



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

Written Report of the Contracting Entity

Pursuant to Section 217 of Act No. 134/2016 Coll. on Public Procurement, as amended (hereinafter referred to as "PPA") under the "Construction Supervision on HP Pipeline DN 1400 Project" public contract.

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:

The scope of the tender was is providing the construction supervision on HP Pipeline DN 1400 Project, main required activities (hereinafter the "Services A", "Services B" or "Services") are listed below:

- Technical supervision of the builder in compliance with the provisions of Act No. 183/2006 Coll.
- Construction supervisions, inspection of compliance with the technological work procedures, project documentation and technical documentation.
- Activities in conformity assessment
- Expert activities

Contract Price:

No contact has been signed.

2. Form of the tender award procedure

Open procedure.

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

No bidder has been selected.

4. Identification of all bidders and their bid price

See point 4.

5. Identification of the excluded bidders and grounds for the exclusion

The bidder United Registrar Systems of Polska Sp. z o.o. has been excluded for the reasons stated below:

a) In accordance with Articles 7.1 and 13 of the tender documentation, the Contracting Entity requested an extract from the commercial register or a similar register (a copy of an extract from the commercial register or a similar register) of the Bidder and subcontractor, which is not older than 90 calendar days within the date of submission of the Bids (by 11th of July 2019). The Bidder provided the extract of the Commercial Register as of 23rd of January 2019, while the subcontractor of the Bidder, Conformity Assessment International LLC (the "subcontractor") provided the extract from the Commercial Register as of 16th of December 2015.

b) The contracting Entity requested a signed affidavit by the Bidder in order to fulfill the basic qualification criteria in accordance with Article 7.1 (i) and (ii) in the form of Annex 6 to the tender documentation, which the Bidder provided only through its subcontractor, not by itself.

c) Within the fulfillment of the requirements of Article 13 of the tender documentation, the Bidder provided a cooperation agreement between the Bidder and the subcontractor, which defined the duration of the contract in accordance with the CS Jirkov and BS HSK projects, which are not the subject of the Public Tender. Subject of the Public Tender is HP Pipeline DN 1400 Project.

d) The Bidder submitted the 'Omega gas LLC' project as a reference in demonstrating the qualification, in accordance with Article 7.3, point (i) of the tender documentation, but did not indicate the length of the pipeline, the OD and the scope of the project. Thus, the contracting Entity was not able to verify the minimum required length of 10 km, OD \geq 700 and whether the project covered the minimum extent in the form of works, work in the technological scope of i) pipeline construction and / or ii) process piping (pipeline station) and iii) electrical and instrumentation equipment. Furthermore, the Bidder did not attach to the reference in accordance with the above: (i) the certificate issued by the contracting Entity where the performance was provided to the contracting Entity, or (ii) the certificate issued by another person where the performance was provided to that person; a proof of performance by the economic operator, if it is not possible at the same time to obtain a certificate from the aforementioned persons pursuant to Section 79, para. b) and Section 79 (5) of the Act. The contracting Entity was thus not able to verify whether the Bidder had carried out the above reference and to the required extent.

(e) In the framework of the demonstration of qualification, in accordance with Article 7.3, point (ii) of the tender documentation, the Bidder referred to the projects "Socar Georgia Petroleum", "Neogas LLC" and "Petrocas Energy group LLC" without reference to their respective value in EUR. The contracting Entity was thus unable to verify the minimum reference amount of 3,000,000 EUR. Furthermore, the Bidder has not attached to the above references in accordance with point (i) above: (i) a certificate issued by the contracting Entity where the performance was provided to the contracting Entity, or (ii) a certificate issued by another person where the performance was provided to that person; person and proof of performance by the economic operator, if it is not possible at the same time to obtain a certificate

from the above mentioned persons under § 79 para. b) and Article 79 (5) of the Act. The contracting Entity was therefore not able to verify whether the Bidder made the above references and to the required extent.

f) The Bidder submitted the required certification in accordance with Article 7.3 (iii) of the tender documentation not in his own name, but under his parent company United Registrar of Systems LLC. At the same time, the Bidder did not provide a document, or statement in which the parent company of the Bidder United Registrar of Systems LLC would guarantee to provide the Bidder with resources to the minimum extent to which the Bidder demonstrated through the company the qualification criteria.

g) The Bidder did not identify the experts for Part B, including their CVs and certificates of education and professional qualifications, in accordance with Article 7.3, point (iv) of the tender documentation as part of a reference team. Thus, the contracting Entity was not able to verify that the Bidder had a qualified reference team for Part B in accordance with the above point.

The bidder Intertek, s.r.o. has been excluded for the reasons stated below:

In accordance with Article 6 of the tender documentation and Section 41 (1) of the Act, the Contracting Entity required a Security in the form of a bank guarantee or an amount transferred to the Contracting Entity's account in the amount of EUR 10,000 within the deadline for submission of the Bids. The Contracting Entity has set the deadline for submission of Bids at 11. 07. 2019, 10:30. The Bidder provided the Contracting Entity with a security in the form of a transfer to the Contracting Entity's account on 15 July 2019, ie. 4 days after the deadline for submission of the Bids. Thus, it did not comply with the aforementioned provision of the PPA by failing to provide a security within the time limit set for that purpose.

The bidder RTD QUALITY SERVICES s.r.o. below:

On 3 September 2019, the Bidder concluded a contract with the Contracting entity as part of the tender procedure "NDT Controls - HP Pipeline DN1400", published in the Public Procurement Bulletin on 9 May 2019 under the registration number F2019-015289. Because of the fact, that by definition of the subjects of above mentioned Tenders, the winning Bidder of the "Construction Supervision on HP Pipeline DN 1400 Project" will carry out construction supervision of the winning Bidder of the public contract "NDT Control - HP Pipeline DN1400" and also in accordance with Explanation No. 2 of the Tender documentation, this is a conflict of interest in pursuant to Section 44 of the Act. The Contracting entity therefore was obliged to exclude the Bidder 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 canceled the tender pursuant to the Section 127 (1) of the PPA.

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

Electronic tool Tenderarena was used.



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



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

In Prague **16 -09- 2019**