



TENDER DOCUMENTATION

for public procurement according to Act No. 134/2016 Coll., on the award of public contracts (hereinafter the "Act")

Project name: Development of a high-performance electric propulsion unit for general aviation aircraft according to CS-23

Project number: CZ.01.1.02/0.0/0.0/20_321/0023843

Title of the contract: Contractual consultancy within the framework of possible aviation certifications

Contracting authority: MGM COMPRO s.r.o.

Registered office: Růžová 307, Louky, 763 02 Zlín

ID number: 03093212

Type of public contract: above the limit for services

Type of procurement procedure: open

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Contracting authority profile: <https://www.e-zakazky.cz/profil-zadavatele/cf8657fc-a6e4-4ef1-9a40-2b517d57d550>

1 BASIC CONDITIONS OF THE TENDER PROCEDURE

1.1 Choice of type of tender

For the award of a public contract in the above-limit regime, the contracting authority used the type of award procedure for the above-limit regime, i.e. the open procedure pursuant to Section 56 et seq. of the Act. The contracting authority therefore proceeds in accordance with Part Four of the Act.

1.2 Definition of the subject of the public contract

1.2.1 The subject of the public contract is the provision of professional consulting and advisory services related to the aircraft platform for verification of functional prototype samples in real operation simulation (must be a twin-engine aircraft with engine power per 1 engine max. 400 kW) within the project "Development of high-performance electric power unit for general aviation aircraft according to CS-23".

1.2.2 Further details on the subject of the public contract are given in the binding text of the contract, which forms an annex to the tender documentation.

1.2.3 Classification of the subject of the public contract

Type	CPV code	Scope
Research and development consultancy	73000000-4	See the binding text of the contract



1.3 Inspection of the place of performance

Not used for tender documentation purposes.

1.4 Estimated value of the public contract

The estimated value of the public contract is EUR 250 000.

The estimated value of the public contract also represents the maximum and unsurpassable amount of the supplier's tender price. If the supplier states in the tender a higher tender price than the amount of EUR 250 000, such a tender will be automatically rejected and the supplier will be excluded from the tender procedure.

1.5 Place and deadline for submission of tenders

- 1.5.1 The tender will be submitted exclusively in electronic form through the electronic tool specified by the contracting authority, which is <https://www.e-zakazky.cz/profil-zadavatele/cf8657fc-a6e4-4ef1-9a40-2b517d57d550> , not later than **5/2/2022 at 10.00 am**. Other type of submission will not be considered proper.
- 1.5.2 To submit a tender electronically, it must be registered in the electronic tool by the supplier.
- 1.5.3 The deadline for submission of tenders begins on the day following the day of the commencement of the tender procedure, i.e. on the day following the dispatch of the notice of commencement of the tender procedure for publication.
- 1.5.4 The contracting authority is not responsible for the technical conditions on the part of the tenderer. The contracting authority recommends that tenderers take into account, in particular, the speed of their Internet connection when submitting a tender, so that it is submitted within the deadline for submission of tenders (submission of a tender means the final sending of the tender to the tool after uploading all attachments).
- 1.5.5 When awarding a public contract, both the contracting authority and the suppliers are obliged to exclusively use the electronic tool in accordance with Section 213 of the Act. All documents within the procurement procedure will be sent by the contracting authority through the accounts of the contracting authority and the tenderer in the electronic tool.

1.6 Opening of tenders

The contracting authority shall open the electronic tenders without undue delay after the deadline for submission of tenders. Due to the admissibility of submitting tenders only in electronic form, there will be no public opening of tenders.

When opening tenders in electronic form, the contracting authority shall check whether the tender was delivered within the specified period, whether it is authentic and whether the data message containing the tender was not manipulated before its opening.

1.7 Expected date of implementation of the subject of the public contract

The expected date of implementation of the subject of the public contract is stated in the binding text of the contract, which forms an annex to the tender documentation.

1.8 Place of implementation of the subject of the public contract

The place of implementation of the subject of the public contract is stated in the binding text of the contract, which forms an appendix to the tender documentation.

1.9 Tender variants

The contracting authority does not allow variants of tenders.



1.10 Security

The contracting authority does not require the provision of a security.

1.11 Tender period

The contracting authority sets a tender period of three months. The beginning of the tender period is the end of the deadline for submission of tenders.

2 QUALIFICATION CONDITIONS

2.1 Basic eligibility

2.1.1 The contracting authority requires proof of basic eligibility in accordance with Section 74 of the Act.

2.1.2 The supplier shall prove the fulfilment of the conditions of basic eligibility in relation to the Czech Republic by submitting the following documents:

- (i) Extract from the records of the Criminal Register in relation to Section 74 par. 1 let. a) of the Act;
- (ii) Confirmation of the relevant tax office in relation to Section 74 par. 1 let. b) of the Act;
- (iii) Written affidavit in relation to excise duty in relation to Section 74 par. 1 let. b) of the Act;
- (iv) Written affidavit in relation to Section 74 par. 1 let. c) of the Act;
- (v) Confirmation of the relevant regional Social Security Office in relation to Section 74 par. 1 let. d) of the Act;
- (vi) Extract from the Commercial Register, or by submitting a written affidavit in the event that the supplier is not registered in the Commercial Register, in relation to Section 74 par. 1 let. e) of the Act.

2.2 Professional competence

2.2.1 The contracting authority requires proof of professional competence pursuant to Section 77 par. 1 and 2 let. a), c) of the Act.

2.2.2 The supplier shall prove the fulfilment of professional competence pursuant to Section 77, Par. 1 of the Act in relation to the Czech Republic by submitting an extract from the Commercial Register or other similar records, if another legal regulation requires entry in such records.

2.2.3 The supplier proves the fulfilment of professional competence according to Section 77 par. 2 let. a) of the Act by submitting a certificate of authorisation to conduct business to the extent corresponding to the subject of the public contract (relevant trade license).

2.2.4 The supplier proves the fulfilment of professional competence according to Section 77 par. 2 let. c) of the Act by submitting the DOA/POA authorisation to ensure an appropriate design for the installation of the electric power unit, practical implementation and verification within the deadlines given in the project, i.e. by 31 May 2023.

2.2.5 The supplier proves the fulfilment of professional competence according to Section 77 par. 2 let. c) of the Act by submitting a document certifying that the DOA is an organization with privileges under 21.A.263 (c) (6) and 21.A.263 (c) (7), i.e. with the authority to approve the Flight Conditions and issue Permission to fly.



2.3 Common provisions on qualification

The contracting authority refers the supplier to the provisions of the Act on Qualifications for the Over-Limit Regime (Sections 73 to 88 of the Act), and in this connection draws attention to the following facts:

- (i) Proof of qualification obtained abroad (Section 81 of the Act) - **If the qualification was obtained abroad, it is proved by documents issued in accordance with the legal order of the country in which it was obtained, to the extent required by the contracting authority.**
- (ii) Qualification in the case of joint participation of suppliers (Section 82 of the Act), whereby the contracting authority requires that, in the case of joint participation of suppliers in the tender, they must document the distribution of their responsibility for the performance of the public contract; the contracting authority requires that all suppliers submitting a joint tender be held jointly and severally liable.
- (iii) Proof of qualification through other persons (Section 83 of the Act).
- (iv) Documents proving basic eligibility according to Section 74 of the Act and professional competence according to Section 77 par. 1 of the Act must prove the fulfilment of the required eligibility criterion no later than 3 months before the date of commencement of the tender procedure (Section 86 (5) of the Act).
- (v) Changes in the qualification of the tenderer (Section 88 of the Act).
- (vi) If the supplier submits an extract from the list of qualified suppliers to the contracting authority, this statement replaces the document proving a) professional eligibility according to Section 77 of the Act to the extent that the data in the extract from the list of qualified suppliers prove compliance with professional qualification criteria, and b) basic eligibility pursuant to Section 74 of the Act (Sec. 226 et seq. of the Act).
- (vii) A supplier who does not fulfil the qualification to the required extent or does not fulfil the obligation stipulated in Section 88 of the Act will be excluded from the tender procedure by the contracting authority. The contracting authority shall immediately notify the supplier in writing of its decision to exclude him from participation in the procurement procedure, stating the reason.

3 EVALUATION OF TENDERS

3.1 The basic evaluation criterion is the economic profitability of the tender.

The contracting authority will evaluate the economic profitability of the bids according to the lowest bid price according to Sec. 114 par. 2 of the Act.

3.2 The evaluation criterion of the lowest bid price will be evaluated according to the price in the amount without VAT stated by the bidder in the bid sheet.

3.3 The bid price represents the price for the provision of all advisory and consulting services that are the subject of the public contract specified in more detail in Article 1.2 of the tender documentation and in Article 1.1 of the binding text of the contract, which forms an annex to the tender documentation.



4 CONDITIONS OF ESTABLISHMENT AND SUBMISSION OF TENDERS

4.1 Form, method, place and deadline for submission of tenders

- 4.1.1 Tenders are submitted electronically in accordance with Article 1.5 of the tender documentation, while the recommended content and method of division of the tender is given in Article 4.5 of the tender documentation.
- 4.1.2 Tenders must be delivered to the contracting authority within the deadline for submission of tenders specified in the notice of commencement of the tender procedure and Article 1.5.1 of the tender documentation.

4.2 Business conditions

- 4.2.1 The business conditions for the implementation of the subject of the public contract are set out in the binding text of the contract, which forms an annex to the tender documentation.
- 4.2.2 The relevant binding text of the contract shall be supplemented by the supplier only with the required data marked with [•], with attached Annex No. 1 - Specification of provided services, with completed and attached Annex No. 2 – Certification (approval) and with completed and attached Annex No. 3 - Implementation team, and the documents shall be dated and signed by persons having the right to act on behalf of the supplier.

By adding the above data and inserting the relevant binding text of the contract into the tender and delivering it to the contracting authority, the relevant binding text of the contract will become the relevant draft contract (hereinafter "**draft contract**").

- 4.2.3 In the event that the supplier does not fill in all the required data, or the relevant binding text of the contract will otherwise be changed or modified in contravention of the above, the tender will not be evaluated by the contracting authority and the supplier will be excluded from the tender procedure by the contracting authority.
- 4.2.4 The supplier agrees to the publication of all details of the future contractual relationship.

4.3 Conditions under which the tender price may be exceeded

The contracting authority does not allow the tender price to be exceeded, except for changes in value added tax rates.

4.4 Recommended way of processing the tender

- 4.4.1 The tender shall be submitted by the supplier in the Czech language or English language.
- 4.4.2 The supplier shall submit the tender in an electronic version (MS WORD, PDF, MS EXCEL), in accordance with Article 1.5 of the tender documentation.
- 4.4.3 The supplier shall also submit the draft contract in the MS WORD format.
- 4.4.4 All documents submitted in the tender, which require the signature of the supplier, must be signed by a person who has the right to act on behalf of the supplier. This person, in addition to the statutory body of the supplier, or the supplier as a natural person, may also be a procurer or another person authorised by a power of attorney to represent the supplier in a public tender. Such power of attorney must be included in the bid.

4.5 Recommended content and method of division of the tender bid

The tender shall contain the following documents and shall be compiled in the following order:



4.5.1 Tender sheet

To process the tender form, the supplier will use the attached form - "*Tender sheet*", which is given in the annex to the tender documentation.

4.5.2 Content of the tender

To process the content of the tender, the supplier will use the attached form - "*Content of the tender*", which is given in the annex to the tender documentation.

4.5.3 Draft contract

To prepare the draft contract, the supplier will use the attached binding text of the contract, which is given in the annex to the tender documentation.

4.5.4 Evidence of qualification

See Article 2 of the tender documentation.

4.5.5 Power of attorney for representing the supplier in the public contract

In the event that the supplier has granted a power of attorney to represent the supplier in a public contract, he shall attach this power of attorney. The supplier may use the attached form - "*Power of Attorney*", which is given in the annex to the tender documentation.

4.5.6 Other documents included in the tender

In the event that the supplier inserts other documents into the tender, which are not listed above, he shall provide these documents at the end of the tender bid.

5 OTHER INFORMATION FOR SUPPLIERS

- 5.1 The contracting authority notifies the supplier of the right to request an explanation of the tender documentation from the contracting authority pursuant to Section 98 of the Act. Requests for explanation of the tender documentation are sent to the contact person of the contracting authority, via a message in the electronic tool or by e-mail.
- 5.2 The contracting authority notifies the supplier of the contracting authority's right to change or supplement the tender documentation before the deadline for submission of tenders, in accordance with Section 99 of the Act.
- 5.3 The contracting authority draws the attention of suppliers who are Czech joint-stock companies to the obligation to have exclusively book-entry shares issued. Failure to comply with this obligation is sanctioned under conditions of Section 48 par. 7 and par. 9 of the Act by exclusion from the tender procedure.
- 5.4 If the selected supplier is a legal entity, the contracting authority shall ascertain the data on its beneficial owner pursuant to the Act on Certain Measures against Money Laundering and Terrorist Financing (hereinafter "**beneficial owner**") from the records of beneficial owners pursuant to the law governing public registers of legal and natural persons. If it is not possible to find out the information about the beneficial owner in accordance with the above procedure, the contracting authority will invite the selected supplier to communicate the information about the beneficial owner pursuant to Section 122, par. 5 of the Act.
- 5.5 In accordance with Section 122, paragraph 3 of the Act, the selected supplier will be obliged to provide the original or officially certified copies of documents that have already proved their qualifications. If the supplier does not submit the originals or officially certified copies of the



documents of his qualification, this will be considered by the contracting authority as non-cooperation and will be a reason for exclusion of the supplier from the procurement procedure.

- 5.6 The contracting authority has the right to verify the facts declared by the supplier in the tender in accordance with Section 39, paragraph 5 of the Act.
- 5.7 In the event that the tender documentation contains a direct or indirect reference to certain suppliers or products or patents for inventions, utility models, industrial designs, trademarks or designations of origin, the contracting authority in accordance with Section 89, paragraph 6 of the Act allows equivalent or better solutions for the public tender.
- 5.8 In accordance with Section 105 of the Act, the contracting authority requires the supplier to specify in its tender the parts of the contract which it intends to award to one or more subcontractors.
- 5.9 A supplier who has submitted a tender in a procurement procedure may not at the same time be a subcontractor through whom another supplier also proves qualifications in that procurement procedure.
- 5.10 Tenders are not returned to suppliers and remain with the contracting authority as part of the tender documentation.
- 5.11 The costs associated with participation in the procurement procedure are borne by each supplier.

6 APPENDICES TO THE TENDER DOCUMENTATION

- Binding text of Services Agreement
- Sample form "*Tender list*"
- Sample form "*Content of the tender*"
- Sample form "*Power of Attorney*"

Dated 3/31/2022

On behalf of MGM COMPRO s.r.o.:

Name: Martin Dvorský

Title: Managing Director

Signature: _____