



## CALL FOR PARTICIPATION IN A PRELIMINARY MARKET CONSULTATION

Povodí Vltavy, státní podnik, with registered offices at Holečkova 3178/8, Smíchov, 150 00 Prague 5 (hereinafter the “Contracting Authority”) invites you to take part in the preliminary market consultation held pursuant to Sec. 33 of Act no. 134/2016 Coll, on Public Procurement, as amended (hereinafter, the “Act”), in order to obtain information relevant to the preparation of the tender conditions and to inform potential contractors of the intent and requirements for the award of a public contract with the working title

### “VD Orlík – Modernisation of the leisure boat lift”

For the avoidance of doubt, the Contracting Authority states that this call is related solely to the participation on a preliminary market consultation pursuant to Sec. 33 of the Act. It is not an invitation to express preliminary interest as laid down by Sec. 58 (2) and (5) or Sec. 129 (4) of the Act, nor is it an invitation to tender.

#### 1. Name and address of the Contracting Authority

Contracting Authority: Povodí Vltavy, státní podnik  
with registered offices at: Holečkova 3178/8, Smíchov, 150 00 Prague 5  
statutory authority: Petr Kubala, General Director  
represented by: Tomáš Havlíček, Investment Director  
ID: 70889953  
data postbox: gg4t8hf

#### 2. Contact for additional information:

Ms. Jitka Wernerová  
E-mail: [jitka.wernerova@pvl.cz](mailto:jitka.wernerova@pvl.cz)

#### 3. Definition of the objective and expected subject of the public contract:

The objective of the public contract is the modernisation of the leisure boat lift in the Orlík Waterworks.

The expected subject of the public contract is laid down with the background documentation for the market consultation included in Annex 1 hereto. The Contracting Authority points out that the expected subject of the public contract may change on the basis of the results of the preliminary market consultation.

**4. Place of performance and estimated duration of the public contract:**

**Place of performance:**

The Orlik Waterworks, in particular, the dam.

**Estimated implementation time of the public contract:**

The Contracting Authority intends to implement the subject of the public contract by 30/4/2018. The concrete duration, however, is a subject of the preliminary market consultation.

**5. Estimated value of the public contract:**

The estimated value will be determined taking into account the results of the preliminary market consultation.

**6. Condition to take part in the preliminary market consultation:**

The consultation is open to a wider range of relevant contractors.

To take part, they must demonstrate that over the past ten years before 8<sup>th</sup> June 2017 they have implemented the following:

- a) at least one reference project the subject of which was the execution of a boat lift or cableway with a minimum investment cost of 10 million CZK, excluding VAT, or
- b) at least one reference project the subject of which was the project documentation for the execution of a boat lift or cableway with a minimum investment cost of 10 million CZK, excluding VAT, on the condition that the execution of the boat lift or the cableway was carried out on the basis of said documentation.

For the avoidance of doubt, the Contracting Authority states that the condition for participation will be sufficiently complied with if a contractor can demonstrate experience with the execution of only one of the reference projects listed above.

Execution of a boat lift or a cableway means the construction, reconstruction, modernization or repairs thereof.

The execution time of the reference project over the past ten years before 8<sup>th</sup> June 2017 shall be considered fulfilled if all the activities meeting the definition of the reference project under par. a) or b) of this point have been completed during this period. In the case of a reference project according to par. b) above, the project works as well as the subsequent execution of the boat lift or cableway must be completed within the aforementioned period.

In the event that the activities meeting the definition of a reference project were part of a larger contract, it will be enough if they were completed in the aforementioned period, even if the contract as a whole is not (e.g. the execution of a boat lift as part of a contract the subject of which is the construction of waterworks). In the event that the activities meeting the definition of a reference project were part of a larger contract, only the value/investment costs of the boat lift or cableway will be relevant to the assessment of the fulfilment of the conditions to take part in the preliminary market consultation and not the total price of the larger contract.

The contractor shall demonstrate their compliance with the condition to take part in the preliminary market consultation submitting by 8<sup>th</sup> June 2017 a written declaration with a list of the reference projects completed over the past ten years. Contractors are required to submit the

written declaration with the list of reference projects together with the application to the preliminary market consultation within the deadline set in point 8 herein.

The list of completed reference projects shall identify the reference projects that are proof of compliance with the condition for participation, indicating at least the subject of the projects, the amount of the investment costs, the date of implementation, the identification details of the client and the contact details of a person with whom the Contracting Authority may check the veracity of the information.

For the purpose of proof of compliance with the condition to take part in the preliminary market consultation, contractors may use the list of completed reference projects included in the application to the preliminary market consultation included in Annex 2 hereto

If the information on the list of completed reference projects is not true or if the Contracting Authority is unable to check the veracity thereof for reasons ascribable to the contractor, the contractor will not be allowed to take part in the meeting and the further course of the preliminary market consultation. The Contracting Authority shall notify such contractor of this fact at least 5 calendar days before the date of the meeting. The notification will be sent to the e-mail address included in the application.

For the avoidance of doubt, the Contracting Authority states that the condition to take part in the preliminary market consultation is in now way related to the requirement of the Contracting Authority for proof of qualifications, which will be laid down in the tender proceedings for the public contract.

#### **7. Definition of the purpose and subject of the preliminary market consultation:**

The purpose of the preliminary market consultation is to acquaint potential contractors with the intent of the public contract and to obtain all the necessary information to appropriately and objectively determine the conditions of the tender for the public contract. The intention of the Contracting Authority is that the conditions of the tender for the public contract reflect to the utmost extent the needs of the Contracting Authority and that they be laid down in compliance with the law, and the Contracting Authority aims to avoid potential risks in the awarding of the public contract and the subsequent performance thereof.

The subject of the preliminary market consultation is the identification of the possible technical solutions of the public contract and to discuss other questions, especially technical, related to the future performance. In the preliminary market consultation, the following main areas of the tender for the public contract will be consulted with the contractors:

- a) **Technical solution to achieve the functionality required by the Contracting Authority:** the feasibility of the subject of the public contract with the modernisation of the existing boat lift or by other means different to the current solution;
- b) **The need of construction works:** the need or suitability of related construction works as part of the subject of the public contract;
- c) **Steel turntable:** a new steel turntable of the machine room with the existing, albeit modernised concept, or the proposal of a new technical solution;
- d) **Service and service costs:** the need or suitability to broaden the subject of the public contract with the provision of service and maintenance by a selected contractor and the possible assessment of the price of the service or the assessment of the life cycle costs as part of the public contract;

- e) **Solutions by contractors:** the acceptability of granting an exclusive license for the project documentation and the solution proposed by a selected contractor so that the Contracting Authority may use the facility, either himself or through a third party, to provide maintenance, service and repairs once the contract has expired.
- f) **Assessment and possible inputs of the Contracting Authority to the proposed technical solution during the preparation of the project documentation:** the manner and scope of the presentations of the proposed technical solution of a selected contractor and the observations of the Contracting Authority with the possible inclusion of observations agreed on by both parties.
- g) **Period of implementation:** the time necessary to implement the subject of the public contract depending on the concrete technical solution and in connection with the boating season;
- h) **Estimated value of the public contract:** its amount in connection to the concrete solution.

## 8. Deadline and application to the preliminary market consultation

The contractors shall send the filled and signed application to the preliminary market consultation as set out in Annex 2 hereto to the e-mail address of the Contracting Authority: [jitka.wernerova@pvl.cz](mailto:jitka.wernerova@pvl.cz), no later than at 10 AM of 8<sup>th</sup> June 2017.

Along with the aforementioned application, the contractors shall enclose the information related to the proof of compliance with the condition to take part in the preliminary market consultation as set forth by point 6 herein.

The contractors that send their application later will not be invited to take part in the preliminary market consultation, unless the Contracting Authority resolves otherwise. In such case, the Contracting Authority will act in accordance with Sec. 6 of the Act.

## 9. The language of the preliminary market consultation

It is in the interest of the Contracting Authority that the broadest range of contractors take part in the preliminary market consultation, including foreign contractors, and has therefore prepared the call for participation in the preliminary market consultation, including Annex 1 hereto, both in Czech and English.

**However, the Contracting Authority points out that all the communications (written and oral) during the preliminary market consultation will be in Czech or Slovak. All other information and documents (including the questionnaire under point 10 herein) will be provided only in Czech and all acts and communications on the part of the contractors shall be conducted in Czech or Slovak.**

For the avoidance of doubt, the Contracting Authority states that both the application to the preliminary market consultation and the questionnaire under point 10 herein must be filled in Czech or Slovak. The Contracting Authority draws attention to the saving clause under point 13 herein, on the basis of which contractors' documentation and observations drafted in any other language than Czech or Slovak shall be disregarded. The Contracting Authority therefore asks the foreign contractors to procure Czech or Slovak translations in order to take part in the preliminary market consultation.

The meeting in the course of the preliminary market consultation under point 11 herein shall be conducted in Czech or Slovak. The Contracting Authority will allow the representatives of non-Czech (or non-Slovak) speaking contractors the presence of one translator per contractor.

## **10. Expected course and schedule of the preliminary market consultation**

The consultation will involve a meeting between the Contracting Authority and the representatives of the contractors who submitted the application and the proof of compliance with the condition to take part in the preliminary market consultation as set out by point 6 herein and their subsequent statements regarding the intention/questions of the Contracting Authority.

The contractors have until 10 AM of 8<sup>th</sup> June 2017 to submit their applications to the preliminary market consultation.

The meeting will be held on 19<sup>th</sup> June 2017, from 10 AM, unless the Contracting Authority resolves to change the date, about which the contractors shall be informed as set forth herein.

The meeting will include a tour of the facility at the site of the performance of the public contract. During the tour, contractors' questions will not be answered, unless their nature so demands. In such case, the questions and the answers of the Contracting Authority will be recorded. Any other question raised during the tour will be answered later, in the next part of the meeting, or in writing. The Contracting Authority assumes that no image or sound recording will be procured during the tour.

A joint meeting of the Contracting Authority with the contractors will take place immediately after the tour of the facility, whereby the Contracting Authority will present the purpose of the public contract and will acquaint the representatives of the contractors with the subject thereof, which is drafted with the background documentation for market consultation included in Annex 1 hereto.

A possible discussion regarding the aforementioned areas of the tender or the tour of the facility will take place afterwards. The Contracting Authority will answer the questions of the representatives of the contractors either on site (in which case question and answer will be recorded) or later in writing.

The Contracting Authority expects this meeting to last approximately 3 hours, of which 1 hour will be the tour of the facility.

The Contracting Authority expects that questionnaires for the public contract will be prepared and sent to the contractors within 14 calendar days after the date of the meeting. Through the questionnaires, the contractors taking part in the preliminary market consultation will be allowed to comment on the intention of the Contracting Authority, and this information will serve as the basis to process the results of the preliminary market consultation. The Contracting Authority will set the deadline to deliver the filled-in questionnaires within at least 14 calendar days after the contractors' receipt thereof. The Contracting Authority also expects to complete the assessment and issue the final report on the results of the preliminary market consultation within 1 month after the deadline to deliver the filled-in questionnaires.

## **11. Place and date of the meeting**

### **Place:**

Orlík waterworks The meeting of the representatives of the contractors and the Contracting Authority will take place at the coordinates 49.6058181N, 14.1844506E.

### **Date:**

19<sup>th</sup> June 2017 from 10 AM. Should the date of the meeting change, the Contracting Authority will give notice of the fact no later than 7 calendar days before the original date. The notification will be sent to the e-mail address included in the application. The notice will not be sent to those contractors who have notified the Contracting Authority that they will not take part in the meeting and the further course of the preliminary market consultation in accordance herewith.

## **12. Conditions for the participation representatives of the contractor at the meeting**

The meeting may be attended by no more than 5 people on behalf of each contractor. Should non-Czech (or non-Slovak) speakers be present, the meeting may be attended by one translator per contractor in addition to the aforementioned limit.

In the event a contractor is not represented by a statutory authority, at least one of the persons attending the meeting on behalf of said contractor shall produce a power of attorney signed by the statutory authority of the contractor, otherwise, the persons attending the meeting on behalf of such contractor will not be allowed in.

## **13. Contracting Authority's reservations**

The Contracting Authority reserves the right to not allow a contractor to take part in the meeting and the further course of the preliminary market consultation. The Contracting Authority will notify such contractor of this fact at least 7 calendar days before the date of the meeting. The notification will be sent to the e-mail address included in the application.

The Contracting Authority reserves the right to disregard contractors' documentation and observations in any language other than Czech or Slovak.

The Contracting Authority reserves the right to record the course of the preliminary market consultation in writing or in video or audio, or to summarise the main elements of the communication. Upon their signature of the attendance list, the persons attending the meeting grant their consent to the processing of personal information and recordings.

Pursuant to Sec. 36 (4) of the Act, the Contracting Authority reserves the right to identify in procurement documents the persons who took part in the preliminary market consultation and to cite all the relevant information that was part thereof.

The Contracting Authority expects that the preliminary market consultation will include one meeting with the contractors and the subsequent pronouncement of those contractors regarding the intent/questions of the Contracting Authority through a questionnaire in the manner and time as set forth by points 10 and 11 herein. However, the Contracting Authority reserves the right to hold another meeting or to take other actions involving the communication with contractors.

The Contracting Authority reserves the right to require the contractors complement or explain the information they submitted.

The Contracting Authority reserves the right to terminate the preliminary market consultation without having processed the results, without any reason given, as well as the right to assess the results thereof at his own discretion.

The contractors shall bear the costs associated with their participation in the preliminary market consultation and the Contracting Authority is under no obligation to participate in their payment.

**Povodí Vltavy,**  
státní podnik  
Holečkova 3178/8  
150 00 Praha 5 - Smíchov  
®



  
Tomáš Havlíček  
Director of Investment Section

Annexes:

1. Background documentation for market consultation
2. Application to participate in the preliminary market consultation (only in Czech)