with basic qualification** (or by the European Single Procurement Document or extract from the record of qualified contractors or extract from the system of certified contractors). In this respect, the Contracting Authority recommends that the contractors use the form of the affidavit which forms **Annex 2 to this Procurement Documentation**.

### 6.3. Professional qualification

A contractor shall attest its professional qualification in relation to the Czech Republic by submitting the document under Section 77 (1) of the Public Procurement Act, i.e. extract from the Commercial Register or some analogous register if registration in such a register is required by some other legal regulation.

Instead of the above-specified document, a contractor may submit a written **affidavit on demonstration of compliance with the professional qualification** in the sense of Section 77 (1) of the Public Procurement Act (or by the European Single Procurement Document or extract from the record of qualified contractors or extract from the system of certified contractors). In this respect, the Contracting Authority recommends that the contractors use the form of the affidavit which forms **Annex 2 to this Procurement Documentation**.

### 6.4. Technical qualification

A contractor shall demonstrate compliance with technical qualification by submitting a list of significant supplies provided by the contractor in the period of 3 years prior to the commencement of the procurement procedure. A contractor must demonstrate by the information contained in the list of significant supplies that:

- in the past 3 years the contractor has performed at least 2 **significant supplies consisting** in the supply of a winding machine for MKP elements, where the machine supplied met the following parameters:
  - a) after entering the relevant parameters, the machine was capable of automatic operation where the operators only replenished material and checked the required dimensions;
  - b) winding output of the machine per hour was at least 200 pcs at 2,000 film revolutions in the double mode

**Significant supply** means one completed business case, i.e. performance provided within one Contracting relationship with one contractor that meets the definition of significant supply in essence and in scope. For the purpose of demonstrating qualification, a contractor must indicate in the list of significant supplies at least the above-specified minimum number of significant supplies as described above. The **list of significant supplies submitted** by a contractor must contain all data essential for the assessment of compliance with the qualification requirements, in particular description of the subject of performance – description of the machine that was supplied, time of performance (month and year) – time of delivery of the machine and identification of the client – identification details of the client for verifying the significant supply indicated. The Contracting Authority reserves the right to verify correctness of the information on significant supplies listed in the list of significant supplies. For this reason, the Contracting Authority requires that the contact details of the final client must be indicated in the list of significant supplies for each significant supply.

The Contracting Authority recommends that the contractors use the affidavit and the **form of the list of significant supplies** which forms **Annex 2 to this Procurement Documentation**.

## 7. CONDITIONS AND REQUIREMENTS FOR THE PREPARATION OF A BID

### 7.1. Language of the bid

The contractor shall submit **the bid in the Czech language** (except for any specialised names and data if appropriate). If any documents are submitted in the bid in another language, they must be, with the exception of documents in the Slovak language, accompanied by a translation into the Czech language.

In case contractor submits the bid in several languages (e.g. in English and Czech languages), binding version of the bid is always considered the bid in the Czech language.

### 7.2. Content of the bid

The Contracting Authority **recommends contractors to submit their bids in the following recommended structure:**

- identification details of the contractor (cover sheet – see Annex 3 to the Procurement Documentation)
- content of the bid

- documents proving qualification (see paragraph 6 above; it is possible to provide only the signed affidavits based on the form – see Annex 2 to the Procurement Documentation)
- binding draft Contract signed by a person authorised to act for the contractor (see Annex 1) including all annexes to the Contract

### 7.3. Form of the bid

Bids may be submitted only in printed form in a postal consignment sent to the address of the registered office of the representative of the Contracting Authority or in person at the filing office at the registered office of the representative of the Contracting Authority – see “Deadline and Place of Submission of Bids” below.

The contractor shall submit the bid in a **single printed counterpart** explicitly marked as “ORIGINAL” and **one copy** expressly marked as “COPY”. The contractor shall submit **a copy** of the bid also **on a data carrier**; the data carrier shall contain the scanned contractor’s bid in the .pdf format and the completed binding draft Contract in the .doc/ .docx format.

The Contracting Authority recommends that all sheets of the bid should be properly secured against tampering (e.g. by binding the printed version of the bid using a string or some other method) and the individual sheets numbered in ascending order.

The bid must be submitted in a properly sealed envelope secured against tampering and provided with the following inscription **in the centre**:

**SUPPLY OF 1 WINDING MACHINE FOR MKP ELEMENTS – “DO NOT OPEN”**

The contractor shall further provide the envelope containing the bid **with the contractor’s identification details in the upper left corner** – contractor’s name, contractor’s correspondence address.

### 8. MANNER OF PRESENTING THE BID PRICE

The contractor shall indicate the total bid price for the subject of performance in Czech crowns excluding VAT, amount of the VAT and the total price including VAT in the cover sheet of the bid (Annex 3) and in the binding form of the draft Contract (Annex 1).

Contracting Authority notifies the contractor that he is responsible for filling the amount of the bid price in CZK in the aforesaid structure (excluding VAT, amount of the VAT, including VAT) identically in both above mentioned documents. In case of any differences between prices filled in the contractor’s bid (e.g. contractor fills different price in the cover sheet and in the binding form of the draft Contract), this bid and the contractor will be excluded from the procurement procedure.

The contractor’s bid price shall be determined as the highest admissible and cannot be exceeded or changed during contract performance (except for a change in VAT).

The bid price must include any and all costs necessary for a proper, full and high-quality performance of the subject of the contract including all risks and influences related to the performance. The bid price must also include any insurance, guarantees, taxes, customs, fees, **inflation elements and any other expenses necessary for the performance.**

#### **9. CRITERIA AND METHOD OF EVALUATION**

The bids will be evaluated by their economic advantageousness on the basis of the lowest bid price in CZK excluding VAT.

The bid with the lowest total bid price in CZK excluding VAT will be evaluated as the most advantageous for the Contracting Authority. Other bids will be ranked in ascending order based on the amount of the total bid price excluding VAT.

#### **10. DEADLINE AND PLACE OF SUBMISSION OF BIDS**

Bids may be submitted only in printed form to the address of the registered office of the representative of the Contracting Authority or in person at the filing office at the registered office of the representative of the Contracting Authority, the last day for submission of the bids is 9<sup>th</sup> January 2019 (every business day from 09:00 a.m. to 6:00 p.m.; on the last day of the deadline for submitting the bids by 10:00 a.m.).

A bid that is not delivered to the Contracting Authority within the deadline for the submission of bids will not be deemed submitted and the Contracting Authority will disregard it in the procurement procedure.

#### **11. BID OPENING**

The bid opening will take place on 9<sup>th</sup> January 2019 immediately after the end of the deadline of bids submission at the registered office of the representative of the Contracting Authority.

A maximum of two representatives per bidder may be present at the bid opening. If a person representing a bidder is not authorised to represent the bidder under the registration in the Commercial Register, it is necessary to submit a proof of authorisation to represent the contractor in the bid opening (power of attorney for the purpose of attending at the bid opening).

#### **12. TERMS AND CONDITIONS**

Binding terms and conditions are set forth in the binding form of the draft Contract which forms Annex 1 to this Procurement Documentation.

### 13. EXPLANATION OF THE TERMS OF REFERENCE

Contractors may request explanation of this Procurement Documentation in writing. A written request must be delivered to the Contracting Authority not later than 4 business days before expiry of the deadline for the submission of bids.

The Contracting Authority will send the explanation of the terms of reference not later than 2 business days after delivery of the request. The explanation of the terms of reference, including exact wording of the request for explanation of the procurement terms, will be published by the Contracting Authority on its profile and, simultaneously, will be immediately notified by the Contracting Authority in writing to all the bidders known so far.

The Contracting Authority may provide an explanation of the procurement terms also without a prior request.

### 14. OTHER TERMS AND CONDITIONS

- Pursuant to Section 2e of Act No. 320/2001 Coll., on financial control in public administration, a selected contractor is an entity having the duty to provide collaboration in the exercise of financial control.
- The subject of performance of this public procurement is co-funded from the Operational Programme Enterprise for Competitiveness.
- This procurement procedure is not a commercial public procurement procedure or public pledge and **is not a public bid carried out under the Public Procurement Act.**
- The Contracting Authority reserves the right to cancel the procurement procedure even without indicating any reasons.
- For the purpose of archiving the documents related to this procurement procedure the Contracting Authority reserves the right not to return submitted bids to the contractors (including bids submitted after the deadline for the bid submission).
- Variants of bids are not permitted by the Contracting Authority.
- The Contracting Authority does not exclude participation of subcontractors in the performance of the subject of the contract.
- With regard to the subject of performance of the contract, the Contracting Authority does not organise an examination of the place of performance of the contract.
- This public procurement is not divided into lots and the Contracting Authority does not allow partial performance of the public procurement.

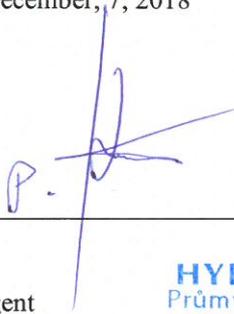
*List of Annexes:*

*Annex 1 – Binding Draft Contract*

*Annex 2 – Affidavit on Demonstration of Compliance with Basic, Professional and Technical Qualification*

*Annex 3 – Cover sheet*

In Jičín, on December, 7, 2018



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**Petr Kousal**  
Corporate Agent

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