

INVITATION TO PARTICIPATE

as per Section 61 et seq. of Act No. 134/2016 Sb., on Public Procurement, as amended (hereinafter referred to as the "ZZVZ")

PUBLIC CONTRACT

Reg. No. in the Public Procurement Bulletin Z2018-017260

„Brno – Modřice WWTP sludge management“

above-limit utilities public contract for construction works awarded in a negotiated procedure with publication

EMPLOYER:

Brněnské vodárny a kanalizace, a.s.

With registered office at Pisárecká 555/1a, Pisárky, 603 00 Brno

ID. No. 463 47 275

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1. Identification data of the Employer and contact person in the procurement procedure

1.1. Basic data of the Employer

Trade name: **Brněnské vodárny a kanalizace, a.s.**
Registered office: Pisárecká 555/1a, Pisárky, 603 00 Brno
ID. No.: 463 47 275
VAT No.: CZ46347275
Bank connection: Komerční banka, a.s.
Account number: 5501621/0100
Databox ID: c7rc8yf
Employer profile: <https://zakazky.bvk.cz/>

(hereunder referred to as the „Employer“).

1.2. Representative and contact person of the Employer

The Employer is represented in this procurement procedure pursuant to Section 43 of the ZZVZ by:

- association of companies **CÍSAŘ, ČEŠKA, SMUTNÝ s.r.o., advokátní kancelář**, ID. No: 481 18 753, with its registered office at Hvězdova 1716/2b, 140 00 Praha 4 and **MT Legal s.r.o., advokátní kancelář** ID. No. 283 05 043, with its registered office in Brno, Brno - město, Jakubská 121/1, postcode 602 00.

The contact person in matters relating to the contract award:

Mgr. Ing. Antonín Rája

contact address: Pisárecká 555/1a, Pisárky, 603 00 Brno

Telephone number: 543 433 111

e-mail: zakazky@modrice.cz

1.3. Persons participating in the preparation of the tender terms and conditions

In accordance with the provisions of Section 36 (4) of the ZZVZ, the Employer states that the preparation of the technical specifications of the public contract, i.e. in particular the preparation of the qualification criteria, evaluation criteria, Annex No. 1 - binding contract form and Annex No. 2 - the minimum technical conditions of the public contract were developed in cooperation with the following entities:

- company **Klee Consulting s.r.o.**, with registered office at Olgy Havlové 2874/12, Žižkov, 130 00 Praha 3, company ID: 052 44 447;
- **COWI A/S**, with registered office at Parallelvej 2, 2800 Kongens Lyngby, Denmark, company registration number 4462 3528;
- **AQUATIS a.s.**, with registered office at Botanická 834/56, Veverí, 602 00 Brno, company ID: 463 47 526,

- company **Eurovalley s.r.o.** , with registered office at Příkop 838/6, Zábrdovice, 602 00 Brno, company ID: 293 68 324;
- **ČÍSAŘ, ČEŠKA, SMUTNÝ s.r.o., advokátní kancelář** , company ID: 481 18 753, with its registered office at Hvězdova 1716/2b, 140 00 Praha 4;
- **MT Legal s.r.o., advokátní kancelář**, company ID: 283 05 043, with its registered office in Brno, Brno - město, Jakubská 121/1, postcode 602 00.
- **4E, z.s.**, ID. No 062 52 419, with registered office at Kainarova 3236/88, Žabovřesky, 616 00 Brno;
- company **WP Cont s.r.o.**, with its registered office at Komenského 173, 667 01 Židlochovice, ID. No. 051 39 601.

2. General information on the tendering procedure

2.1. Access to the Tender Dossier

The Tender Dossier for this public contract is posted on the profile of the Employer at <https://zakazky.bvk.cz/>, in accordance with Section 96 (1) of the ZZVZ from the date of the publication of the notice of the award procedure and will be posted at least until the end of the time-limit for the submission of tenders.

2.2. Estimated public contract value

The estimated value of the public contract amounts to **CZK 1,350,000,000 excluding VAT**.

2.3. Type and mode of the public contract and type of tendering procedure

This is an over-the-limit sector public contract awarded in a **negotiated procedure with publication**. The Employer will award the public contract in a negotiated procedure with publication in accordance with Section 161 of the ZZVZ.

2.4. Subject of the tendering procedure

The subject of the tendering procedure is the award of a contract for works under the contractual terms and conditions covering the delivery of technological equipment and design-construction of electrical and mechanical and technological installations and civil structures designed by the Contractor under the so-called FIDIC YELLOW BOOK, 1st edition, 1999, issued as the Czech translation by the Czech Association of Consulting Engineers (CACE) in 2015 and other documents forming part of the Section Contract (jointly hereinafter referred to as the „**Contract**”).

Documents forming the Contract:

- Contract for works;
- Letter of Tender including Contractor's Tender;
- Tender Acceptance Letter;
- Attachments to the Tender;
- Particular terms and conditions FIDIC YELLOW BOOK;
- General terms and conditions FIDIC YELLOW BOOK;
- Employer's Requirements;
- Lump-sum Breakdown Form - contract amount- completed by the Tenderer;

- Binding Milestones Schedule Form,
- Terms of Insurance Form;
- Bank Guarantee Form - ensuring the contract performance and Advance Payment Bank Guarantee Form;
- Dispute Adjudication Agreement including Appendices (General Terms of the Dispute Adjudication Agreement and Procedural Rules).

The document forms constituting the Contract are set out in Annex No. 1 hereto. ¹

2.5. Subject of the public contract

The subject of the public contract is the design and construction of a new sludge management system at the existing wastewater treatment plant in Modřice (hereinafter also referred to as the "**Construction**" or "**Works**"). The subject of the public contract thus concerns construction works and related services related to the design and construction of the Works, including roads and commissioning in accordance with its purpose and including the implementation of related landscaping, all this under terms and conditions further specified in the Contract.

The subject of the public contract is the provision of works related to the design and construction including in particular the following activities:

- a) Development of design documentation in the scope of the building permit design documentation for the purpose of obtaining the building permit (at the cost of the Contractor);
- b) Provision of all the necessary permits, opinions, approvals, statements, and other documents required by law for the implementation and use of the installations;
- c) Preparation of the as-built design documentation;
- d) complete implementation of the construction, including the supply of technologies;
- e) cooperation during trial operation ² of the Works;
- f) Development of application for the final acceptance certificate and cooperation during the final acceptance proceedings;
- g) provision of a warranty for the mechanical and technological parts of the Works for a period of 24 months;
- h) provision of a warranty for the construction for a period of 60 months

Minimum technical conditions as per Section 61 (4) of the ZZVZ form Annex No. 2 hereto.

2.6. Classification of the subject matter of the public contract (CPV)

Main CPV code:

45252100-9 Waste water treatment plant construction,

¹ Except for the Letter of Letter, which is the tender submitted by the Tenderers in this tendering procedure and the Tender Acceptance Letter, which is the Employer's Notice of the Contractor Selection.

² The trial operation means operation ordered by the Construction Authority or permitted based on an application as per Act No. 183/2006 Sb., Construction Code, as amended.

Additional CPV codes:

71000000-8 Architectural, construction, engineering and inspection services

71320000-7 Engineering design

2.7. Time and venue of the public contract performance

The expected commencement of the performance of the public contract is the second half of 2019, the expected time for completion of the public contract is 42 months from entering into the Contract.

The Employer reserves the right to change the anticipated commencement date of the performance of the public contract with regard to the possible extension of the tendering procedure. The Employer also reserves the right to change the expected duration of the performance of the public contract, following the result of the negotiations with the Tenderers.

The Employer will specify the above time-limit in the potential call for tenders.

The venue of performance of the public contract is the existing wastewater treatment plant in Modřice, Chrlická 552, 664 42 Modřice.

2.8. Participation of subcontractors in the performance of the public contract

The Employer Authority allows the Contractor to have a part of the subject of the public contract executed by subcontractors. In accordance with Section 105 of the ZZVZ, the Employer requires that the Tenderer should submit a complete list of its subcontractors in the indicative proposal (not in the request for participation), specifying the identification data of each subcontractor and the part of the public contract to be performed by each of the subcontractors.

This fact will be taken into account by the Employer when assessing the qualification, in particular when assessing the content of the obligations of potential subcontractors to participate in the performance of the public contract to the extent in which they will be engaged in the fulfilment of the qualification criteria.

However, given the fact that the following operations and activities corresponding to the below mentioned members of the Contractor's team were identified by the Contractor from the point of view of the proper performance of the contract as crucial, it is required that they should be performed exclusively by the selected Contractor.

The Employer therefore excludes the performance of the subject of the public contract in relation to the activities of the following members of the Contractor's team to be executed by a subcontractor:

- Project Manager (see Article 3.5.3 (a) herein);
- Site Manager (see Article 3.5.3 (b) herein).

The Contractor is responsible for the operations of the subcontractor as if the works were provided by the Contractor himself. The provisions of Section 2589 of Act No. 89/2012 Sb., the Civil Code, shall not apply.

3. Requirements for compliance with the qualification criteria

3.1. Qualification criteria

A contractor qualified to perform the public contract in accordance with the provisions

of Section 73 et seq. of the ZZVZ is a contractor demonstrating compliance with the:

- a) basic qualification criteria according to Section 74 of the ZZVZ,
- b) professional qualification criteria according to Section 77 of the ZZVZ,
- c) economic qualification criteria according to Section 78 of the ZZVZ,
- d) technical qualification criteria according to Section 79 of the ZZVZ.

3.2. Basic qualification criteria according to Section 74 of the ZZVZ

The basic qualification criteria are met by a Contractor, who, according to Section 74 (1) of the ZZVZ:

- a) has not been convicted in the country of its registered office over the last 5 years prior to the commencement of the tendering procedure for a criminal offence listed under Schedule 3 of the ZZVZ or a similar offence under the law of the Contractor's registered office; deleted convictions shall be disregarded;
- b) does not have any outstanding tax arrears due in the Czech Republic or in the country of its registered office;
- c) does not have any outstanding arrears in the Czech Republic or in the country of its registered office related to insurance premiums or penalties related to health insurances;
- d) does not have any outstanding tax arrears in the Czech Republic or the country of its registered office related to social security and social security contributions and contributions to the state employment policy;
- e) is not in liquidation, no bankruptcy decision has been issued against it, no receivership has been ordered against it under another legal regulation and the Contractor is not in any similar situation under the law of the country of its registered office.

If the Contractor is a legal entity, the condition under a) shall be met by this legal entity and at the same time by every member of the statutory body. If a member of the statutory body of the Contractor is a legal entity, the condition under (a) shall be met: (i) by this legal entity (ii) any member of the statutory body of the legal entity; and (iii) a person representing that legal entity in the Contractor's statutory body.

Where a branch office participates in the tendering procedure: (i) as regards foreign legal entities, the condition under (a) shall be met by this legal entity and the branch manager; (ii) as regards Czech legal entities, the condition under (a) shall be met by the persons referred to in the previous paragraph and by the branch manager.

The Contractor shall demonstrate compliance with the basic qualification criteria in relation to the Czech Republic by submitting documents pursuant to Section 75 (1) of the ZZVZ, which are the following:

- a) extract from the Criminal Register in relation to the requirement under (a) above;
- b) confirmation from the relevant tax office in relation to the requirement under (b) above;
- c) written statutory declaration in relation to the excise duty in relation to the requirement under (b) above;
- d) written statutory declaration in relation to the excise duty in relation to the requirement under (c) above;

- e) confirmation of the relevant District Social Security Administration in relation to the excise duty in relation to the requirement under (d) above;
- f) extract from the Commercial Register or a written statutory declaration in the case that it is not registered in the Commercial Register in relation to the requirement under (e) above.

3.3. Professional qualification according to Section 77 of the ZZVZ

The Employer requires compliance with professional qualification within the meaning of Section 77 (1) of the ZZVZ and Section 77 (2) (a) and (c) of the ZZVZ. The Contractor shall demonstrate professional qualification by submitting the following:

- a) extract from the Commercial Register if entered so or any other extract or similar records if the legal regulations require entry in such a register,
- b) a licence to undertake business under special legal regulations in a scope corresponding to the relevant public tender, in particular a document proving the relevant trade licence in the minimum scope as follows:
 - design engineering in construction;
 - construction work, its changes and removal;
- c) proof of being professionally qualified or hiring a person through which the professional qualification is ensured, in the minimum extent as follows:
- d) authorised engineer in the field of water-related structures and landscape engineering.
- e) authorised engineer in the field of technical equipment of buildings
- f) authorized engineer in the field for civil structure installations, electrical equipment;
- g) authorized engineer in the field of structural engineering and dynamics;

The Employer shall also accept a document certifying the authorisation to perform operations referred to under Article 30a (3) and (4) of Act No. 360/1992 Sb., on the Professional Practice of Certified Architects and on the Professional Practice of Certified Engineers and Technicians in Construction, as amended (hereinafter referred to as the "Authorization Act").

3.4. Economic qualifications according to Section 78 of the ZZVZ

The Employer requires evidence of economic qualification within the meaning of Section 78 of the ZZVZ. Given the fact that the public tender is a sector public tender within the meaning of Section 151 (1) of the ZZVZ, the Employer also requires, in accordance with Section 167 (1) of the ZZVZ, evidence of other economic qualifications besides those set out under Section 78 of the ZZVZ.

In view of the above, an economically qualified contractor is a contractor demonstrating the following:

- a) the annual turnover of the Contractor over the last three (3) preceding consecutive accounting periods for which the Contractor has drawn up or is obliged to draw up the annual financial statements as per special legal regulations totalled a minimum of CZK 2,000,000,000 in each of these accounting periods. If the Contractor was established later, it will suffice if the Contractor submits data of its turnover at the required level over all

accounting periods since its incorporation if they indicate compliance with the minimum required turnover over the given period.

In the event that the tendering procedure will be participated jointly by several Contractors or if the Contractor complies with the qualification criteria through another entity, the Employer determines in accordance with Section 84 of the Procurement Act that a turnover of a minimum of CZK 1,000,000,000 shall be generated in each of the relevant accounting periods by at least one entity separately (irrespective of whether it is a tenderer or another entity);

- b) in at least one of the last three (3) preceding consecutive accounting periods for which the Contractor has drawn up or is obliged to draw up the annual financial statements as per special legal regulations, a profit was reported In the event that several tenderers participate in the tendering procedure jointly, the qualification criterion shall be met at least by the contractor who demonstrates compliance with the economic qualification as per letter a, second paragraph above (i.e. a contractor with a minimum turnover of CZK 1,000,000,000).

Compliance with the above-mentioned economic qualification criteria shall be demonstrated by the Contractor by submitting profit and loss statements or a similar document according to the law of the Contractor's country of domicile for the relevant periods.

In the event that the Contractor proves its economic qualification under this Section through another entity, the Employer determines in accordance with Section 83 (3) of the ZZVZ that the Contractor and such other entity shall have a joint and several liability for the performance of the public contract. The Contractor is required to submit a document proving compliance with this requirement in its expression of interest.

3.5. Technical qualifications pursuant to Section 79 of the ZZVZ

The Employer requires compliance with technical qualification within the meaning of Section 79 (2), (a), (b), (c) and (d) of the ZZVZ.

3.5.1. *List of significant construction works*

To prove technical qualification within the meaning of Section 79 (2) (a) of the ZZVZ, the Employer requests a list of significant construction works which the Contractor has executed over the past ten (10) years prior to the commencement of the tendering procedure. The list of significant construction works shall include certifications provided by the clients and confirming the proper provision and completion of the most important of these works.

The submitted list and certificates shall indicate that the in the relevant period the Contractor implemented (completed) at least the following:

- a) three (3) construction contracts in the field of water management infrastructure ^{3,4} totalling at least CZK 500 million excluding VAT, with at least one (1) concerning

³ For the avoidance of any doubt, the Employer states that the water management infrastructure for the purposes of this tender means the construction of a wastewater treatment plant (hereunder „WWTP“), retention tank or a water treatment plant.

construction, reconstruction or extension of a WWTP with a capacity over 250,000 population equivalent (hereunder „EO“) and at the same time concerning implementation of a project awarded on the basis of defined technical conditions, i.e. Employer's Requirements for the performance and function (i.e. design & build)^{5,6};

- b) one (1) construction project other than projects listed under letter (a) above, consisting in the reconstruction of a municipal wastewater treatment plant or water treatment plant during operation, with the value of the reconstruction of the municipal wastewater treatment plant or of the water treatment plant totalling at least CZK 250 mil. excluding VAT;
- c) one (1) construction contract, including delivery and installation of low-temperature drier technology at a municipal wastewater treatment plant with a capacity over 250 thousand EO,
- d) one (1) construction contract, including delivery and installation of the thermal hydrolysis (THP) technology at a municipal wastewater treatment plant with a capacity over 250 thousand EO,
- e) one (1) construction contract including delivery and installation of digesters, including technology at a municipal wastewater treatment with a capacity over 250 thousand EO,
- f) one (1) construction contract, including delivery and installation of sludge thickening technology or dewatering at a municipal wastewater treatment plant with a capacity over 250 thousand EO.

Significant construction projects under points c) to f) may also be executed as part of significant construction projects under points a), b) or separate significant construction projects. In the list of significant construction projects the Contractor shall sufficiently specify which requirements are complied with by the specific certificate and to what extent.

The list shall always include the price and the duration of the provision of relevant construction work and identification of the customer as well as the contact person of the customer and the contact details to validate the reference.

The submitted list and attached documents shall conclusively and explicitly indicate that the requirements of the Employer are met.

⁴ For the avoidance of any doubt, the Employer states that, for the purpose of this tender, the construction of the water management infrastructure is not considered to be construction of water or sewage mains.

⁵ For the avoidance of any doubt, the Employer states that the construction does not need to follow the FIDIC YELLOW BOOK terms and conditions.

⁶ For the avoidance of any doubt, the Employer states that in the case of demonstrating a significant service through a public contract according to the Czech legislation, the Employer will only accept a services awarded pursuant to Section 46 of Act No. 137/2006 Sb., on Public Contracts or, as the case may be, pursuant to Section 92 of the ZZVZ and not on the basis of the developed design documentation according to Decree of the Ministry for Regional Development No. 230/2012 Sb. and No. 169/2016 Sb. The above shall not exclude demonstrating the relevant project through a project executed for a private investor or foreign investor.

If the document proving proper delivery of the above construction works is issued for a company/consortium or any other grouping of contractors who have performed the contract jointly and the Contractor (tenderer) was a member of that company/consortium or grouping, the Contractor shall provide additional documents (e.g. consortium agreement, agreement on incorporation of the company or additional statement of the client on the issued proper performance certificate) demonstrating that it has implemented the required scope of construction works within the company/consortium or grouping of contractors. If the contractor was a member of a company/consortium or grouping of contractors but the client's certificate is issued only to this contractor as a member of the company/consortium or grouping of contractors, including the price of works rendered by the contractor, the Contractor is not required to submit other documents listed in the previous sentence. If a company/consortium or a grouping of contractors which has obtained evidence of the construction works being properly performed, submits an expression of interest in this tendering procedure with the same composition of the individual members, such a certificate is sufficient without further evidence.

3.5.2. List of significant services

To prove technical qualification within the meaning of Section 79 (2) (a) of the ZZVS, the Employer requests a list of significant Services which the Contractor has executed over the past ten (10) years prior to the commencement of the tendering procedure.

The submitted list shall indicate that in the relevant period the Contractor implemented (completed) at least the following:

- a) one (1) service consisting in the development of the design documentation for the building permit and detailed design concerning construction, reconstruction or extension of a WWTP with a capacity over 250 thousand EO, construction, reconstruction or extension of a water treatment plant with a capacity of at least 200 litres per second or construction, reconstruction or intensification of a retention tank with a capacity of at least 5 thousand m³, with the total project value of a minimum of CZK 400 million excluding VAT;
- b) one (1) service consisting in the preparation of the building permit documentation and detailed design in the field of municipal waste water treatment in the field of construction, reconstruction or extension of a WWTP with the WWTP capacity over 250 thousand EO, with the total project value of a minimum of CZK 70 mil. excluding VAT;
- c) one (1) additional service consisting in the preparation of the building permit documentation and detailed design in the field of municipal waste water treatment in the field of construction, reconstruction or extension of a WWTP with the WWTP capacity over 250 thousand EO, with the total project value of a minimum of CZK 70 mil. excluding VAT.

In this case, the Contractor shall specify in sufficient detail in the submitted list which requirements are complied with through the relevant reference service and to what extent.

The list shall always include the price and the duration of the provision of the relevant service and identification of the customer as well as the contact person of the customer and the contact details to validate the reference. The submitted list shall clearly indicate compliance with the Employer's Requirements.

If a participant has provided a significant service in a company/consortium or another grouping of contractors together with other contractors, the Employer will recognize for the purpose of proving the qualification criteria only those services that were directly implemented by the participant who submits the request for participation, i.e. this participant must have implemented the required scope of services within the grouping by himself.

3.5.3. List of technicians who will participate in the performance of the public tender and certificates of education and professional qualifications.

To comply with the technical qualification within the meaning of Section 79 (2) (c) and (d) of the ZZVZ, the Employer requests submission of a list of specialists who will participate in the public tender and who meet the following requirements of the Employer:

a) Project Manager

- authorised engineer in the field of water management and landscape engineering. The Employer will accept the authorization to perform the above work by expatriated or visiting persons as per Section 30a (3) and (4) of the Authorization Act;
- experience in the field of civil engineering in the field of water management in a position of a project manager or senior site manager in a minimum duration of 10 years over the past 15 years prior to the commencement of the tendering procedure;
- experience over the past ten (15) years prior to the commencement of the tendering procedure with at least:
 - (i) one (1) construction project in the field of water management infrastructure, totalling (project value) at least CZK 250 million excluding VAT in the position of a project manager or senior site manager;
 - (ii) other two (2) construction contracts for the reconstruction or upgrade of WWTPs during operation with the WWTP capacity over 250 thousand EO, in the position of project manager or senior site manager;
- in accordance with Section 105 (2) of the ZZVZ the Employer requires that the operations related to this position be performed by a person employed by the Contractor and therefore the qualification in the scope of this position may not be demonstrated via subcontractors;

b) Site Manager

- authorised engineer in the field of water management and landscape engineering. The Employer will accept the authorization to perform the above work by expatriated or visiting persons as per Section 30a (3) and (4) of the Authorization Act;
- experience in the field of civil engineering, water management in the position of a site manager in a minimum duration of (10) years over the past (15) years prior to the commencement of this procurement procedure;
- experience over the past ten (15) years prior to the commencement of the tendering procedure with at least:
 - (i) one (1) construction project in the field of water management infrastructure, totalling (project value) at least CZK 250 million excluding VAT in the position of site manager;

- (ii) another (1) construction project in the field of water management infrastructure, totalling (project value) at least CZK 100 million excluding VAT in the position of site manager;
 - in accordance with Section 105 (2) of the ZZVZ the Employer requires that the operations related to this position be performed by a person employed by the Contractor and therefore the qualification in the scope of this position may not be demonstrated via subcontractors;
- c) Wastewater Technologist
- authorised engineer in the field of technical equipment of buildings The Employer will accept the authorization to perform the above work by expatriated or visiting persons as per Section 30a (3) and (4) of the Authorization Act;
 - experience in the field of wastewater treatment in a position relevant to the subject of the public contract and the expected activity of a member of the team in this position (experience as a contractor or operator of a WWTP) of at least ten (10) years over the last fifteen (15) years prior to the commencement of the tendering procedure.
 - experience over the past ten (15) years prior to the commencement of the tendering procedure with at least:
 - (i) two (2) construction contracts in the field of water management infrastructure, of which the value of one contract totalling at least CZK 250 mil. without VAT with this project related to the reconstruction or extension of a WWTP during operation with a capacity over 250 thousand EO and the value of the second contract totalling at least CZK 200 mil. excluding VAT and related to water management infrastructure, in both cases as a member of the team responsible for the technological part of the works;
- d) Structural Engineer
- authorized engineer in the field of structural engineering and dynamics of buildings The Employer will accept the authorization to perform the above work by expatriated or visiting persons as per Section 30a (3) and (4) of the Authorization Act;
 - experience in the field of civil engineering in the position of a structural engineer in a minimum duration of (10) years over the past (15) years prior to the commencement of this procurement procedure;
- e) Person responsible for structural diagnostics
- authorized engineer in the field of testing and diagnostics of civil structures. The Employer will accept the authorization to perform the above work by expatriated or visiting persons as per Section 30a (3) and (4) of the Authorization Act;
 - experience in the field of construction in the position of a person responsible for the testing and diagnostics of water management infrastructure facilities for at least five (5) years over the last ten (10) years prior to the commencement of the tendering procedure;
- f) Mechanical Engineer
- completed university education in the field of mechanical engineering in a master's / engineering study programme;

- experience in the field of civil engineering in the position of mechanical engineer in a minimum duration of (10) years over the past (15) years prior to the commencement of this tendering procedure;
- experience with at least three (3) construction projects in the field of water management infrastructure over the past fifteen (15) years prior to the commencement of the tendering procedure in the position of a mechanical engineer;

g) Electrical Engineer - control systems, measurement and control and SCADA

- completed university education in the field of electrical engineering in a master's/engineering study programme;
- experience in the position of electrical engineer for I&C and SCADA in the field of water management infrastructure, or industrial automation for at least five (5) years prior to the commencement of the tendering procedure;
- experience with at least three (3) projects (design, execution, implementation or project management) in the field of water management infrastructure over the past fifteen (15) years prior to the commencement of the tendering procedure in which a min. of 4 mutually communicating technological unit control systems have been used, both at one control level and between superior/subordinate systems, including visualizations and data database processing;

h) Quality manager

- completed university education in a master's / engineering study programme;
- „Quality Auditor“ certificate issued in line with ČSN EN ISO 19011 (010330)
- experience in the field of water management infrastructure in the quality manager position for at least three (3) years over the last ten (10) years prior to the commencement of the tendering procedure;

i) Chief design engineer

- authorised engineer in the field of water-related structures and landscape engineering. The Employer will accept the authorization to perform the above work by expatriated or visiting persons as per Section 30a (3) and (4) of the Authorization Act;
- experience in the field of civil engineering, water management infrastructure in a minimum duration of (10) years over the past (15) years prior to the commencement of this tendering procedure;
- experience over the past fifteen (15) years prior to the commencement of the tendering procedure with the development of the design documentation for the building permit and detailed design in the position of chief design engineer with at least:
 - (i) four (4) contracts for the reconstruction or extension of municipal WWTPs during operation, of which at least:
 - two (2) contracts for the reconstruction or extension of WWTPs during operation with the capacity over 250 thousand EO, where the value of at least one (1) of the construction project totals a min. of CZK 250 mil. excluding VAT;
 - other two (2) contracts for the reconstruction or extension of WWTPs during operation with the capacity over 100 thousand EO, where the

value of at least one (1) of the construction project totals a min. of CZK 100 mil. excluding VAT.

In order to demonstrate the compliance with the above mentioned technical qualification requirements, the tenderer shall submit a list of specialists together with the professional CV of each specialist (signed by the specialist) indicating compliance with the above mentioned requirements, and a copy of the certificate of education as required. Each position shall be kept by a different member of the implementation team.

The CVs of the members of the implementation team will be submitted by the tenderers in a format and while meeting the requirements listed in Annex No. 3 of the Tender Dossier. The CVs of the individual members of the implementation team should not be longer than five (5) pages.

Compliance with the above-mentioned requirements related to the experience and skills shall be clearly indicated by the professional CVs of the team members to be documented by the tenderer as part of their expression of interest. Experience with similar contracts in relation to the project manager and the site manager shall be proven by personal reference sheets, excerpts from the site log books, contracts or similar documentation, or any other credible document, which clearly indicates that the relevant team member held the position listed in the CV in relation to the relevant project. In the event of a failure to comply with any of the criteria in any of the professional CVs or submitted documents, the Employer shall consider this technical qualification criterion as not fulfilled.

Together with the CVs of the individual members of the implementation team, the tenderer shall also submit a document proving compliance with the required level of education and authorisation in its expression of interest, if requested.

3.6. Criteria for reducing the number of participants

If more than five participants stay in the tendering procedure after the exclusion of participants who have failed to comply with the qualification criteria, the Employer shall reduce the number of participants in the tendering procedure in accordance with the provisions of Section 111 of the ZZVZ.

The Employer shall set the criteria for reducing the number of participants in the tendering procedure as follows:

The Employer shall award one (1) point to each participant for each reference construction project listed in the list of reference projects and duly as to its proper execution and completion, which will comply with the requirements of Clause 3.5.1. herein and which will also be submitted by the participant in its expression of interest beyond the minimum qualification requirements specified under Clause 3.5.1. herein.

For the avoidance of any doubt, the Employer declares that the participant will not be awarded any points for reference construction projects which are necessary to prove compliance with the technical qualification criteria according to Clause 3.5.1. herein.

The Employer will calculate all the points awarded according to the above criteria to the relevant participant and will rank the participants in the order of those who obtained most points

to those who received the lowest number of points. Five participants scoring the highest number of points will be invited by the Employer to submit their indicative tenders. The other participants will be excluded from the tendering procedure.

In the event that due to the equal number of points it will not be possible to determine the five participants with the highest number of points, the Employer will also invite all participants who have scored the same number of points while not having less points than five other participants to submit their indicative tenders.

The other participants will be excluded from the tendering procedure.

3.7. Common provisions concerning the qualification

3.7.1. *Authenticity of the documents proving compliance with the qualification criteria*

The Contractor shall demonstrate compliance with the qualification criteria in all cases through relevant documents provided in plain copies. **The Employer will not allow for the compliance with the qualification criteria to be demonstrated by an affidavit (Section 86 (1) of the ZZVZ).** The relevant parts of the qualification can be demonstrated by an affidavit only if expressly stipulated by the Contractor, or compulsorily by the ZZVZ.

For the purpose of ensuring the proper conduct of the tendering procedure, the Employer may require the submission of an original or a certified copy of the document in accordance with Article 46 (1) of the ZZVZ.

Prior to the conclusion of the Contract, the Employer will request the submission of originals or certified copies of the qualification documents from the Contractor, unless they were submitted in the tendering procedure.

3.7.2. *Age of evidence proving compliance with qualification criteria*

Documents proving compliance with the basic qualification criteria according to Section 74 of the ZZVZ and professional qualification criteria according to Section 77 (1) of the ZZVZ shall prove compliance with the required eligibility criterion at the latest 3 months before the commencement of the tendering procedure.

3.7.3. *Compliance with qualification criteria based on experience from abroad*

In the event that the relevant qualification has been obtained abroad, documents issued in accordance with the law of the country where has been obtained shall be provided to the extent required by the Employer.

A confirmation of no tax arrears of foreign contractors in the Czech Republic is issued by the Financial Office for Prague 1 and a confirmation of no arrears of foreign contractors in the Czech Republic with respect to insurance premiums and penalties for social security and contributions to the state employment policy is issued by the Prague Social Security Administration.

3.7.4. *Qualification criteria compliance demonstrated by other entities e*

Unless expressly stated otherwise herein, the Contractor may demonstrate a certain part of the economic qualification, technical qualification or professional qualification criteria, except for the criterion under Section 77 (1) of the ZZVZ required by the Employer through other entities. In such a case, the Contractor shall submit to the Employer

- a) documents proving compliance with professional qualification of another entity pursuant

to Section 77 (1) of the ZZVZ (extract from the Commercial Register or other similar register)

- b) documents demonstrating the missing part of the qualification criteria through another entity,
- c) documents proving compliance with the basic qualification criteria pursuant to Article 74 of the ZZVZ by another entity and
- d) a written undertaking of another entity (possibly also in the form of a contract with the supplier) to provide services related to the performance of the public contract or to provide an object or a right that the Contractor will be entitled to use in the course of performance of the public contract, at least in the scope in which such another entity proves compliance with the qualification criteria on behalf of the Contractor.

The more detailed terms and conditions for proving compliance with qualification or professional criteria through third parties are provided in Section 83 of the ZZVZ.

3.7.5. Joint demonstration of qualification criteria

In case of a joint participation by several contractors, the basic qualification and professional criteria according to Section 77 (1) of the ZZVZ shall be proved separately by each Contractor.

The Employer requires that all contractors submitting a joint a request to participate have a joint and several liability; in such a case, the contractors will provide a written commitment to their joint and several liability (possibly also in the form of a contract) in relation to the public contract.

3.7.6. Other manners of demonstrating eligibility and qualification

The Employer accepts compliance with the qualification criteria also through other documents admitted by the ZZVZ, in particular extracts from the list of qualified suppliers or extracts from a system of certified suppliers.

4. Submission of requests to participate

4.1. Time-limit for the request to participate

Time-limit for the request to participate 25.7.2018 10:00 hour,

The request to participate shall be submitted no later than before the end of the deadline for submitting the requests as set out above. The Contractor is responsible for the timely delivery of the request to participate.

4.2. Requirements for the requests to participate

The requests to participate as per Section 28 (1) (d) of the ZZVZ shall be submitted in electronic form in the Czech language in pdf format via the E-ZAK electronic tool on the Internet address of this public contract, which is available at the profile of the Employer.

Detailed information on how to use the E-ZAK electronic tool is available at the profile of the Employer. The Employer informs that the tenderer shall be registered in the E-ZAK system prior to submitting the Request and a valid electronic signature based on a qualified certificate is required to successfully complete the registration. The registration can be made from the profile of the Employer, where detailed instructions for registration are also provided.

If the tenderer wishes to submit foreign documents, translations into the Czech language shall be provided. If the Employer has any doubts about the accuracy of the translation, he is entitled to request submission of an officially certified translation of the document into the Czech language to be made by a translator registered in the List of Experts and Interpreters pursuant to Act No. 36/1967 Sb., on Experts and Interpreters, as amended; Decree No. 37/1967 Sb., implementing the Act on Experts and Interpreters, as amended.

The obligation to attach a translation into the Czech language to the documents does not apply to documents in Slovak and to documents related to education in Latin.

In the Request to Participate, the Contractor shall explicitly provide one contact address for written communication and email contact between the Contractor and the Employer (also in the case of a joint Request to Participate submitted jointly by several tenderers there will be one representative giving such contact details).

The Employer recommends the following structure of the Request to Participate:

- Cover letter of the Request to Participate (see Annex No. 4 hereto);
- Documents and affidavits demonstrating compliance with qualification criteria

5. Explanation, amendments or additions to the Tender Dossier

The Contractors may request clarification of the terms and conditions. Written (e-mail) queries shall be delivered to the Employer within the deadline specified in Section 98 (3) of the ZZVZ (8 working days before the end of the relevant period).

Requests for clarification related to Tender Dossier may be sent by the Contractors in the manner prescribed by the ZZVZ or by e-mail, attention of a person referred to under Article 1.2. herein Provided that the request will be delivered to the Employer within the time limit pursuant to Section 98 (3) of the ZZVZ, the Employer will provide within 3 business days the available explanation of the Tender Dossier including the wording of the request as the Employer's profile.

The Employer is entitled to publish on its profile an explanation of the Tender Dossier on its own initiative pursuant to Section 98 (1) of the ZZVZ. In accordance with Section 99 of the ZZVZ, the Employer may also publish a change or addition to the Tender Dossier (terms and conditions).

6. Indicative tenders

The indicative tender is submitted by the participant only after the invitation to submit an indicative tender. The request to submit the indicative tender shall be sent by the Employer to those participants who submit a Request to Participate, and only to those of them who comply with the qualification criteria and who will not be excluded in accordance with Article 3.6 herein.

6.1. Course of the tendering procedure and negotiations of (indicative) tenders

The negotiated procedure with publication takes place in three phases.

In the first phase, the contractors interested in the public contract submit their Requests to Participate in the tendering procedure. As part of this Request, the contractors demonstrate their qualification to perform the public contract. The Employer requests submission of indicative

tenders by those participants who have submitted a Request to Participate, complied with the qualification criteria and who have not been excluded in a manner specified under Article 3.6. herein due to the reduction in the number of participants.

If the procedure as per Clause 6.2. does not apply, the Employer shall negotiate with the tenderers in order to improve the preliminary tenders in favour of the Employer. The subject of the negotiations may be any terms and conditions related to the performance of the public contract. Thus, the Employer may, within the meaning of Section 61 (10) of the ZZVZ, supplement or change the terms and conditions of the public contract, except for the minimum technical conditions set out in Annex No. 2 hereto.

After the end of the negotiations of the indicative tenders, the participants will be invited to submit their tenders.

Detailed terms and conditions for the preparation of the indicative tenders and the negotiations related to the indicative tenders shall be specified by the Employer in the request to submit the indicative tenders within the meaning of Article 61 (5) of the ZZVZ.

6.2. Reservation to use the indicative tenders

The Employer reserves the right to act in accordance with the provisions of Section 61 (8) of the ZZVZ and may award the public contract on the basis of an indicative tender.

6.3. Estimated time of the request to submit (indicative) tenders

The Employer assumes that the request to submit indicative tenders will be made during August 2018. The expected time for the request to submit tenders is April 2019.

The specific deadline for the submission of the indicative tenders will be specified in the request to submit the indicative tenders pursuant to Section 61 (5) of the ZZVZ.

7. EVALUATION

The (indicative) tenders will be evaluated on the basis of their economic advantages. The Employer explicitly stipulates that the Employer can make a final evaluation of the tenders also on the basis of the indicative tenders submitted (see Article 6.2.), and, therefore, the indicative tenders shall include all data needed for the purposes of the evaluation. The tenders (or indicative tenders) submitted by the participants will be evaluated at the relevant phase of the tendering procedure according to the following evaluation sub-criteria (using a scoring method):

7.1. Evaluation criteria

The tender evaluation will be made in accordance with Section 114 et seq. of the ZZVZ based on the economic eligibility of the tenders, on the basis of the most favourable tender price /quality ratio and the evaluation criteria will be defined as follows:

Criterion number	Evaluation sub-criterion	Weight %
1.	Tender price	40
2.	Guaranteed parameters	40

	<u>Letter</u> <u>Sub-criteria</u>	<u>Sub-criteria</u>		<u>Weight %</u>	
	A)	Sub-criterion - Thermal Hydrolysis Technology (THP)	Weight %	15	
		i. Steam consumption for THP	70		
		ii. Power consumption for THP	30		
	B	Sub-criterion - Electrical input for the mixing system	Weight % 100	10	
	C)	Sub-criterion - Biogas production	Weight % 100	30	
	D)	Sub-criterion - Sludge drying	Weight %	15	
		i. Heat demand of the sludge dryer	50		
		ii. Power consumption of the sludge dryer	50		
	E)	Sub-criterion - Polymer consumption	Weight %	30	
		i. Consumption of polymer for surplus sludge thickening	30		
ii. Consumption of polymer for sludge dewatering		70			

3.	Quality of the offered solution				20
	<u>Letter</u> <u>Sub-criteria</u>	<u>Sub-criteria</u>		<u>Weight %</u>	
	A)	Sub-criteria - Designed solution to selected works		50	
		i. Minimization of foaming in digesters			
		ii. Minimization of sedimentation			
		iii. Minimization of the volume of service water			
iv. Minimization of nitrogen return liquors					

		v. Minimization of abrasion of the technological equipment		
	B	Sub-criteria - Risk assessment	50	
		Risk assessment No. 1		
		Risk assessment No. 2		
		Risk assessment No. 3		

The subject of the evaluation will be the **Tender Price** for the performance of the subject of the public contract in CZK excl. VAT, **Guaranteed Parameters** of the solution offered by the participant, and the **Quality of the offered solution**, all in the level of detail of the sub-criteria and potential partial criteria specified within the individual sub-criteria.

The most advantageous tender will be the tender that scores the highest total number of points.

7.1.1. Tender price

Under this criterion, the Employer will evaluate the price in CZK excl. VAT at which the participant shall meet the subject of the public contract.

The tender will be prepared in such a manner that the participant will fill in the **Lump-sum Breakdown Form of the contract price**, which is included in Annex No. 1 - binding contract form. The lump-sum breakdown form will be filled in by the participant according to the instructions given therein. Only the total tender price in CZK excl. VAT will be decisive for the purposes of the evaluation.

A tender with a lower total tender price excluding VAT is considered to be more advantageous.

7.1.2. Guaranteed Parameters

Within this criterion, the Contractor will evaluate the performance parameters of the works that the participant will guarantee in its tender and in the performance of the public contract.

For the purposes of the evaluation, the participant will provide the guaranteed parameters in the List of Guaranteed Parameters which form Annex No. 5 hereto (hereinafter referred to as the "**List of Guaranteed Parameters**"). The participant may not modify or supplement the form in any other manner or at any other place than as expressly designated. The completed form will be submitted by the participant with his tender.

The participant is obliged to fill in numbers with accuracy defined herein in the Overview of the Performance Guarantees. In the event that a participant indicates a number with a different number of decimal places than specified herein, this number shall be rounded to the specified number of decimal places according to the mathematical rules applicable to rounding up.

The tender submitted by the participant will be evaluated in terms of the Guaranteed Parameters Guarantees according to the following sub-criteria.

A) Thermal hydrolysis technology (THP)

Within this sub-criterion, the Employer will evaluate two (2) sub-criteria, namely:

i. Steam consumption for THP

Within this sub-criterion, the Employer will evaluate the steam consumption in kilograms (kg) that the thermal hydrolysis technology offered by the participant consumes per 1 tonne (t) of surplus sludge (DS), the maximum permissible value that will still be evaluated is 1,200 kg/t DS.

In the event that the participant's tender results in the THP steam consumption value higher than the value stated above as the maximum permissible, the participant's tender will not receive any points within this sub-criterion.

In the event that the participants' tender results in a THP steam consumption value of less than 1,000 kg/t DS, the Employer is entitled to invite the participant to provide more detailed justification and to demonstrate that the performance offered will really achieve that guaranteed value. If a participant does not justify or demonstrate the guaranteed THP steam consumption value at the invitation of the Employer in a credible manner, the tender submitted by the participant will not receive any points within this sub-criterion.

A tender with a lower guaranteed value will be considered more favourable.

ii. Power consumption for THP

Within this sub-criterion, the Employer will evaluate the el. Power consumption in kilowatt hours (kWh) that the thermal hydrolysis technology offered by the participant consumes per 1 tonne (t) of surplus sludge (DS), the maximum permissible value that will still be evaluated is 35 kWh/t DS.

In the event that the participant's tender results in the THP el.power consumption value higher than the value stated above as the maximum permissible, the participant's tender will not receive any points within this sub-criterion.

In the event that the participants' tender results in a THP steam consumption value of less than 10 kWh/t DS, the Employer is entitled to invite the participant to provide more detailed justification and to demonstrate that the performance offered will really achieve that guaranteed value. If a participant does not justify or demonstrate the guaranteed THP el. power consumption value at the invitation of the Employer in a credible manner, the tender submitted by the participant will not receive any points within this sub-criterion.

A tender with a lower guaranteed value will be considered more favourable.

B) Electrical input to the mixing system

Within this sub-criterion, the Employer will evaluate the value of the electrical input to the coupling of the mixing system specified in watts (W) per 1 cubic meter of the digester volume and the maximum permissible value, which still will be evaluated, is 15 W/m³.

In the event that the tender indicates a value of the electrical input at the mixing system coupling which is higher than the value stated above as the maximum permissible, the participant's tender will not receive any points within this sub-criterion.

In the event that the participants' tender results in the electrical input at the mixing system coupling value of less than 5 W/m^3 , the Employer is entitled to invite the participant to provide more detailed justification and to demonstrate that the performance offered will really achieve that guaranteed value. If a participant does not justify or demonstrate the guaranteed electrical input at the mixing system coupling value at the invitation of the Employer in a credible manner, the tender submitted by the participant will not receive any points within this sub-criterion.

A tender with a lower guaranteed value will be considered more favourable.

C) Biogas production

Within this sub-criterion, the Employer will evaluate the guaranteed volume of produced biogas specified with an accuracy of two decimal places in standard cubic meters (Nm^3) per kilogram (kg) of organic solids entering the digesters, with the lowest permissible value still to be assessed being $0.50 \text{ Nm}^3/\text{kg}$ organic dry matter.

In the event that the participants' tender results in the value of produced biogas being lower than the value mentioned above as the slowest permissible, the participant will be excluded from the tendering procedure.

In the event that the participants' tender results in the value of the produced biogas higher than $0.80 \text{ Nm}^3/\text{kg}$ of organic solids, the Employer is entitled to invite the participant to provide more detailed justification and to demonstrate that the performance offered will really achieve that guaranteed value.. If a participant does not justify or demonstrate the guaranteed biogas production value at the invitation of the Employer in a credible manner, the tender submitted by the participant will not receive any points within this sub-criterion.

A tender with a higher guaranteed value will be considered more favourable.

D) Sludge drying

Within this sub-criterion, the Employer will evaluate two (2) sub-criteria, namely:

i. Heat demand of the sludge dryer

Within this sub-criterion, the Employer will evaluate the heat demand of the drier in the form of hot water, which is necessary to evaporate one kilogram of water. The sludge drier heat demand will be specified with an accuracy of two decimal places in kilowatt-hours (kWh_t) (including losses dryer) per 1 kilogram (kg) of vaporised water (H_2O), where the maximum permissible value which will still be evaluated is $1.00 \text{ kWh}_t/\text{kg H}_2\text{O}$.

In the event that the participant's tender results in the sludge drier heat demand value higher than the value stated above as the maximum permissible, the participant's tender will not receive any points within this sub-criterion.

In the event that the participant's tender results in the sludge drier heat demand value of less than $0.70 \text{ kWh}_t/\text{kg H}_2\text{O}$, the Employer is entitled to invite the participant to provide more detailed justification and to demonstrate that the performance offered will really achieve that guaranteed value. If a participant does

not justify or demonstrate the guaranteed sludge drier heat energy demand value at the invitation of the Employer in a credible manner, the tender submitted by the participant will not receive any points within this sub-criterion.

A tender with a lower guaranteed value will be considered more favourable.

ii. Power consumption of the sludge dryer

Within this sub-criterion, the Employer will assess the electricity consumption of the sludge drier necessary to evaporate one kilogram of water. Power consumption will be specified to two decimal places in kilowatt-hours (kWh_e) (including drier losses) per one (1) kilogram (kg) of evaporated water (H₂O). El. power consumption of the drier includes consumption of the auxiliary equipment of the dryer - the drier belt distribution system, discharge conveyor, inlet air fan, all circulating fans and the exhaust air fan. The maximum permissible value to be evaluated is 0,15 kWh_e / kg H₂O.

In the event that the participant's tender results in the sludge drier power demand value higher than the value stated above as the maximum permissible, the participant's tender will not receive any points within this sub-criterion.

In the event that the participant's tender specifies a sludge drier el. power consumption (including dryer losses and the consumption of peripheral equipment) of less than 0.05 kWh_e / kg H₂O, the Employer may invite the participant to provide more detailed justification and evidence that the performance will really achieve that guaranteed value. If a participant does not justify or demonstrate the guaranteed sludge drier el. power consumption value at the invitation of the Employer in a credible manner, the tender submitted by the participant will not receive any points within this sub-criterion. .

A tender with a lower guaranteed value will be considered more favourable.

E) Polymer consumption

Within this sub-criterion, the Employer will evaluate two (2) sub-criteria, namely:

i. Consumption of polymer for surplus sludge thickening

Under this sub-criterion, the Employer will evaluate the amount of polymer for surplus sludge thickening consumed to thicken one (1) tonne of surplus sludge DS. The consumed quantity of polymer to thicken the surplus sludge will be specified to the accuracy of integer numbers in kilograms (kg) per tonne (t) of dry solids (DS) of surplus sludge with the maximum permissible value to be still evaluated being 12 kg/tonne of surplus sludge DS.

In the event that the participant's tender results in the surplus sludge thickening polymer consumption value higher than the value stated above as the maximum permissible, the participant's tender will not receive any points within this sub-criterion.

In the event that the participant's tender results in the polymer consumption for surplus sludge thickening of less than 5 kg/t DS, the Employer may invite the participant to provide more detailed justification and evidence that the performance will really achieve that guaranteed value. If a participant does not justify or

demonstrate the guaranteed polymer consumption for surplus sludge thickening value at the invitation of the Employer in a credible manner, the tender submitted by the participant will not receive any points within this sub-criterion.

A tender with a lower guaranteed value will be considered more favourable.

ii. Consumption of polymer for sludge dewatering

Within this sub-criterion, the Employer will evaluate the polymer consumption for sludge dewatering that is consumed per one (1) ton of DS of stabilized sludge. The consumed quantity of polymer to dewater sludge will be specified to the accuracy of integer numbers in kilograms (kg) per tonne (t) of dry solids (DS) of stabilised sludge with the maximum permissible value to be still evaluated being 12kg/tonne of stabilised sludge DS.

In the event that the participant's tender results in the sludge dewatering polymer consumption value higher than the value stated above as the maximum permissible, the participant's tender will not receive any points within this sub-criterion.

In the event that the participant's tender results in the polymer consumption for sludge dewatering of less than 4 kg/t DS, the Employer may invite the participant to provide more detailed justification and evidence that the performance will really achieve that guaranteed value. If a participant does not justify or demonstrate the guaranteed polymer consumption for sludge dewatering at the invitation of the Employer in a credible manner, the tender submitted by the participant will not receive any points within this sub-criterion.

A tender with a lower guaranteed value will be considered more favourable.

7.1.3. Quality of the offered solution

Under this criterion, the Employer will evaluate the proposed technical solution for the particular sludge line processes and problems associated with these processes. Furthermore, under this criterion, the risks identified by the participant and the measures proposed to prevent them will be evaluated.

The tender submitted by the participant will be evaluated in terms of the Quality of the offered solution according to the following sub-criteria.

A) Offered solution to selected parts of the works

Within the sub-criterion " *Proposed solution to selected parts of the works*", the Employer will evaluate the proposed technical solutions and measures (hereinafter " **Improvement**"), which will be used to optimize the Employer-defined sludge line operation processes and eliminate or reduce the possibility of technical problems with these processes (hereinafter " **Purpose of the Improvement**").

Individual Improvements will be scored on the basis of the extent to which they are capable of resolving the Purpose of the Improvement defined by the Employer ("**Effect of the Improvement**"). The Effect of Improvement shall always be adequate to the process and subject of the contract defined by the Employer. The requirements for the adequacy of the Effect and Purpose of the Improvement are detailed in the Document of

Proposal Solution which forms Annex No. 6 hereto ("**Document of Proposal Solution**").

For the purposes of the evaluation, the participant will describe the Improvement as required by the Document of Proposal Solution

Within the sub-criterion "*Offered solution to selected parts of the works*", the Employer will evaluate five (5) sub-criteria that represent the individual Improvements proposed by the participants.

i. Minimization of foaming in digesters

Under this sub-criterion, the Employer will evaluate the proposal of preventive technological process solution, which will reduce the likelihood of foaming in the digesters.

ii. Minimization of sedimentation

Within this sub-criterion, the Employer will evaluate the participant's proposal to improve the homogenisation of the digesters, which will lead to a reduction in the formation of sandy sediments.

iii. Minimization of service water consumption

Within this sub-criterion, the Employer will evaluate the participant's proposal that will exclude the feed of service water into the activation tanks or reduce its volume extracted from the effluent.

iv. Minimization of nitrogen return liquors

Within this sub-criterion, the Employer will evaluate the participant's proposal that will minimize the amount of total nitrogen return liquors back to the activation tanks.

v. Minimization of abrasion of the technological equipment

Within this sub-criterion, the Employer will evaluate the participant's proposal that will reduce the possibility of increased abrasion due to higher sand content.

A tender that will score a higher number of points in each sub-criterion will be considered more advantageous.

To exclude any doubt, the Employer states that Improvements can only be proposed in topics defined by the Employer (i.e. the aforesaid sub-criteria i. – v.).

Furthermore, for the avoidance of any doubt, the Employer states that Improvements shall be included in the tender (the offered performance) and shall be included in the tender price.

B) Risk assessment

Within the "*Risk Assessment*" sub-criterion, the Employer will assess the participant's identified risks that may hinder or jeopardize the fulfilment of the purpose ⁷ of the public contract (hereinafter referred to as the "**risks**") and proposed measures to minimize the risk of the occurrence or adverse impacts of the identified risks by the participant (hereinafter referred to as the "**Measures**").

The Measures proposed by the participant will be scored on the basis of the extent to which they are able to minimize the risk of the occurrence or the negative impact of the risk identified by the participant (hereinafter referred to as the "**Effect of the Measure**"). The identified risks and proposed measures shall always be relevant and adequate to the subject matter of the public contract. The requirements for relevance and adequacy of risks are detailed in the Risk Document, which forms Annex No. 7 hereto (hereinafter referred to as the "**Risk Document**").

For the purpose of evaluation, the participant shall verbally describe the identified risk and the proposed Measure according to the requirements specified in the Risk Document.

Within the *Risk Assessment* sub-criterion, the Employer will evaluate a maximum of three (3) risks identified by the participants and the measures proposed by them.

A tender that receives a higher score will be more considered more favourable.

For the avoidance of any doubt, the Employer states that the Measure is not part of the participant's tender and may not be included in the tender price.

In order to avoid any doubt the Employer states that the risk identified by the participant (and the proposed measure) whose topic is identical to one of the topics defined by the Employer for the purposes of evaluating the sub-criteria under the "*Proposal solution to selected parts of the works*" will not be scored. Therefore, the risks and proposed measures shall be different from those identified by the Employer under the sub-criterion "*Proposal solution to selected parts of the works*".

For the avoidance of any doubt, the Employer states that Measures which are implied for the participant directly from the legislation valid and effective in the Czech Republic at the time of submitting the tender will not be evaluated by the Employer.

7.2. Evaluation method

Each tender will be scored as part of the criteria evaluation and the scoring will reflect the success of the tender within the individual criteria according to the terms and conditions set out below.

The total score awarded to the individual tenders is the sum of the re-weighted point scores achieved in the individual evaluation criteria. The resulting sum of the re-weighted scores awarded to the individual tenders will result in the tender ranking so that the most successful tender will score the highest value (number of points).

⁷ The purpose of the public contract is defined in the Risk Document, which forms Annex No.7 hereto, for the purpose of evaluating the sub-criterion "Risk Assessment" under the "*Quality of the offered solution*".

7.2.1. Evaluation sub-criterion 1. Tender price

Evaluation sub-criterion 1. "*Tender price*" is a minimisation cost quantitative criterion set in units of CZK, for which lower values are preferred to higher value. The evaluated tender will be awarded points, which are the multiple of 100 and the proportion of the value of the most eligible tender to the evaluated tender.

$$\frac{\text{best value (lowes price)}}{\text{value(price)from evaluated tender}} * 100$$

Subsequently, the awarded point value will be indexed by the weight of this criterion, and the resulting value will be rounded to two decimal places according to mathematical rules applicable to rounding.

7.2.2. Evaluation sub-criterion 2. „Guaranteed parameters“

Evaluation sub-criterion 2. "*Guaranteed parameters*" is a quantitative criterion for which lower values are preferred to higher values, with the exception of sub-criterion C) "Biogas production".

From the point of view of sub-criterion 2, the "*Guaranteed Parameters*" will first be subjected to a separate evaluation for each of the sub-criteria. The evaluation method is described below.

In the evaluation of individual sub-criteria, a separate evaluation will be performed first for each of the sub-criteria, the evaluation method of which is described below. If the participant is invited by the Employer to justify and prove the guaranteed value, the tender will not be evaluated before the participant can justifiably justify and prove that the performance offered will actually achieve that value. Subsequently, the points so determined for each of the sub-criteria will be re-weighted by the weight of the relevant sub-criterion. The sum of the re-weighted points awarded under each of the sub-criteria will then be indexed by the weight of the relevant sub-criterion and the result will be the total number of participants' points for each sub-criterion.

The sum of the re-weighted points awarded under each of the sub-criteria will then be indexed by the weight of this evaluation sub-criterion and the result will be the total number of points awarded to the participant for sub-criterion 2. „*Guaranteed parameters*“

A) Sub-criterion - „Thermal Hydrolysis Technology (THP)“

Within sub-criteria A) "*Thermal Hydrolysis Technology (THP)*" and both sub-criteria [i.e. i. "Steam consumption for THP" and ii. "Power consumption for THP"] these are minimisation quantitative criteria for which lower values are preferred to higher ones.

i. Sub-criterion "Steam consumption for THP"

Evaluation sub-criterion A) i. "Steam consumption for THP" is the minimisation quantitative criterion set in kilograms per tonne of dry solids (kg/t DS) for which lower values are preferred to higher ones. The evaluated tender will be awarded points, which are the multiple of 100 and the proportion of the value of the lowest tender to the evaluated tender.

$$\frac{\text{best value (the lowest steam consumption)}}{\text{value (steam consumption) from evaluated tender}} * 100$$

Subsequently, the awarded point value will be indexed by the weight of this sub-criterion, and the resulting value will be rounded to two decimal places according to

mathematical rules applicable to rounding.

ii. Sub-criterion "El. power consumption for THP"

Evaluation sub-criterion A) ii. "Electricity consumption for THP" is the minimisation quantitative criterion set in units of kilowatt hours per tonne of sludge DS (kWh/t DS) for which lower values are preferred to higher ones. The evaluated tender will be awarded points, which are the multiple of 100 and the proportion of the value of the lowest tender to the evaluated tender.

$$\frac{\text{best value (lowest el. consumption)}}{\text{value (el. consumption) from evaluated tender}} * 100$$

Subsequently, the awarded point value will be indexed by the weight of this sub-criterion, and the resulting value will be rounded to two decimal places according to mathematical rules applicable to rounding.

B) Sub-criterion - „Electrical input for the mixing system”

Evaluation sub-criterion (B) "Electrical input for the mixing system" is the minimisation quantitative criterion set in units of watts per cubic meter (W/m³) for which lower values are preferred to higher ones. The evaluated tender will be awarded points, which are the multiple of 100 and the proportion of the value of the lowest tender to the evaluated tender.

$$\frac{\text{best value (lowest electrical input)}}{\text{value (electrical input) from evaluated tender}} * 100$$

Subsequently, the awarded point value will be indexed by the weight of this sub-criterion, and the resulting value will be rounded to two decimal places according to mathematical rules applicable to rounding.

C) Sub-criterion - „Biogas production”

Evaluation Sub-Criterion C) "Biogas production" is the maximisation quantitative criterion set out in units of normal cubic meters per kilogram (Nm₃ kg organic dry solids) for which higher values are preferred to lower ones. The evaluated tender will be awarded points, which are the multiple of 100 and the proportion of the value of the evaluated tender to the highest one.

$$\frac{\text{value (biogas production) from evaluated tender}}{\text{best value (highest biogas production)}} * 100$$

Subsequently, the awarded point value will be indexed by the weight of this sub-criterion, and the resulting value will be rounded to two decimal places according to mathematical rules applicable to rounding.

D) Sub-criterion - "Sludge drying"

Within sub-Criterion D) "Sludge Drying" and its two sub-criteria [i.e. i. "Heat demand of the sludge dryer" and ii. "Sludge dryer power consumption"] this is a minimization criterion for which lower values are preferred to higher ones.

i. Sub-criterion "Sludge dryer heat energy demand"

Evaluation sub-criterion D) i. "Sludge dryer heat demand" is the minimisation

quantitative criterion set in units of kilowatt hours per kilogram (kWh/ kg H₂O) for which lower values are preferred to higher ones. The evaluated tender will be awarded points, which are the multiple of 100 and the proportion of the value of the lowest tender to the evaluated tender.

$$\frac{\text{best value (lowest heat demand)}}{\text{value (heat demand) from evaluated tender}} * 100$$

Subsequently, the awarded point value will be indexed by the weight of this sub-criterion, and the resulting value will be rounded to two decimal places according to mathematical rules applicable to rounding.

ii. Sub-criterion "Sludge drier el. power consumption"

Evaluation sub-criterion D) ii. "Sludge dryer el.power consumption" the minimisation quantitative criterion set in units of kilowatt hours per kilogram (kWh/ kg H₂O) for which lower values are preferred to higher ones. The evaluated tender will be awarded points, which are the multiple of 100 and the proportion of the value of the lowest tender to the evaluated tender.

$$\frac{\text{best value (lowest el.consumption)}}{\text{value (el.consumption) from evaluated tender}} * 100$$

Subsequently, the awarded point value will be indexed by the weight of this sub-criterion, and the resulting value will be rounded to two decimal places according to mathematical rules applicable to rounding.

E) Sub-criterion - „Polymer consumption„

Within sub-criterion E, "Polymer consumption" and both its sub-criteria [i.e. i. "Polymer consumption for sludge thickening" and ii. "Polymer consumption for sludge dewatering"] these are minimisation quantitative criteria for which lower values are preferred to higher ones.

i. Sub-criterion "Polymer consumption for surplus sludge thickening"

Evaluation sub-criterion E) i. "Polymer consumption for surplus sludge thickening" is the minimisation quantitative criterion set in kilograms per ton (kg/t DS) for which lower values are preferred to higher ones. The evaluated tender will be awarded points, which are the multiple of 100 and the proportion of the value of the lowest tender to the evaluated tender.

$$\frac{\text{best value (lowest polymer consumption for thickening)}}{\text{value (polymer consumption for thickening) from evaluated tender}} * 100$$

Subsequently, the awarded point value will be indexed by the weight of this sub-criterion, and the resulting value will be rounded to two decimal places according to mathematical rules applicable to rounding.

ii. The sub-criterion "Polymer consumption for sludge dewatering"

Evaluation sub-criterion E) i. "Polymer consumption for sludge dewatering" is the minimisation quantitative criterion set in kilograms per ton (kg/ton of stabilized sludge) for which lower values are preferred to higher ones. The evaluated tender will be awarded points, which are the multiple of 100 and the proportion of the value of the lowest tender to the evaluated tender.

$$\frac{\text{best value (lowest polymer consumption for dewatering)}}{\text{value (polymer consumption for dewatering) from evaluated tender}} * 100$$

Subsequently, the awarded point value will be indexed by the weight of this sub-criterion, and the resulting value will be rounded to two decimal places according to mathematical rules applicable to rounding.

7.2.3. Evaluation sub-criterion 3. "Quality of the offered solution":

Evaluation sub-criterion 3. "Quality of the solution offered" is a maximization quantitative criterion where higher values are preferred to lower ones.

From the point of view of the overall evaluation under this sub-criterion, a separate evaluation will be performed first for each of the sub-criteria, the evaluation method of which is described below. Subsequently, the points scored for each of the sub-criteria will be weighted by the weight of the relevant sub-criterion.

The sum of the re-weighted points awarded under each of the sub-criteria will then be indexed by the weight of this evaluation sub-criterion and the result will be the total number of points awarded to the participant for sub-criterion 3. "Quality of the offered solution":

A) Sub-criterion - "Proposed solution to selected parts of the works"

Sub-Criterion A) "Proposed solution to selected parts of the works" is a maximization quantitative criterion in which a higher value is preferred to a lower one.

Within each sub-criterion [i.e. i. "Minimisation of digester foaming", ii. "Minimisation of sediments", iii. "Minimisation of service water consumption", iv. "Minimisation of nitrogen return liquors", v. "Minimisation of sand abrasion"], the number of points will be awarded by the Evaluation Committee according to the methodology contained in the Checklist of Proposal Solution, which forms Annex 8 hereto (hereunder the "Checklist of Proposal Solution").

The mean average will then be calculated from all the points that will be awarded by the Evaluation Committee

The evaluated tender will then be scored a point value that is the multiple of 100 and the ratio of the mean average of all points awarded within each of the sub-criteria of the evaluated tender and the mean average of all the points awarded in each of the sub-criteria to the best tender.

$$\frac{\text{mean average of points from evaluated tender}}{\text{tender with the highest mean average of points}} * 100$$

Subsequently, the awarded point value will be indexed by the weight of this sub-criterion, and the resulting value will be rounded to two decimal places according to mathematical rules applicable to rounding.

B) Sub-criterion - "Risk assessment":

Sub-criterion B) "Risk assessment" is the maximization quantitative evaluation criterion in which the higher value is preferred to the lower one.

Within each sub-criterion [i.e. up to three (3) risks identified by the participant], the number of points awarded by the Evaluation Committee will be determined according

to the methodology contained in the Risk Checklist, which forms Annex No. 9 hereto (hereunder the "**Risk Checklist**").

The mean average will then be calculated from all the points that will be awarded by the Evaluation Committee

The evaluated tender will then be scored a point value that is the multiple of 100 and the ratio of the mean average of all points awarded within each of the sub-criteria of the evaluated tender and the mean average of all the points awarded in each of the sub-criteria to the best tender.

$$\frac{\text{mean average of points from evaluated tender}}{\text{tender with the highest mean average of points}} * 100$$

Subsequently, the awarded point value will be indexed by the weight of this sub-criterion, and the resulting value will be rounded to two decimal places according to mathematical rules applicable to rounding.

8. Reservations made by Employer

- The costs associated with participation in the procurement procedure are borne by each participant himself.
- The Employer reserves the right to provide the participants at its own discretion with selected parts of the Tender Dossier also in English. The Employer draws attention to the fact that the English version of the Tender Dossier is indicative only as the Czech version of the Tender Dossier is exclusively binding and in the event of any discrepancy between the Czech and English version of the Tender Dossier, the Czech version prevails. For the avoidance of any doubt, the Employer states that the Czech language is the only governing language in the course of the tendering procedure.
- The Employer reserves the right to change or complete the Tender Dossier.
- The Employer reserves the right to proceed by analogy to Section 46 of the ZZVZ, if there is a need to clarify or supplement the indicative tenders and the participant is entitled to modify the indicative tenders so that it meets the requirements of the Employer.
- The Employer does not allow for nor request variant (indicative) tenders.
- The Employer can verify the credibility of the provided data and documents and can also request them, for example, from third parties or from publicly available sources. The participant is obliged to provide all the necessary cooperation in this regard.
- The Employer may, in accordance with Section 6 (3) of the ZZVZ exclude a tenderer who has no registered office in a Member State of the European Union, the European Economic Area, the Swiss Confederation or another country which has concluded an international treaty with the Czech Republic or with the European Union guaranteeing access of the contractors from these countries to the public contract.
- In the case of joint participation in the tendering procedure, the Employer requires a joint and several liability of the contractors jointly participating in the tendering procedure; in such a case, the contractors will provide a written commitment to joint and several liability (possibly also in the form of a contract) in relation to the public contract.

- The Employer is entitled to use any information or documents provided by the participants if it is necessary for the procedure under the ZZVZ or if it results from the purpose of the ZZVZ.
- The Employer reserves the right, in accordance with Section 170 of the ZZVZ, to cancel the tendering procedure even without grounds for cancellation under Section 127 of the ZZVZ.

9. List of annexes

The following annexes form a part of this notice:

Annex 1 - Binding Contract Form

Annex 2 - Minimum technical specifications of the public contract

Annex 3 - CV of a member of the implementation team

Annex 4 - Request to Participate Cover Sheet

Annex 5 - Overview of Performance Guarantees

Annex 6 - Project proposal document

Annex 7 – Risk document

Annex 8 - Checklist of Proposal Solution

Annex 9 - Risk Checklist

In Brno on 28 May 2018

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Brněnské vodárny a kanalizace, a.s.

Ing. Petr Hýbler

Chairman of the Board of Directors