



NET4GAS, s.r.o.

**Technical supervision of construction on projects CS Jirkov and BS HSK
TENDER DOCUMENTATION**

CONTENTS

1	CONTRACTING ENTITY AND SCOPE OF TENDER	3
2	BASIC TENDER PARAMETERS	4
3	TIME AND PLACE OF PERFORMANCE	5
4	OPENING OF TENDER OFFERS	5
5	TENDER DOCUMENTATION	6
6	SUBMISSION OF TENDER OFFERS	6
7	COLLATERAL	7
8	QUALIFICATION OF BIDDERS AND FURTHER REQUIREMENTS	8
9	VALIDITY OF TENDER OFFERS	10
10	RESERVED RIGHTS OF CONTRACTING ENTITY	11
11	ADDRESSING CORRESPONDENCE AND ADDITIONAL INFORMATION	11
12	PRICE PROPOSAL AND EVALUATION CRITERIA	11
13	BUSINESS CONDITIONS	13
14	SUB-CONTRACTING	13
15	JOINT VENTURE	13
16	CONFIDENTIALITY AND PERSONAL DATA PROTECTION	14
17	GOVERNING LAW AND PLACE OF JURISDICTION	14

1 CONTRACTING ENTITY AND SCOPE OF TENDER

The tender “**Technical supervision of construction on projects CS Jirkov and BS HSK**” is launched in accordance with Section 3(b) of Act No. 134/2016 Coll., the Public Procurement Act (the “PPA”), as an open tender.

1.1 Contracting Entity

NET4GAS, s.r.o.
Na Hřebenech II 1718/8
Prague 4, Nusle
Post Code 140 21
Czech Republic
ID No. 27260364

Profile of the Contracting Entity: <https://www.tenderarena.cz/profily/NET4GAS>

(the “Contracting Entity”)

The Contracting Entity holds an exclusive gas Transmission System Operator (TSO) license in the Czech Republic, operating more than 3,800 km of pipelines and ensuring international transport of natural gas as well as gas transport for regional gas companies.

1.2 Scope of Tender

The aim of the tender is providing of technical supervision of construction on projects CS Jirkov and BS Hora Svaté Kateřiny (hereinafter the “Services A”, “Services B” or “Services”). These services are subject to the terms and conditions set out in the Draft contract attached hereto as Schedule 1 of this Tender Documentation (hereinafter the “TD”).

The scope of the tender is specified in further detail in Annex 1 to Schedule 1 – Technical Requirements on construction supervision.

Further, the tender offers must comply with Annexes to Schedule 1 – Draft Contract.

Table 1.2 Presumed Schedule for Services A (CS Jirkov):

PART A				
Item Number	Item Title	Quantity	Unit	Assumed interval of works
1	Inspection Manager	13	Man-Month	1.2.2019 – 29.2.2020
2	Civil Supervisor	8	Man-Month	1.3.2019 – 30.9.2019
3	EICT Supervisor	8	Man-Month	1.3.2019 – 31.10.2019
4	Mechanical Supervisor	10	Man-Month	1.3.2019 – 31.10.2019

PART B

Item Number	Item Title	Quantity	Unit	Assumed interval of works
1	Revision Technician	30	Man-Hour	on call
2	NDT Inspectors Level 3 RT,UT	30	Man-Hour	on call
3	Authorized engineer	10	Man-Hour	on call
4	Inspection of material	40	Man-Hour	on call
5	Welding engineer	10	Man-Hour	on call

Table 1.3 Presumed Schedule for Services B (BS Hora Svaté Kateřiny):

PART A

Item Number	Item Title	Quantity	Unit	Assumed interval of works
1	Inspection Manager	11	Man-Month	1.2.2019 – 31.12.2019
2	Civil Supervisor	8	Man-Month	1.3.2019 – 31.10.2019
3	EICT Supervisor	8	Man-Month	1.3.2019 – 31.10.2019
4	Mechanical Supervisor	10	Man-Month	1.3.2019 – 30.11.2019

PART B

Item Number	Item Title	Quantity	Unit	Assumed interval of works
1	Revision Technician	30	Man-Hour	on call
2	NDT Inspectors Level 3 RT,UT	30	Man-Hour	on call
3	Authorized engineer	10	Man-Hour	on call
4	Inspection of material	40	Man-Hour	on call
5	Welding engineer	10	Man-Hour	on call

Inspection Manager, Civil Supervisor, EICT Supervisor, Mechanical Supervisor shall be different for Services A and Services B.

Revision Technician, NDT Inspectors Level 3 RT, UT, Authorized engineer, Inspection of material, Welding engineer could be same for Services A and Services B.

1.3 Designation of Tender

CVP 71000000-8 - Architectural, construction, engineering and inspection services

2 BASIC TENDER PARAMETERS

- The tendering shall be performed in accordance with the PPA. Each bidder shall get acquainted with the current wording of the PPA and proceed in accordance with it when drafting and submitting its tender offer.
- Variants will not be accepted.

- c) The Bidder shall submit its tender offer for full scope of the public tender, i.e. for Services A and for Services B.
- d) Information and data referred to in the individual parts of this tender documentation and annexes hereto define the mandatory requirements of the Contracting Entity in respect of contractual performance. The bidder shall respect those requirements fully and without exception in the production of the tender offer. Non-acceptance of the Contracting Entity's requirements (especially any changes to the draft agreement) shall be regarded as non-compliance with the terms of reference, resulting in the bidder's disqualification from the tendering procedure.
- e) In the event of any inconsistency between the text of the TD and the Draft Contract, the content of the Draft Contract in Annex 1 to this TD shall prevail.
- f) The language of the tendering procedure shall be Czech or English. Any and all correspondence between the bidder and the Contracting Entity relating to the public contract, a tender offer or the participation of the bidder in the tendering procedure, or concerning the production of the actual tender offer which is to be prepared and submitted by the bidder in accordance with the tender documentation, shall also take place in the said languages. Any and all correspondence with a bidder established in the Czech Republic shall be in Czech and any and all correspondence with a bidder established outside the Czech Republic shall be in English.
- g) Printed materials and other documents attached, where appropriate, to the tender offer may be written in another language provided that the bidder provides an officially certified translation of the relevant passages into Czech or English. In this case, the translation into Czech or English shall be decisive for purposes of interpretation. The obligation to attach an officially certified translation into Czech or English to printed materials or other documents shall not apply to documents in Slovak.

3 TIME AND PLACE OF PERFORMANCE

- a) The Services are to be performed from **February 2019 to March 2020**. Start of providing Services may be shifted to approximately 3 months.
- b) Place of performance: the activities will be carried out on constructions of the following projects:
 Services A - Jirkov, GPS: 13°27'46.6 E, 50°29'18.7 N
 Services B - Hora Svaté Kateřiny, GPS: 50.6011761 N, 13.4518561 E
- a) The tender offers shall be submitted by **January 2, 2019 by 14:00 p.m.**
- b) The Contracting Entity reserves the right to extend the final tender date. It shall do so in compliance with the PPA and it shall inform the bidders of such extension.

4 OPENING OF TENDER OFFERS

- a) Envelopes opening procedure shall be concluded in accordance with Section 109 of the Act after the deadline for submission the tender bids.

5 TENDER DOCUMENTATION

The following attachments form an integral part of the TD:

- Schedule 1 – Draft Contract
- Schedule 2 – Template of the Affidavit
- Schedule 3 – Price List
- Schedule 4 - Instruction for the submission of application and tender bid in electronic form

6 SUBMISSION OF TENDER OFFERS

- a) Please submit your tender bid for in writing in electronic form via the TENDERARENA electronic tool available at www.tenderarena.cz.
- b) Each Bidder is required to submit a Tender Offer in Czech or English language.
- c) The tender bid in electronic form may not exceed 200 MB, with a maximum of 100 MB for proof of qualification and a maximum of 100 MB for other tender documents. Tender bid must be processed through Acceptable File Formats, ie Microsoft Office (Word, Excel), Open Office, PDF, JPEG, GIF, or PNG.
- d) Each tender offer shall contain the following documents duly completed and signed by the person(s) empowered to act for or on behalf of the bidder:
 - (i) cover letter stating contact details of the bidder;
 - (ii) basic information on the tender offer;
 - (iii) Draft Contract signed by the person(s) empowered to act for or on behalf of the bidder (Schedule 1);
 - (iv) Signed Affidavit (Schedule 2);
 - (v) Price List (Schedule 3)
 - (vi) document confirming the authority of the person(s) to act for or on behalf of the bidder;
 - (vii) any other documents required by the Contracting Entity or PPA, such as reference list etc.

In its tender offer, the bidder is required to also include all documents demonstrating the qualifications listed in Section 9 of the TD. Tender offers not containing the documents or not filled all the fields or filled by not requested content, stated above will be deemed incomplete and the relevant bidder will be disqualified from the tendering procedure. This shall not be prejudicial to the right of the Contracting Entity to additionally require the qualification documents within the meaning of Section 46 of the PPA.

- e) Tender offers shall be delivered by the final tender date otherwise the Contracting Entity shall inform the bidder that his tender offer was delivered after the deadline for the submission of tender offers.

If the bidder submits its tender offer by hand, it shall receive a delivery receipt from the Contracting Entity containing the date and time of the receipt.

7 COLLATERAL

- a) In order to secure its obligations arising from its participation in the Tender procedure, the Bidder shall provide the Contracting Entity with a collateral payment (bid security) of EUR 10,000.
- b) The Bidder may pay the collateral in any of the methods described in Section 41 of the PPA, i.e., in the form of the deposit in a bank account of the Contracting Entity (bank transfer), in the form of a bank guarantee or in the form of guarantee insurance.
- c) If the collateral is paid by bank transfer, it shall be credited to the account of the Contracting Entity no later than one (1) day before the Tender Offer Submission Deadline to the following bank account of the Contracting Entity:

Bank: Československá obchodní banka, a.s.

Acct No. 2004280/0300

IBAN: CZ8803001712800017470543

SWIFT: CEKOCZPP

Acct Holder: NET4GAS, s.r.o.

Variable Symbol: registration number of the Tender in Tender Electronic Daily – CZ

A copy of the document confirming that the amount was deposited in the Contracting Entity bank account or that the payment order was made will be included in the Tender Offer.

- d) If the security is provided in the form of a bank guarantee or in the form of insurance guarantee, the validity must be ensured throughout the whole period of validity of the Tender Offer in accordance with Section 41(5) of the PPA (please refer to Section 9 of the TD). The original bank guarantee or insurance contract shall be included in the Tender Offer.
- e) If the security is provided in the form of a bank guarantee, an original letter of bank guarantee issued in favor of the Contracting Entity as the authorized creditor (recipient of the guarantee), from whose content it is clear that the bank will provide the Contracting Entity the benefit up to the guaranteed amount without delay and without objections after receiving the first call of the Contracting Entity based on the statement that the Bidder has been excluded from the Tender pursuant to Section 122(7) of the PPA or Section 124(2) of the PPA. The original bank guarantee shall be inserted into the Tender Offer.
- f) The bank guarantee shall be issued for the benefit of the Contracting Entity in accordance with Section 2029 and further of Act No. 89/2012 Sb., the Civil Code, as amended, in case of bank guarantee, and Section 2758 and further (in particular Section 2868), in case of guarantee insurance by a bank holding a long-term minimum rating BBB- by Standard & Poor's (Fitch) or Baa 3 by Moody's, or by a bank which will provide evidence of the existence of a controlling agreement or contract on profit transfer with a managing person holding a long term minimum rating BBB- by Standard & Poor's (Fitch) or Baa 3 by Moody's.
- g) The security provided by depositing the required amount in the bank account shall be remitted back to the Bidder within the statutory time limits, including accrued interest accounted for by the bank. If the security is provided in the form of a bank guarantee or guarantee insurance, the Contracting Entity shall release the security by returning the original guarantee deed or insurance contract to the Bidder.
- h) The Bidder shall provide an account number for the purpose of sending the collateral back to the Bidder.
- i) Security in the form of a bank guarantee must be submitted as part of the tender bid in the original, i.e. in the form of an electronically signed bank guarantee by a person

authorized to act on behalf of the bank or in the form of an electronic conversion of the original bank guarantee document.

8 QUALIFICATION OF BIDDERS AND FURTHER REQUIREMENTS

In its tender offer, the bidder shall demonstrate by the relevant documents (*to be written in italics*) that it meets the following qualification criteria:

8.1 Basic and Professional Qualification Criteria

The bidder shall demonstrate by the relevant documents (*to be written in italics*) that it meets the following basic and professional qualification criteria:

- (i.) excerpt from the Commercial Register or similar register – if the bidder is enrolled thereon (*copy of extract from the Commercial Register or similar register*);
- (ii.) it is not going through the liquidation procedure (*Affidavit*);
- (iii.) its assets are not (nor have been over the past three years) subject to any insolvency proceeding resulting in a decision on bankruptcy, no insolvency petition was rejected because its assets would not suffice to cover the costs of the insolvency proceeding, no bankruptcy was cancelled because of the entire insufficiency, and no forced administration was imposed under special laws (*Affidavit*).

The documents demonstrating the compliance with the basic qualification criteria and an extract from the Commercial Register may not be older than 90 calendar days as of the last day of the tender offer submission time limit.

8.2 Economic and Financial Qualification Criteria

The bidder shall demonstrate by the relevant documents (*to be written in italics*) that it meets the following economic and financial qualification criteria:

- (i.) it has a Failure Score not lower than 25 (*Dun & Bradstreet financial record*). The contracting entity will also accept financial records from Creditreform, Standard & Poors, Fitch and Moody's. Rating BBB- will be accepted from Standard & Poors and Fitch, at least Baa3 from Moody's, and rating 250 or better from Creditreform;
- (ii.) It has taken out insurance (a simple copy of a valid insurance policy or insurance certificate) applicable to the subject of the Tender and covering the Bidder, its subcontractors, the Contracting Entity and all other entities which may be affected by the Services (as defined in the respective Draft Contract) as follows:

Public liability insurance min. 20,000,000 Czech Crowns;

Professional liability insurance min. 20,000,000 Czech Crowns;

Alternatively, the Bidder may undertake to enter into an insurance contract covering the scope specified in Attachment 1 in the event its Tender Offer wins, by no later than the conclusion of the respective Draft Contract. A failure to conclude an insurance policy confirmed by an affidavit within the required time limit shall be deemed by the Contracting Entity to mean a failure of the Applicant to provide proper cooperation aimed at the conclusion of the contract within the meaning of Section 104(e) of the PPA.

8.3 Technical Qualification Criteria

By furnishing the relevant documents (*to be written in italics*), the bidder shall demonstrate that it meets the following technical qualification criteria:

- (i.) over the past five years, it has completed similar assignments - main inspection authority on a project with similar scope – a project covering the construction and commissioning of a gas regulation station or a metering station. The project must cover at Least civil works, Works in the technological scope of i) a process piping (piping station), ii) Electrical and Instrumentation Works with the value of at least EUR 30,000 (value of contract for providing inspection services) specifying the title, registered office and contact person of the customer, extent and financial scope of the assignment;

Note. To the Reference list shall be document as the attachment by the bidder:

(i) a certificate issued by the public contracting Entity, if the services were provided to the contracting Entity, or (ii) a certificate issued by another person, if the services were provided to a person other than the contracting Entity, or (iii) the contract with another person and evidence of the effected performance by the economic operator, if it is not simultaneously possible to obtain the certificate pursuant to Section 79(2)(b) and 79(5) PPA from such a person for reason on the part thereof.

- (ii.) it is a holder of the quality management systems certificate ISO 9001 in force and effect as of the tender offer submission date (copy of the ISO 9001 quality management systems certificate). The Contracting Entity shall accept equivalents rendered in an EU member state.
- (iii.) List of personnel below of the bidder included CV and certificates of education and professional qualification.

All supervisors have experiences with pipeline construction and knowledge of Czech Act No. 183/2006 Sb., as amended and that they meet the below defined technical and professional qualification criteria defined for each activity by using relevant documents (written in bold):

a) **CV inclusive references** proving, that SITE INSPECTOR MANAGER / TDI (two persons) has experiences with the implementation of inspection activities on a project with a similar focus and management of a team of inspectors, 5 years of inspection activities on gas pipelines and at least management of a team of inspectors on 2 projects with a similar focus.

b) **CV inclusive references** proving, that MECHANICAL SUPERVISOR (two persons) has experiences with the implementation of inspection activities on a project with a similar focus, Certificate RT Level 2 according EN ISO 9712

c) **CV inclusive copy or relevant certificate and references** proving, that EICT SUPERVISOR (two persons) / CIVIL SUPERVISOR (two persons) has experiences with the implementation of inspection activities on a project with a similar focus

d) **CV inclusive copy of relevant certificates** proving, that WELDING ENGINEERS are in possession of certificates pursuant to EWF/EOTC (European Welding Federation/ European Organization for Testing and Certification) and IIW (International Institute of Welding) directives

e) **CV inclusive copy of relevant certificates** proving, that NDT EXPERT and NDT PERSONNEL has a qualification for RT, UT, methods: Level 3 pursuant to SNT-TC-1A or pursuant to EN ISO 9712

f) **CV inclusive copy of relevant certificates and references** proving, that RGE revision technician operates within relevant scope (VHP) pursuant to the provisions of Regulation No. 21/1979 Coll. With minimum practice of: 5 years and REE revision technician operates pursuant to the provisions of Regulation No. 73/2010 Coll. with minimum practice of 5 years;

g) **CV inclusive copy of relevant certificates and references** proving, that AUTHORIZES ENGINEER is in possession of certificate about authorization by ČKAIT – Czech Chamber of Authorized Technicians in Civil Engineering pursuant to the provisions of Act No. 360/1992 Coll., on execution of job of authorized architects and on execution of job of authorized engineers and technicians active in civil engineering, as amended by Act No. 164/1993 Coll., Act No. 275/1994 Coll., and Act No. 224/2003 Coll. and Act No. 189/2008 Coll.

NOTE: For positions under letter a), b) and c) above shall be submitted two (2) CV's with required content, certificates etc due to two inspection crews according to projects – CS Jirkov and Hora Svaté Kateřiny. Services shall be provided by persons whose CV's will be submitted to prove technical qualification criteria above.

8.4 Further requirements

The winner bidder is further required to submit before conclusion of the framework contract in accordance with Section 122(3)(5) of the PPA:

- (i) Identification of the persons, who are the real owner of the bidder pursuant to the Act No. 253/2008 Coll., as amended,
- (ii) Documents which prove the relationship among persons mentioned above (i) and the bidder, especially:
 - 1. excerpt from the Commercial Register or similar register,
 - 2. list of shareholders,
 - 3. decision of the statutory body about paid out of the profit share,
 - 4. partnership agreement, memorandum or statutes.
- (iii) Originals or authorized copies of the documents proving fulfilling of qualification requirements.

In case the bidder provides the qualification gained abroad, qualification in joint venture, via subcontractors, the bidder shall follow Sections 81 – 84 of the PPA.

The Contracting Entity exclude the option of the bidder to prove the qualification only by Affidavit unless it is explicitly mentioned in the Tender Documentation.

9 VALIDITY OF TENDER OFFERS

The time limit during which the bidder is bound by its tender offer shall be 90 days and shall start as of the day following the day of expiration of the tender offer submission time limit (final tender date).

10 RESERVED RIGHTS OF CONTRACTING ENTITY

- a) The Contracting Entity reserves a right to cancel the contract awarding procedure at any time.
- b) The Contracting Entity further reserves a right to verify the correctness of the information submitted by the bidders when.
- c) The Contracting Entity reserves a right to require documents and information pursuant to Section 122(3)(5) of the PPA from the winner bidder before conclusion of the Contract.
- d) The Contracting Entity reserves a right not to order all services determined in the contract.

11 ADDRESSING CORRESPONDENCE AND ADDITIONAL INFORMATION

The bidder may seek additional information from the Contracting Entity concerning the TD and contracting terms. A request for tender documentation clarification pursuant to the Section 98(3) of the Act must be in writing, in Czech language and must be delivered to the Contracting Entity via the electronic tool TENDERARENA no later than 8 working days before the deadline for submission of Application / tender bids. Any explanation of TD will, as well as TD, be published on the profile of the Contracting Entity. If the nature of the additional information so requires, the Contracting Entity shall reasonably extend the bid submission time limit.

12 PRICE PROPOSAL AND EVALUATION CRITERIA

The tender offers shall be evaluated by the evaluation criterion of the economic advantageousness of the tender offer: a) EC 1 - Total price in EUR excl. VAT for activities provided by supervisors A defined below:

PART A

Item Number	Item Title	Quantity	Unit	Price / month in Euro	Item price in Euro
1	Inspection Manager	24	Man-Month		
2	Civil Supervisor	16	Man-Month		
3	EICT Supervisor	16	Man-Month		
4	Mechanical Supervisor	20	Man-Month		
Total in Euro:					Weight 90 %

b) EC 2 – Total price in EUR excl. VAT for activities provided by supervisors B defined below:

PART B Experts

Item Number	Item Title	Quantity	Unit	Price / month in Euro	Item price in Euro
1	Revision Technician	60	Man-Month		

2	NDT Inspectors Level 3 RT,UT	60	Man-Month		
3	Authorized engineer	20	Man-Month		
4	Inspection of material	80	Man-Month		
5	Welding engineer	20	Man-Month		
Total in Euro:					Weight 10 %

The weight of evaluation criterions shall be as follows:

EC 1 - Total price in EUR excl. VAT for activities provided by supervisors A -
90 per cent

EC 2 – Total price in EUR excl. VAT for activities provided by supervisors B – 10 per cent

EC 1:

For this numerically quantifiable criteria, for which the best tender offer has the minimum value of the criterion, i.e. the lowest Total tender offer price, the tender offer under evaluation shall obtain a number of points equal to the product of 90 (which is the weight of the criterion) and the ratio of the value of the best tender offer to the value of the tender offer under evaluation.

EC 2:

For this numerically quantifiable criteria, for which the best tender offer has the minimum value of the criterion, i.e. the lowest tender offer price, the tender offer under evaluation shall obtain a number of points equal to the product of 10 (which is the weight of the criterion) and the ratio of the value of the best tender offer to the value of the tender offer under evaluation.

When evaluating the tender offers, the evaluation committee shall use a points system from 0 to 100 points. Based on an evaluation criterion, each tender offer shall be assigned a number of points reflecting the success of the tender offer in the context of the evaluation criterion. The tender offer that will obtain the highest number of points shall be determined the best.

$EC\ 1 = A_{min} / A$

where

A_{min} means the lowest price of all prices in evaluated bids of all bidder indicated for the criterion EC 1 in the form attached as Schedule 2 to the TD – Price Form.

A means the price indicated in the evaluated bid of the particular bidder for the evaluation criterion EC 1 in the form attached as Schedule 2 to the TD – Price Form.

$EC\ 2 = B_{min} / B$

B_{min} means the lowest price of all prices in evaluated bids of all bidder indicated for the criterion EC 2 in the form attached as Schedule 2 to the TD – Price Form.

B means the price indicated in the evaluated bid of the particular bidder for the evaluation criterion EC 2 in the form attached as Schedule 2 to the TD – Price Form.

$CH = EC\ 1 * 90\ \% + EC\ 2 * 10\ \%$

CH means Overall evaluation of the bid

EC 1 means evaluation criterion "Total price in EUR excl. VAT for activities provided by supervisors A"

EC 2 means evaluation criterion "Total price in EUR excl. VAT for activities provided by supervisors B"

13 BUSINESS CONDITIONS

Binding business and payment terms are set out in Schedule 1 – Draft Contract to this TD.

Any amendment of the Schedule 1 – Draft Contract, except where marked by the Contracting Entity is not permitted and will disqualify the bidder from the tendering procedure.

Unit prices stated in Schedule 2 – Price List shall specified as the highest permissible. The unit price shall include all costs related to the contract fulfilment, such as base salaries, payroll additive costs, assignment costs (uplifts, home country storage costs), corporate office overhead including corporate officers not assigned to the Project, corporate office costs, corporate accounting and other functions (excluding Project assigned accounting personnel), etc.

The following items will be provided by the Contracting Entity (shall not be part of the offered price):

On-Site facilities including rent, maintenance and service, fitout, utilities;

On-Site Office Consumables (this does not include IT equipment).

14 SUB-CONTRACTING

If the bidder is unable to fully demonstrate that it fulfils the criteria required by the Contracting Entity and related to the economic, financial or technical qualification, or, as the case may be, related to a business license, a membership in a professional autonomous organization, or professional qualification, it may demonstrate the fulfilment of such criterion (to its missing extent) via a subcontractor. In such case, the bidder is required to provide the Contracting Entity with an agreement with a subcontractor, showing the subcontractor's obligation to pursue such activities that are designated for the performance of the public contract by the bidder or providing things or rights to the bidder allowing it to use them in the performance of the public contract, at least to the extent in which the subcontractor has demonstrated the fulfilment of the qualification criteria. At the same time, the bidder shall include a document demonstrating the fulfilment of the basic qualification criterion set out in Section 74(e) of the PPA (affidavit of the subcontractor confirming that it has not been in liquidation procedure) and of the professional qualification criterion pursuant to Section 77(1) of the PPA (copy of an excerpt from the Commercial or similar register, if the subcontractor is enrolled thereon) by the subcontractor. The bidder may not discharge the requirement concerning an extract from the Commercial Register via a subcontractor.

15 JOINT VENTURE

Where the subject of the tender is to be performed collectively by several suppliers who submit or intend to submit a joint bid for this purpose, each of the bidders shall demonstrate the fulfilment of the qualification to the full extent; this shall not apply to the economic, financial or technical qualification or business license, membership in professional autonomous chamber or other professional organization, or professional capacity, in respect of which it will suffice, if all the bidders demonstrate the fulfilment of this qualification together. Where the subject of the tender is to be performed by several suppliers, together with the documents demonstrating the fulfilment of the qualification criteria, the suppliers shall submit an agreement setting out

an obligation that vis-à-vis the Contracting Entity and any third parties from any legal relationships arising in connection with the contract, all these suppliers are bound jointly and severally for the entire duration of the contract and for the duration of any other obligations arising from the contract.

16 CONFIDENTIALITY AND PERSONAL DATA PROTECTION

The Contracting Entity shall keep confidential all information or documents submitted by the bidder. The Contracting Entity may use any information or documents submitted by the bidder to the extent it is necessary to proceed in accordance with the PPA.

The Contracting Entity processes personal data of the contractor in order to assess its bid in the procurement procedure in compliance with law. The processing for this purpose is necessary and is carried out upon the request of the contractor as the data subject.

The Contracting Entity in its capacity as administrator processes personal data of the data subject correctly and in the legitimate and transparent way only for the above-specified purpose on a need-to-know basis and for a time period essential to fulfill the purpose of the processing in the manner procuring the proper security of the data in accordance with the internal policies of the Contracting Authority.

A bid in the procurement procedure cannot be assessed without provision of personal data of the contractor. Failure to provide data to the required extent may result in exclusion of the contractor.

Personal data of the contractor can be processed by the Contracting Entity's advisors in their capacity as processors, whereas such processing shall be performed strictly for the purpose of the procurement procedure and in compliance with the law.

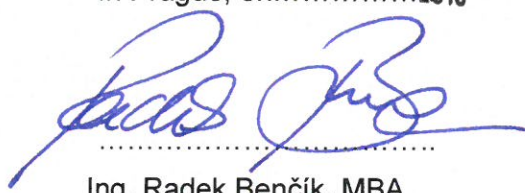
17 GOVERNING LAW AND PLACE OF JURISDICTION

The governing law of the tender shall be the law of the Czech Republic. The place of jurisdiction shall be the place where the Contracting Entity has its registered office.

On behalf of NET4GAS, s.r.o.


.....
Andreas Rau
Executive

In Prague, on.....21.11.2018


.....
Ing. Radek Benčík, MBA
Executive

Attachments:

- Schedule 1 – Draft Contract
- Schedule 2 – Template of the Affidavit
- Schedule 3 – Price List
- Schedule 4 - Instruction for the submission of application and tender bid in electronic form