



NET4GAS, s.r.o.  
Na Hřebenech II 1718/8, 140 21 Praha 4 – Nusle, IČO: 27260364

***Written Report of the Contracting Entity***

Recorded on August 30, 2019 for the tender "HP PIPELINE DN1400 CONSTRUCTION WORKS, NODE KATEŘINSKÝ POTOK - LINE VALVE STATION MALMĚŘICE (LOT I.) LINE VALVE STATION MALMĚŘICE – NODE PŘIMDA (LOT II.) ("CAPACITY4GAS" PROJECT)"\_Lot 1 and Lot 2, which was published in the Public Procurement Bulletin according to Section 3(d) of the Act No. 134/2016 Coll., on Public Procurement ("Public Procurement Act") on 14. 1. 2019 under reg. No. Z2019-001264 in negotiation procedure with publication.

**1. Identification of the Contracting Entity, the subject matter of the public tender and the contract price**

Company Name: **NET4GAS, s.r.o.**  
Address/Seat: Na Hřebenech II 1718/8, 140 21  
Registration No.: 27260364

Subject matter of the public tender:

- taking-over of the Site and the documentation provided by the Contracting Entity;
- preparation of the Detail Design of the Works, including all surveys necessary for the Detail Design and construction of the Works;
- mobilization and preparation of the Temporary Works;
- management (operation) of the pipe yards;
- preparation of the Site for the purposes of performance of the Works (including removal of existing structures and natural plants);
- taking-over and installation of the Contracting Entity's Plant and Materials;
- obtaining all required permits;
- construction of the Works;
- deliveries of Plant and Materials;
- construction management;
- coordination of works to be conducted by the Other Contracting Entity's Contractors necessary for the completion of the Pipeline and cooperating with the Contracting Entity

in the identification of defects of the works executed by the Contracting Entity's Contractors;

- health and safety management in accordance with Laws;
- communication with the relevant land owners and authorities with respect to rights of way until the hand over of the re-cultivated land plots to land owners and ensuring compliance with the ROW Requirements;
- fulfilment of the requirements specified in the Existing Authorities' Statements and New Authorities' Statements, including those requirements which are addressed to the investor (in Czech *investor*) or the constructor (in Czech *stavebník*) or similar;
- supply of Spare Parts;
- warehouse management;
- mechanical completion of the Works;
- pre-commissioning of the Works;
- commissioning of the Works;
- elaboration of as-built documentation and operation and maintenance manuals for the Works;
- obtaining the Trial Operation Permit for the Works on behalf of the Contracting Entity and assistance with the trial operation of the Works;
- obtaining the Final Operation Permit for the Works on behalf of the Contracting Entity;
- participating in the inspections and taking-over of the works executed by third-party contractors on Site and review their compliance and notify any discrepancies to the Contracting Entity;
- taking-over of the Works;
- demobilization and disposal of removed equipment and leftover material;
- removal of defects of the Works.

The scope of this Tender is divided into the following two lots:

#### Lot I

Description / Segment of Pipeline
The gas pipeline part between RU006 – DN Kateřinský potok and TU50S (or TU33S) - LVS Vrskmaň (or LVS Jirkov)
The gas pipeline part between TU50S (or TU33S) and TU51S – LVS Hrušovany
The gas pipeline part between TU51S and TU52S – LVS Sýrovce
The gas pipeline part between TU52S and TU53S – LVS Malměřice (Scrapper station)

## Lot II

The gas pipeline part between TU53S and TU40S – LVS Mladotice
The gas pipeline part between TU40S and TU41S – LVS Hubenov
The gas pipeline part between TU41S and TU42S – LVS Sviňomazy
The gas pipeline part between TU42S and TU48S – LVS Bor
The gas pipeline part between TU48S and RU005 – DN Přimda (Scraper Station)

The scope of the Tender also includes the delivery of all documents required for the proper use, operation and maintenance of the Works.

### Contract Price:

Lot I – 14 Month Scenario - 72.683.449,44 EUR excl. VAT  
12 Month Scenario - 76.753.722,60 EUR excl. VAT

Lot II – 14 Month Scenario - 79.257.431,00 EUR excl. VAT  
12 Month Scenario - 82.110.698,51 EUR excl. VAT

## 2. Form of the tender award procedure

Negotiation procedure with publication.

## 3. Identification data of the selected Bidder, grounds for the contract award

### Lot I

#### Bid No. 2:

#### Consortium

Company: **DENYS NV / METROSTAV, a.s., Division 8**  
Registered office: Industrieweg 124, 9032 Wondelgem, Belgium  
Reg. No.: 0416.585.801

#### Grounds for the contract award:

The Contracting Entity received six (6) Applications in time in accordance with the Tender Documentation. Applicant consortium OT Industries – KVV / OT Industries General Contracting / OT Industries Engineering / VABECO LLC / PROTON Construction did not prove to fulfil Technical qualification and was excluded from tender procedure (please see point 5). Five (5) Applicants (Bonatti S.p.A., Consortium - Spiecapag / EUROVIA CS, a.s., Consortium - DENYS NV / METROSTAV, a.s., Division 8, SICIM S.p.A., Consortium - Capacity4future – A.HAK INTERNATIONAL B.V. / A.HAK LEIDINGBOUW B.V. / PLC Services, a.s.) fulfilled all qualification requirements and were called to submit their preliminary tender offers. Applicant Bonatti S.p.A. informed the Contracting Entity that is not longer interested of the participation in the public tender and will not submit Preliminary tender offer. The Bidder Consortium - Spiecapag / EUROVIA CS, a.s. submitted its preliminary tender bid after the deadline for submission of preliminary tender bids. The Bidder Consortium - Spiecapag / EUROVIA CS, a.s. was informed about the late submission of its preliminary tender bid.

Preliminary tender bids of the Bidders (SICIM S.p.A., Consortium - Capacity4future – A.HAK INTERNATIONAL B.V. / A.HAK LEIDINGBOUW B.V. / PLC Services, a.s. and consortium DENYS NV / METROSTAV, a.s., Division 8 fulfilled the Contracting Entity's requirements and Bidders were invited to the negotiation meeting. Only one round of negotiation took place. After negotiation the Bidders were called to submit their final tender bids. The Contracting Entity received three (3) final tender bids. The Evaluation Committee evaluated the tender bids before its assessment according to section 39 of Public Procurement Act. The Evaluation Committee evaluated the tender bids of all Bidders according to the evaluation criterion stated in point 11 of the Tender Documentation. The most suitable bid according the result of evaluation was bid of the Bidder consortium DENYS NV / METROSTAV, a.s., Division 8. The Evaluation Committee evaluated the final tender bids in accordance with the Criterion of the economic advantageousness of the tender bid – Lowest Tender Offer Price – 65 %, Technical Quality – 35 %. Evaluation Committee recommended to conclude the Contract with the Bidder above whose Tender Offer was the most suitable.

## Lot II

### Bid No. 1:

Company: **SICIM S.p.A.**  
Registered office: Via Consolatice Superiore 96/98, 43011 Busseto (PR), Italy  
Reg. No.: 00143470342

### Grounds for the contract award:

The Contracting Entity received six (6) Applications in time in accordance with the Tender Documentation. Applicant consortium OT Industries – KVV / OT Industries General Contracting / OT Industries Engineering / VABECO LLC / PROTON Construction did not prove to fulfil Technical qualification and was excluded from tender procedure (please see point 5). Five (5) Applicants (Bonatti S.p.A., Consortium - Spiecapag / EUROVIA CS, a.s., Consortium - DENYS NV / METROSTAV, a.s., Division 8, SICIM S.p.A., Consortium - Capacity4future – A.HAK INTERNATIONAL B.V. / A.HAK LEIDINGBOUW B.V. / PLC Services, a.s.) fulfilled all qualification requirements and were called to submit their preliminary tender offers. Applicant Bonatti S.p.A. informed the Contracting Entity that is not longer interested of the participation in the public tender and will not submit Preliminary tender offer. The Bidder Consortium - Spiecapag / EUROVIA CS, a.s. submitted its preliminary tender bid after the deadline for submission of preliminary tender bids. The Bidder Consortium - Spiecapag / EUROVIA CS, a.s. was informed about the late submission of its preliminary tender bid. Preliminary tender bids of the Bidders (SICIM S.p.A., Consortium - Capacity4future – A.HAK INTERNATIONAL B.V. / A.HAK LEIDINGBOUW B.V. / PLC Services, a.s. and

consortium DENYS NV / METROSTAV, a.s., Division 8 fulfilled the Contracting Entity's requirements and Bidders were invited to the negotiation meeting. Only one round of negotiation took place. After negotiation the Bidders were called to submit their final tender bids. The Contracting Entity received three (3) final tender bids. The Evaluation Committee evaluated the tender bids before its assessment according to section 39 of Public Procurement Act. The Evaluation Committee evaluated the tender bids of all Bidders according to the evaluation criterion stated in point 11 of the Tender Documentation. The most suitable bid according the result of evaluation was bid of the Bidder SICIM, S.p.A. The Evaluation Committee evaluated the final tender bids in accordance with the Criterion of the economic advantageousness of the tender bid – Lowest Tender Offer Price – 65 %, Technical Quality – 35 %. Evaluation Committee recommended to conclude the Contract with the Bidder above whose Tender Offer was the most suitable.

#### 4. Identification of all Bidders and their bid price

##### Lot I

##### **Bid No. 1:**

Company: **SICIM S.p.A.**  
Registered office: Via Consolatico Superiore 96/98, 43011 Busseto (PR), Italy  
Reg. No.: 00143470342

Bid price: 14 Months Scenario - 61.469.832 EUR excl. VAT  
12 Months Scenario - 63.421.896,79 EUR excl. VAT  
Optional Items – 4.329.448 EUR excl. VAT  
Sum of reference set prices – 737.686,9 EUR excl. VAT  
Sum of Special prices under items 6.1, 6.2, 6.3, 6.3.1 – 326.667 EUR excl. VAT  
Special price under item 6.4 – 10.519.991 EUR excl. VAT

##### **Bid No. 2:**

Company: **Consortium**  
**DENYS NV / METROSTAV, a.s., Division 8**  
Registered office: Industrieweg 124, 9032 Wondelgem, Belgium  
Reg. No.: 0416.585.801

Bid price: 14 Month Scenario - 72.683.449,44 EUR excl. VAT  
12 Month Scenario - 76.753.722,60 EUR excl. VAT  
Optional Items – 1.691.620,28 EUR excl. VAT  
Sum of reference set prices – 576.985,5 EUR excl. VAT  
Sum of Special prices under items 6.1, 6.2, 6.3, 6.3.1 – 160.700 EUR excl. VAT  
Special price under item 6.4 – 7.708.790 EUR excl. VAT

##### **Bid No. 3:**

Company: **Consortium**  
**Capacity4future – A.HAK INTERNATIONAL B.V. / A.HAK LEIDINGBOUW B.V. / PLC Services, a.s.**  
Registered office: Steenoven 2-6, NL-4196 HG Tricht, Kingdom of the Netherlands  
Reg. No.: 11022559

Bid price: 14 Months Scenario - 74.474.347 EUR excl. VAT  
12 Months Scenario - 82.666.525,17 EUR excl. VAT  
Optional Items – 2.608.127 EUR excl. VAT  
Sum of reference set prices – 1.518.000,2 EUR excl. VAT  
Sum of Special prices under items 6.1, 6.2, 6.3, 6.3.1 – 2.683.794 EUR excl. VAT  
VAT  
Special price under item 6.4 – 1.234.002 EUR excl. VAT

## LOT II

### Bid No. 1:

Company: **SICIM S.p.A.**  
Registered office: Via Consolatino Superiore 96/98, 43011 Busseto (PR), Italy  
Reg. No.: 00143470342

Bid price: 14 Months Scenario - 79.257.431 EUR excl. VAT  
12 Months Scenario - 82.110.698,51 EUR excl. VAT  
Optional Items – 5.040.622 EUR excl. VAT  
Sum of reference set prices – 737.686,9 EUR excl. VAT  
Sum of Special prices under items 6.1, 6.2, 6.3, 6.3.1 – 326.667 EUR excl. VAT

### Bid No. 2:

Company: **Consortium DENYS NV / METROSTAV, a.s., Division 8**  
Registered office: Industrieweg 124, 9032 Wondelgem, Belgium  
Reg. No.: 0416.585.801

Bid price: 14 Months Scenario - 91.088.208,38 EUR excl. VAT  
12 Months Scenario - 96.098.059,84 EUR excl. VAT  
Optional Items – 1.616.235 EUR excl. VAT  
Sum of reference set prices – 576.985,5 EUR excl. VAT  
Sum of Special prices under items 6.1, 6.2, 6.3, 6.3.1 – 160.700 EUR excl. VAT

### Bid No. 3:

Company: **Consortium Capacity4future – A.HAK INTERNATIONAL B.V. / A.HAK LEIDINGBOUW B.V. / PLC Services, a.s.**  
Registered office: Steenoven 2-6, NL-4196 HG Tricht, Kingdom of the Netherlands  
Reg. No.: 11022559

Bid price: 14 Months Scenario - 91.921.738 EUR excl. VAT  
12 Months Scenario - 102.033.129,18 EUR excl. VAT  
Optional Items – 2.447.666 EUR excl. VAT  
Sum of reference set prices – 1.500.443,2 EUR excl. VAT  
Sum of Special prices under items 6.1, 6.2, 6.3, 6.3.1 – 2.683.794 EUR excl. VAT  
VAT

## 5. Identification of the excluded Bidders and grounds for the exclusion

*At the phase of assessment of Applications – Applicant Consortium OT Industries – KVV / OT Industries General Contracting / OT Industries Engineering / VABECCO LLC / PROTON Construction was excluded due to reasons below:*

*The evaluation committee has assessed the Application submitted by the Applicant in terms of its compliance with the requirements stipulated by the Public Procurement Act and the Tender*

Documentation. Within the assessment of the Application submitted by the Applicant, the evaluation committee ascertained that the Applicant did not prove technical qualification criteria in accordance with Section 4.4(a)(i) and (ii) of the Tender Documentation:

*“During the past six (6) years as of the publication of this Tender in the Official Journal of the EU, the Applicant executed (i.e. successfully completed, commissioned and handed over to its client) at least: (i) one project covering detail engineering, construction and commissioning of a pipeline with a minimum diameter of DN1000, a minimum design pressure of 63bar, and a minimum continuous (uninterrupted) length of 30 km, in the position of general contractor or as the member of a joint venture (i.e. in a position other than that of a subcontractor) and, (ii) one project covering detail engineering, construction and commissioning of pipeline with a minimum diameter of DN1000, a minimum design pressure of 63bar, and a minimum continuous (uninterrupted) length of 40 km, in the position of general contractor or as the member of a joint venture (i.e. in a position other than that of a subcontractor), which was constructed either with full automatic main line welding technology or with combination of semi-automatic main line welding technology of root pass and automatic/mechanized main line welding technology for fill and cap passes.”*

The Applicant submitted:

- Reference List contains two reference projects (customer: Földgázszállító Zártkörűen Működő Részvénytársaság Co, Ltd., project 1 – border Ukraine/Hungary – Hajduszoboszló, project 2 – Algyő – Városföld). The references contained both years 2013 (the date of completion of projects) and 2009 (year when readiness for gas in was reached). The evaluation committee requested the Applicant (in two requests for clarification – on March 14 and 23, 2019) to provide information when the risk of damage concerning the works was transferred to the customer and when the works were handed over to over the customer. The Applicant provided required documents in time.

The submitted documents for both projects (including the additionally submitted documents) refer to the following dates:

Readiness for gas in – May 2009

Date of technical handover to the customer – June 30, 2009 (for both projects)

Date of issuance of the official operational permit – March 30, 2010 (for project 2) and September 15, 2011 (for project 1)

Finalization of the rights-of-way procedure – December 30, 2013

Such timing of the projects is not in line with requirements under Section 4.4(a)(i) and (ii) of the Tender documentation as the crucial milestones (gas in, commissioning and handover) occurred before 2013, i.e. not during past six years. The finalization of the rights-of-way procedure cannot be considered as the successful completion, commissioning and hand over of the project. This is supported by the fact that the customer confirmed that the official trial operation permits were issued in 2010 and 2011 which is when the projects were already handed over to the customer.

Therefore, the evaluation committee concluded that the Application submitted by the Applicant failed to comply with the requirements stipulated by the Contracting Entity in the Tender Documentation.

Applicant Bonatti S.p.A. informed the Contracting Entity that is not longer interested of the participation in the public tender and will not submit the Preliminary tender offer.

The Bidder Consortium - Spiecapag / EUROVIA CS, a.s. submitted its preliminary tender bid after the deadline for submission of preliminary tender bids. The Bidder was informed about the late submission of its preliminary tender bid.

None Bidder was excluded from the tender procedure.

## **6. Grounds for the exclusion of the Bidders whose tender offer contained abnormally low tender offer price**

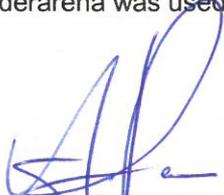
The Contracting Entity has not excluded any Bidder on the grounds of an abnormally low tender offer price.

**7. Grounds for the cancellation of certain Tender**

The Contracting Entity has not canceled the tender.

**8. Application of the different communication tools for the submission of the tender bids except the electronics tools**

Electronic tool Tenderarena was used.



.....  
Andreas Rau  
NET4GAS, s.r.o.  
Executive Director



.....  
Ing. Radek Benčík, MBA  
NET4GAS, s.r.o.  
Executive Director

04 -09- 2019

In Prague .....

