

# Qualification System – Purchase of MV and LV cables

## Rules of the Qualification System

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## I. Definitions of Terms & Abbreviations

<b>Supplier</b>	Supplier (economic operator) means any person or joint group of persons that offer provision of supplies, provision of services or execution of construction works. A branch of a business shall also be considered a Supplier; in such a case, the registered office of the branch of a business shall be deemed to be the registered office of the Supplier.
<b>Categories</b>	mean the cable categories defined in the Special Part.
<b>E-ZAK</b>	is a certified electronic tool within the meaning of Section 213 of the Public Procurement Act (PPA), used by the Contracting Authority for the award of public contracts, in particular for the receipt of indicative tenders/tenders from Suppliers, as well as for the administration of the entire Qualification System in all of its phases.
<b>NPwP</b>	Negotiated procedure with publication within the meaning of Section 60 - Section 62 of PPA.
<b>General Part</b>	refers to the general objective rules established by the Contracting Authority for the operation of the Qualification System and general objective rules and grounds for the inclusion of Suppliers in, or their exclusion from, the Qualification System, as well as the rules governing its operation and period of validity, within the meaning of Section 165(2) of PPA.
<b>Public Sector Contract</b>	means a public contract awarded by a contracting authority in the performance of a relevant activity or by the other person subject to the conditions set out in Section 151 of PPA.
<b>Qualification System (QS)</b>	A tool of the Contracting Authority within the meaning of Section 165 et seq. of PPA, which enables, for the public sector contracts, the establishment of a list of Suppliers which meet the requirements determined in advance by the Contracting Authority and may be invited by the Contracting Authority to submit indicative tenders/tenders corresponding to the categories specified by the Contracting Authority in the General Part and the Special Part.
<b>TED</b>	Tenders Electronic Daily is an electronic information system and the European public procurement database.
<b>UOHS</b>	The Office for the Protection of Competition, the authority exercising supervision over the award of public contracts and compliance with the rules set out in the Public Procurement Act (Section 248 of PPA) in the Czech Republic.
<b>RP</b>	Restricted procedure within the meaning of Sections 58 & 59 of PPA.
<b>Journal of Public Contracts</b>	For the purposes of the Public Procurement Act, the Journal of Public Contracts is a part of the Public Procurement Information System used for the publication of information on procurement procedures and public contracts at the national level (within the meaning of Section 225 of PPA).

<b>Contracting Authority</b>	EG.D, s.r.o., with registered office at Lidická 1873/36, Černá Pole, 602 00 Brno, Company ID No. 21055050, registered in the Commercial Register maintained by the Regional Court in Brno under File No. C 142374, acting in the capacity of a central purchasing body pursuant to Section 9 of PPA.
<b>Other Person pursuant to Section 83 of PPA</b>	A person through which the Supplier may prove qualification for a specific part of a public contract, or which is to provide the Supplier with certain assets or rights for the performance of the public contract.
<b>Subcontractor pursuant to Section 85 of PPA</b>	refers to the person through which the Supplier intends to perform certain part of the subject-matter of the public contract or which should provide the Supplier with certain objects or rights necessary for the fulfilment of the subject-matter of the public contract.
<b>Authorizing Contracting Authority/Authorities</b>	Delgaz Grid S.A., Registration No. RO 10976687, with registered office at B-dul Pandurilor No. 42, 700014 Târgu Mureş, registered with the Mureş Trade Register under Registration No. J26/326/2000.
<b>PP</b>	Procurement procedure (as defined in Section 3 of PPA).
<b>Special Part</b>	Specific qualification terms and conditions and requirements of the Contracting Authority for the Supplier for each category of the Qualification System.
<b>PPA</b>	Act No. 134/2016 Coll. to regulate procurement procedure, Procurement Procedure Act, as amended.
<b>Authorized person</b>	means a person entitled to act on behalf of (e.g., according to a copy of an entry in the Commercial Register) or for the Supplier (e.g., based on a granted power of attorney).

## II. Introduction

The current version of the Rules for the Qualification System established by the Contracting Authority is freely accessible via an unlimited remote access on the profile of the Contracting Authority in the electronic tool E-ZAK.

The Contracting Authority will maintain an internal written list of Suppliers admitted to the Qualification System for the relevant categories. This list will be maintained solely for the purposes of the Contracting Authority and the operation of the Qualification System and will not be publicly available.

The Qualification System serves as a tool enabling more flexible awarding and execution of the public sector contracts, primarily by allowing the qualification verification phase to take place outside the specific procurement procedures themselves. **As soon as the Contracting Authority decides to award a public contract for which the Qualification System has been established, only those Suppliers who are included in the Qualification System in the category corresponding to the relevant public contract or its part will be invited to submit indicative tenders/tenders.** Through the Qualification System, the Contracting Authority is entitled to submit the invitation to tender under the restricted procedure (RP) or indicative tenders under the negotiated procedure with publication (NPwP) to all Suppliers admitted to the Qualification System.

As of the date of establishment of the Qualification System, the group of contracting authorities for which centralized procurement is carried out consists of the Contracting Authority and the Authorizing Contracting Authority. During the period of validity of the Qualification System, this group of contracting authorities may be expanded to include another company or companies with registered offices in the EU and belonging to the E.ON Group, the controlling entity of which is E.ON SE, with registered office at Brüsseler Platz 1, 45131 Essen, Germany, HRB 28196, which, under the relevant national legislation governing public procurement, act as contracting authorities of the public sector contracts. Suppliers will be informed of any expansion of the group of contracting authorities referred to in the preceding sentence as a change to the Qualification System, in accordance with the procedure set out below in the section *“Period of Validity and Changes to the Qualification System.”*

### Categories

The Qualification System may, in accordance with the Public Procurement Act, be divided into a few categories, each of which may be subject to different qualification requirements, as detailed in the Special Part hereof. During the operation of the Qualification System, the Contracting Authority may expand existing categories or add new categories. Each category, as well as its documentation (General and Special Part), will be freely accessible via unlimited remote access on the profile of the Contracting Authority in the E-ZAK electronic tool within the published Qualification Systems.

Suppliers will be notified of the procedure described in the preceding paragraph, in particular through the Journal of Public Contracts, and, if applicable, through the updated General and Special Parts.

The Contracting Authority states that, for the duration of the Qualification System, Suppliers are entitled to submit applications for any categories of the Qualification System determined by the Contracting Authority and published in E-ZAK. If the qualification requirements or terms and conditions of the Contracting Authority for individual categories of a given Qualification System are identical, a Supplier may demonstrate compliance by referring to a category in which it is already included in the Qualification System, and the Contracting Authority shall accept such reference, if relevant.

### **Period of Validity and Changes to the Qualification System**

The period of validity of the Qualification System is set by the Contracting Authority as indefinite. Throughout this period, Suppliers are entitled to apply for inclusion in the Qualification System by submitting a written Application for Inclusion in the Qualification System. Any changes or expansions of the existing Qualification System will be announced by the Contracting Authority both to existing Suppliers admitted to the relevant Qualification Systems or the categories, and to an unspecified group of entities, via a form published in the Journal of Public Contracts, or, if applicable, through E-ZAK.

The deadline for compliance with new requirements of the Contracting Authority arising from the changes referred to in the preceding paragraph will be specified in the updated document as well as in the notification to the existing Suppliers already admitted to the system. The terms and conditions set out in the updated version will be monitored and enforced by the Contracting Authority after the expiry of this period. Failure to submit the required documents in accordance with the updated conditions shall constitute non-compliance with the Contracting Authority's requirements for inclusion in the Qualification System and shall be a reason for the exclusion of a Supplier that was previously listed for a given category of the Qualification System.

### **Fee for the Qualification System**

The Contracting Authority may make enrolment in the Qualification System conditional upon payment by the Supplier, which must be reasonable in relation to the costs incurred for the operation of the Qualification System. Any detailed conditions regarding the fee for inclusion in the Qualification System are specified in the Special Part. If no additional information is provided for a given category, inclusion in the Qualification System shall be carried out by the Contracting Authority without any related payment.

## **III. Method of Communication**

The Qualification System will be operated through the E-ZAK electronic tool at the following address [https://ezak.eon.cz/qs\\_index.html](https://ezak.eon.cz/qs_index.html), the English version is available at <https://ezak.eon.cz/?lang=en>. At the above addresses, the operation of the Qualification System and all communication between the Contracting Authority and Suppliers—from the submission of the Applications for Inclusion in the relevant categories of the Qualification System, through the submission of documents requested by the Contracting Authority, to the submission of indicative tenders/tenders based on the Contracting Authority's invitation—will take place.

Any communication between the Contracting Authority and Suppliers will be conducted in Czech or English.

Access to the Qualification System is therefore provided through E-ZAK. An entity registered in the E-ZAK system as a Supplier may locate the relevant Qualification System and select the option “**Submit Request to Participate.**” After selecting the desired category, the Supplier shall upload the documents specified by the Contracting Authority in the Special Part, corresponding to the category selected by the Supplier. A detailed description of the procedure for submitting the requests to participate is also provided in the E-ZAK system user manual, available, for example, via the addresses below.

Suppliers shall express their intention to be included in the Qualification System by submitting the Application for Inclusion in the Qualification System, which, in addition to the cover sheet, shall consist of the documents proving the qualification and any other requirements specified by the Contracting Authority in the Special Part for the relevant category of the Qualification System. The Contracting Authority will accept the applications for inclusion in the Qualification System exclusively through E-ZAK.

If **some documents are missing** in the submitted Application for Inclusion in the Qualification System, the Supplier shall not submit the missing documents through a new Application for Inclusion in the Qualification System. Instead, the Supplier shall use the section **Individual Communication** / Outgoing and Additional Documents to submit the documents. (The Individual Communication section is used to receive/send messages between the Contracting Authority and a specific Supplier for a specific public contract.)

The Contracting Authority will perform individual public contracts linked to the Qualification System on the basis of the invitations to submit indicative tenders/tenders for the specific performance addressed to Suppliers included in the Qualification System. The procurement procedure within the meaning of PPA shall be initiated by sending the respective invitations, and each individual procurement procedure will be conducted in a manner similar to the restricted procedure or the negotiated procedure with publication, depending on the form chosen by the Contracting Authority in the invitation. Invitations for the submission of indicative tenders/tenders will be sent in accordance with Section 211 et seq. of PPA through the certified electronic tool of the Contracting Authority, i.e. E-ZAK. Detailed conditions for registration in E-ZAK are available at: [https://ezak.eon.cz/manual\\_2/ezak-manual-dodavatele-pdf](https://ezak.eon.cz/manual_2/ezak-manual-dodavatele-pdf). English version [https://ezak.eon.cz/manual\\_2/ezak-manual-Suppliers-cdd-pdf](https://ezak.eon.cz/manual_2/ezak-manual-Suppliers-cdd-pdf) (The Contracting Authority informs the Supplier that the Supplier must first switch the Contracting Authority's profile in E-ZAK to English to download the English version of the user manual successfully).

The Contracting Authority therefore points out that, in order to be successfully included in the Qualification System, the Supplier must be properly registered in the above-mentioned system, through which the Contracting Authority operates the Qualification System.

The Contracting Authority requires a qualified electronic signature for the Supplier's registration.

For technical requirements or inquiries regarding the E-ZAK tool, please contact the technical support. E-mail address: [podpora@ezak.cz](mailto:podpora@ezak.cz), phone No.: +420 538 702 719, on working days from 8:00 a.m. to 5:00 p.m.

For technical inquiries regarding the E-ZAK electronic tool in English, please contact [support-egd@ezak.cz](mailto:support-egd@ezak.cz).

#### **IV. Application for Inclusion in the Qualification System**

A Supplier who wishes to express interest in being admitted to the Qualification System or in one of its categories may do so by submitting a formal written Application for Inclusion in the Qualification System electronically. In addition to the **cover sheet**, the template of which is attached as Annex 1 to this documentation (these Rules), the Application shall include **documents proving the qualification** and, if applicable, any other requirements specified by the Contracting Authority in the Special Part for the relevant category of the Qualification System. **The Contracting Authority will receive the Applications for inclusion in the Qualification System exclusively through E-ZAK** (the Supplier shall select the option "Submit Request to Participate") available at [https://ezak.eon.cz/qs\\_index.html](https://ezak.eon.cz/qs_index.html), English version <https://ezak.eon.cz/?lang=en>.

**The Contracting Authority hereby clarifies beyond any doubt that the documents, including the affirmations and forms, except for the cover sheet (any contracts or confirmations of the existence of the other person, or any deeds/contracts or affirmations in the case of multiple Suppliers within a single application), **do not need to be signed by an authorized person (unless the Contracting Authority specifies otherwise).****

The Supplier shall then upload via E-ZAK the documents required by the Contracting Authority for inclusion in the Qualification System, depending on the category of the Qualification System. The specific documents and their possible formats are specified in this General Part and, in particular, in the Special Part. The Contracting Authority will then review the Application for Inclusion in the Qualification System.

The Supplier must follow the instructions and requirements of the Contracting Authority set out in the General Part or the Special Part for the specific category in which the Supplier wishes to be included, as well as any additional explanations of conditions that the Contracting Authority may publish in accordance with the procedure described in the General Part, and finally, the information available in the Journal of Public Contracts or in the forms related to the Qualification System.

The Contracting Authority does not accept any method of submitting the Application for Inclusion in the Qualification System other than the one described above, and the applications submitted by Suppliers outside E-ZAK will not be taken into account and will not be reviewed by the Contracting Authority.

## **Prohibition of Submitting Multiple Applications within a Single Category of the Qualification System**

**A Supplier may submit only one application for inclusion in the Qualification System within a single category of the Qualification System.** This applies both in cases where the Supplier submits the application for inclusion in the Qualification System individually and where it is submitted jointly with other Suppliers. (Multiple individual applications, multiple joint applications, or a combination of individual and joint applications within the same category of the Qualification System are not permitted). If the above rule is violated, any duplicate application (whether submitted individually or as part of a joint application by a Supplier who has already submitted another application) will be disregarded and will not be evaluated.

## **Multiple Suppliers within a Single Application**

If multiple entities submit a single Application for Inclusion in the Qualification System, each entity is required to **individually prove**, if requested by the Contracting Authority within the category, that it complies with the **basic qualification** pursuant to Section 74 of PPA and the **professional qualification** pursuant to Section 77(1) of PPA. The remaining part of the potential qualification or other requirements of the Contracting Authority for inclusion in the Qualification System may be demonstrated jointly by the Suppliers. The association of Suppliers, as described above, shall appoint a representative through whom all communication between the Contracting Authority and the Suppliers will take place.

If multiple Suppliers submit an application for inclusion in the Qualification System jointly (as a joint entity), they are required to attach to the application either a document (contract) from which it is bindingly evident that all these Suppliers shall be jointly and severally liable to the Contracting Authority and any third parties for any obligations arising in connection with the performance of future public contracts awarded on the basis of the Qualification System, or arising as a result of delay or any other breach of contractual or other obligations related to the performance of such public contracts. The relevant document (contract) must also clearly define which of the Suppliers is authorized to act as the representative of the joint entity. If the Suppliers do not attach the above-mentioned document (contract) to the Request to participate, the Suppliers submitting a joint application for inclusion in the Qualification System shall be required to jointly submit a completed and signed affirmation as to the joint application, which is attached as an annex to these Rules of the Qualification System, and which confirms that the Supplier is prepared, in public procurement procedures linked to the Qualification System, to enter into and provide the Contracting Authority with a written commitment.

All Suppliers submitting a joint application shall be listed in the cover sheet.

The Contracting Authority points out that Suppliers submitting a joint application will not be admitted to the Qualification System individually, but only as the joint entity under which they submitted the Application for Inclusion in the Qualification System and demonstrated compliance with the qualification requirements and the Contracting Authority's conditions. Only this joint entity will be invited by the Contracting Authority to submit an indicative tender/tender and will be authorized to do so. For example, a Supplier is not entitled to submit a joint indicative tender/tender with another Supplier which has been individually included in the relevant category of the Qualification System. In the tender, the Suppliers jointly included in the Qualification System shall submit a written commitment to demonstrate that the Suppliers shall bear joint and several liability for the performance of the public contract being awarded.

The above provisions do not apply to other Qualification Systems maintained by the Contracting Authority.

#### **Change in the Composition of the Supplier**

If any change occurs in the composition of the entities on the side of the Supplier included in the Qualification System, or on the side of the Suppliers submitting an application for inclusion in the Qualification System, the Suppliers are obliged to **immediately inform the Contracting Authority of such changes, no later than 10 business days from the date of the change**. The information provided to the Contracting Authority shall also include documents confirming that the Supplier continues to meet the qualification requirements or the Contracting Authority's conditions for inclusion in the Qualification System.

In cases where a change occurs in relation to another entity through which the Supplier demonstrated compliance with the qualification requirements or the Contracting Authority's conditions for inclusion in the Qualification System, the reporting obligation under the previous paragraph applies in the same manner. Failure to fulfil the reporting obligation under this and the preceding paragraph may constitute grounds for the rejection of the Supplier's application for inclusion in the Qualification System, or for a decision to remove a Supplier already included in the Qualification System from the Qualification System.

Documents proving the basic and professional qualifications as well as economic and technical qualifications must demonstrate compliance with the required criteria prior to the date of submission of the application for inclusion in the Qualification System or prior to the date of sending the Request to update documents in the Qualification System, regardless of whether the submitted application/documents in response to the Request are complete or not. Subsequently, the procurement documents will specify that the selected Supplier will be requested to submit the documents, and their form will be specified in the request. The Contracting Authority may require that the documents demonstrating basic qualification under Section 74 are no older than three (3) months as of the date of submission by the selected Supplier.

**A Supplier may submit one application for inclusion in any category of the given Qualification System. If the required documents are repeated across different categories, the Supplier may indicate to the Contracting Authority that the documents have already been submitted, specifying where they can be found, and the Supplier does not need to submit them again for each category. This particularly applies to documents proving basic, professional and economic qualifications.**

#### **Branch of an enterprise, Registered Branch**

If a branch of an enterprise submits an application for Inclusion in the Qualification System pursuant to Section 5 of PPA, it shall submit documents proving the **basic, economic and technical qualifications** of its establishing entity in relation to the registered office of the branch of an enterprise, or registered branch.

In the case of proving **criminal integrity** pursuant to Section 74(3) of PPA, where a registered branch participates in the procurement procedure:

a) in the case of a foreign legal entity, the condition under Section 74(1)(a) of PPA must be fulfilled by that legal entity and by the head of the branch;

b) in the case of a Czech legal entity, the condition under Section 74(1)(a) of PPA must be fulfilled by the persons specified in Section 74(2) of PPA and by the head of the branch.

A branch of an enterprise, or a registered branch, shall submit documents proving **professional qualification** on behalf of the establishing entity in relation to the registered office of the establishing entity, and simultaneously on behalf of the branch of an enterprise, or registered branch, in relation to the registered office of the branch or registered branch, if the establishing entity is a foreign legal entity and the branch of an enterprise, or registered branch, is located in the Czech Republic.

The branch of an enterprise, or registered branch, shall submit **technical certificates** either on behalf of the establishing entity or on behalf of the branch of an enterprise, or registered branch.

To prove its basic and professional qualifications, the branch of an enterprise or the registered branch may submit an extract from the **List of Qualified Suppliers issued by the Ministry of Regional Development of the Czech Republic**, or a certificate issued by another Member State in which the branch of an enterprise or registered branch has its registered office, provided that such certificate is equivalent to an extract from the list of qualified Suppliers and proves the qualification of the establishing entity.

To prove its basic and professional qualifications, the branch of an enterprise or registered branch may also submit the **European Single Procurement Document (ESPD)**, thereby proving the qualification of the establishing entity.

The branch of an enterprise or the registered branch **must be** represented either by a jointly authorised person acting on behalf of both the establishing entity and the branch of an enterprise, or by a duly authorised representative.

## V. Language and Format of Documents – Clarification

### Language of the Documents

The Contracting Authority requires that documents proving compliance with the qualification requirements and the Contracting Authority's conditions, as well as any accompanying documents, be submitted in the Czech or English language. This shall not apply to documents in the Slovak language, documents on education in Latin, or other documents for which the Contracting Authority has expressly permitted their submission without translation.

Any other documents submitted for the purpose of inclusion in the Qualification System in a language other than Czech, Slovak, English or Latin must be accompanied along with a translation into Czech or English. The Supplier shall be responsible for the accuracy of the translation. If the Contracting Authority has doubts as to the accuracy of a translation, it may request the Supplier, at the Supplier's expense, to submit an officially authenticated translation of the document into Czech or English prepared by an interpreter or translator listed in the Register of Interpreters and Translators pursuant to Act No. 354/2019 Coll., on Court Interpreters and Court Translators, as amended, or by an interpreter or translator listed in a similar official register in another member state.

### Format of Documents

The Supplier shall demonstrate qualification by means of **written electronic documents submitted as simple copies, unless the Contracting Authority specifies otherwise**. If, during the assessment of the authenticity of the submitted documents, the Contracting Authority has doubts, it reserves the right to request that the Supplier submit the original documents on the basis of which the Supplier applies for inclusion in the Qualification System. The Contracting Authority also allows qualification or compliance with its conditions to be demonstrated **by reference to the original document** in Czech or English to which unrestricted remote access is available (e.g. A copy of an entry in the Commercial Register via a direct link to the portal <https://or.justice.cz/ias/ui/rejstrik> or an extract from a similar register of commercial companies and entrepreneurs in the country where the respective Supplier has its registered office). Such link must lead directly to the page containing the required document and must not require the Contracting Authority to take any additional steps, such as logging in, registration, or payment of any fee.

Original or certified copies of documents in electronic form may also be required from Suppliers selected, pursuant to Section 122 of PPA, for the performance of individual public contracts following up on the Qualification System and initiated by the Contracting Authority through an invitation to submit indicative tenders/tenders.

If the Contracting Authority requires the submission of a specific document and the Supplier is unable to submit the required document for reasons not attributable to it, the Supplier shall be entitled to submit another **equivalent document**. If the Contracting Authority requires submission of a document under the legal system of the Czech Republic, the Supplier may submit an equivalent document issued under the legal system of the country in which such document is issued. If the required document is not issued under the applicable legal system, it may be replaced by the affirmation in which the Supplier states that such document is not issued under that legal system and confirms that it meets the requirements otherwise evidenced by the required document.

### **Supplier's Request for Clarification**

The Contracting Authority allows Suppliers **to request clarification** of any ambiguities in the General or Special Part via the following email address: [ezak@egd.cz](mailto:ezak@egd.cz). The subject line of the email must include "Qualification System" and, where applicable, specification of the category to which the request relates. The Contracting Authority undertakes to respond to a request submitted in accordance with the preceding sentence within 10 working days through its E-ZAK, where it will publish the text of the request and its response for an unspecified group of Suppliers. The Contracting Authority may also provide additional clarification of the General or Special Part upon its own initiative in a similar manner.

## **VI. Other Persons**

### **Proving of qualification through other persons pursuant to Section 83 of PPA**

If the Supplier proves a certain part of its qualification or eligibility through the other person, it shall, as part of the documents proving its qualification, also submit for each of such persons:

- a) Documents proving the fulfilment of professional qualification (a copy of an entry in the Commercial Register or another similar register, if registration in such register is required by other legal regulations) for that person,
- b) Documents proving that a missing part of the qualification has been fulfilled by the other person,
- c) Documents proving that the basic qualification was fulfilled pursuant to Section 74 of PPA by the other person and
- d) A contract or a confirmation of its existence signed by that person, the content of which includes that person's commitment to provide performance intended for the performance of the public contract or to provide assets or rights which the Supplier will be entitled to use in the performance of the public contract at least to the extent to which the other person has proven the qualification on behalf of the Supplier.

It is presumed that the requirement set out in paragraph d) above is met, if a contract or a confirmation of its existence signed by the other person contains joint and several liability of such person and the Supplier for the performance of the public contract. However, if the Supplier demonstrates qualification through the other person and submits documents pursuant to Section 79(2)(a), (b), or (d) of PPA relating to such person, the contract with that person or confirmation of its existence must include a commitment that the other person will perform, in the execution of contracts awarded within the Qualification System, the services to which the demonstrated qualification criterion relates.

If the participant demonstrates economic qualification (turnover or insurance) through the other person, the contract or confirmation of its existence signed by that person must include the joint and several liability of that person and the participant for the performance of the public contract.

**If the Supplier does not submit the contract to the Contracting Authority, it may submit a confirmation of its existence, which is attached hereto.**

If any of the grounds for exclusion under Section 48(5) or (6) of PPA<sup>1</sup> apply to a person through which the Supplier demonstrates qualification, the Contracting Authority may require the Supplier to replace that person with an eligible person. In such case, the Supplier must replace the person no later than by the end of a reasonable period set by the Contracting Authority. The Contracting Authority may extend this period or waive the consequences of its failure to meet it.

At the stage of submitting indicative tenders/tenders for a specific public contract, the Contracting Authority no longer requires qualification to be demonstrated pursuant to Section 85 of the Act in respect of subcontractors through which the Supplier did not demonstrate qualification for inclusion in the Qualification System.

## **VII. Decision of the Contracting Authority on the Application**

### **Time-limit for Decision-Making**

The Contracting Authority shall decide on the Supplier's application for inclusion in the Qualification System within 4 months from its **complete** submission. This time-limit may be extended within 2 months from the submission of the application, provided that the reasons are given and the date of the decision is specified. Applications for inclusion in the Qualification System shall be processed no later than 6 months from their complete submission in accordance with the terms and conditions set out in the General and Special Part. The decision on the application may take the form of a decision on inclusion or rejection thereof.

Applications shall be assessed by the Contracting Authority in the order in which they were received and also depending on their completeness and correctness. The applications that meet all requirements of the Contracting Authority and do not require any supplementation will therefore generally be processed earlier than the defective or incomplete requests.

### **Commencement of Time-Limits**

The time-limit referred to in the preceding paragraph shall commence on the day when the application for inclusion in the Qualification System is delivered to the Contracting Authority through the E-ZAK electronic tool. The Contracting Authority notes that if the Supplier does not use the above-mentioned electronic tool E-ZAK to submit the Application for Inclusion in the Qualification System, the Contracting Authority will neither assess nor decide on such application.

The Contracting Authority further notes that the time-limit for the decision on inclusion in the Qualification System shall not commence until the Contracting Authority receives a proper Application for Inclusion in the Qualification System from the Supplier, i.e. the application containing all the documents required by the Contracting Authority in the General and Special Parts hereof. At the same time, the Contracting Authority stipulates that the application for inclusion in the Qualification System which is incomplete or is not supplemented even upon request by the Contracting Authority may be rejected. The Contracting Authority further notes that, in the case of an incomplete application, a request for supplementation is its right, not its obligation; however, in accordance with the principle of equal treatment, comparable cases will always be treated in a similar manner (in particular, applications with a comparable extent of defects or incompleteness will be handled in the same way).

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<sup>1</sup>The exact wording of Section 48(5) and (6) of PPA is set out in Annex No. 6 hereto.

### **Restriction on Participation of Suppliers from Third Countries**

The Contracting Authority reserves the right not to include in the Qualification System Suppliers that do not have their registered office:

- a) in a Member State of the European Union, the European Economic Area or the Swiss Confederation; or
- b) in another country that has concluded an international agreement with the Czech Republic or the European Union guaranteeing access of Suppliers from such countries to the public contract concerned.

If the Contracting Authority decides not to include a Supplier in the Qualification System hereunder, such Supplier shall not be eligible to participate in subsequent procurement procedures.

### **Restriction on Participation of Suppliers Due to International Sanctions**

The Contracting Authority further reserves the right not to include a Supplier in the Qualification System if:

- (i) the Supplier submitting the Application for Inclusion in the Qualification System,
- (ii) any of the Suppliers, where multiple Suppliers submit a joint Application for Inclusion in the Qualification System,
- (iii) a subcontractor through which the Supplier demonstrates compliance with the terms and conditions for being admitted to the Qualification System,
- (iv) a subcontractor intended to participate in the performance of the public contract, or
- (v) a person controlling the Supplier,

is subject to international, European Union or national sanctions, in particular where the conclusion or performance of a contract resulting from the procurement procedure would be contrary to such sanctions.

### **Obligation to Undergo a Technical Audit of the Manufacturing Plant**

The Contracting Authority establishes, as a qualification requirement for inclusion in the Qualification System, the obligation to successfully undergo a technical audit of the manufacturing plant (hereinafter referred to as the “**On-site Audit**”).

The On-Site Audit shall be conducted for the purpose of verifying the Supplier’s technical capability to perform the subject-matter of the public contract for the relevant category. The On-Site Audit shall be carried out by the Contracting Authority or persons authorised by it on the basis of the criteria set out in 3.3.3 of the Special Part.

Successful completion of the On-Site Audit shall be evidenced by a confirmation of compliance with the On-Site Audit requirements. Successful completion of the On-Site Audit is a prerequisite for inclusion of the Supplier in the Qualification System for the relevant category.

The Contracting Authority may also recognise the successful completion of a comparable manufacturing plant audit conducted by the Contracting Authority or by a person belonging to the same group as the Contracting Authority prior to the date of submission of the Application for Inclusion in the Qualification System, provided that the Supplier submits confirmation of its successful completion and such confirmation remains valid in accordance with Section 3.3.3 of the Special Part. The Contracting Authority shall assess the validity of the audit with regard to the requirements under Section 3.3.3 of the Special Part and shall decide on the recognition of such audit no later than 20 days from the submission of the confirmation of its successful completion.

A Supplier who has not yet undergone the On-Site Audit is entitled to request that the Contracting Authority carry it out.

The request for the on-site audit shall be submitted by the Supplier as part of the Application for Inclusion in the Qualification System or at the moment when the audit needs to be repeated due to any changes on the part of the Supplier, exclusively through E-ZAK available at [https://ezak.eon.cz/qs\\_index.html](https://ezak.eon.cz/qs_index.html) (For English version please go to: <https://ezak.eon.cz/?lang=en>).

In the case of any changes that may affect the validity or results of the conducted On-Site Audit (for example, changes in technology, manufacturing processes, ownership structure, etc.), the Supplier shall inform the Contracting Authority of such changes without undue delay. Within one month of receiving the Supplier's notification, the Contracting Authority shall inform the Supplier whether it will require a new on-site audit to be conducted or whether it will recognise the validity of the original audit despite the notified changes.

#### **Rejection of the Supplier's Application for Inclusion in the Qualification System**

The Contracting Authority shall **reject** a Supplier's Application for Inclusion in the Qualification System if:

- a) the Application does not meet the requirements of the Contracting Authority set out in the General or Special Parts for the relevant categories of the Qualification System;
- b) the Application is incomplete, i.e., it does not contain the required documents or information, or documents or information necessary for assessing the Application were not clarified or supplemented by the Supplier;
- c) the Supplier has provided false or misleading information within its Application for Inclusion in the Qualification System;
- d) the Supplier expresses an intention to withdraw its Application;
- e) the Supplier submits multiple Applications for Inclusion in the Qualification System for the same category of the Qualification System (later Applications will be rejected and removed from the Qualification System);
- f) the Supplier submits an Application for Inclusion in the Qualification System for the wrong category of the Qualification System;
- g) the Supplier fails to submit confirmation of successful completion of the On-Site Audit.

If the Supplier expresses an intention to withdraw its Application under point d), its Application shall be rejected within E-ZAK using the "Reject Application for Inclusion" functionality without issuing a written justification.

The Contracting Authority **may also reject** a Supplier's Application for Inclusion in the Qualification System if:

- h) The Supplier or any other person through which qualification or compliance with the Contracting Authority's conditions is demonstrated has, within the last 3 years from the submission of the Application for Inclusion in the Qualification System, committed serious or prolonged breaches in the performance of a previous contractual relationship with the Contracting Authority, which resulted in damage, early termination of the contract, or other comparable sanctions, regardless of whether such breaches were committed by it as the main Supplier or as its subcontractor;
- i) The Supplier is from the third country pursuant to Article VII of the General Part; and
- j) The Supplier is a sanctioned entity, which the Contracting Authority has the right not to include in the Qualification System pursuant to article VII of the General Part.

The Contracting Authority shall inform the Supplier of the rejection of its Application for Inclusion in the Qualification System for any of the reasons under points a) to g) above within 15 days of the relevant decision, providing justification in writing via the E-ZAK electronic tool.

### **Removal from the Qualification System**

If the Contracting Authority becomes aware that a Supplier no longer meets the requirements of the Contracting Authority set out in the General or Special Part for specific categories, or if the Contracting Authority becomes aware of the occurrence of any of the reasons for rejection of an application defined in the points (a)–(g) above, the Contracting Authority shall decide to remove the Supplier from the Qualification System either entirely or in relation to the specific category. In the case of the reason under point (h) above, the Contracting Authority may remove the Supplier if the circumstance referred to in that point (h) (i.e., the existence of serious or prolonged breaches in the performance of a previous contractual relationship with the Contracting Authority) occurred within the last 3 years prior to the removal from the Qualification System. A Supplier may be removed from the Qualification System only if the justification for the removal is communicated to the Supplier in writing at least 15 days prior to the effective date of removal.

In the event of a decision to reject an Application for Inclusion in the Qualification System or to remove a Supplier from the Qualification System, the Supplier is entitled to submit a new Application for Inclusion in the relevant category of the Qualification System immediately after receiving the Contracting Authority's decision, with the understanding that the time-limits for assessment of the application shall apply and start anew in accordance with the General Part and the PPA.

### **Costs of Suppliers Associated with the Qualification System**

All costs associated with Applications for Inclusion in the Qualification System shall be solely borne by the Supplier. Suppliers shall not be entitled to reimbursement of any costs related to the submission and processing of an Application for Inclusion in the Qualification System, even in the event that no public contract is awarded based on the Qualification System or the Supplier is not included in, or removed from, the Qualification System for any reason.

### **No Entitlement to Conclude a Contract**

Inclusion of a Supplier in the Qualification System does not create any entitlement for the Supplier to conclude any contract with the Contracting Authority.

## **VIII. Validity of Data within the Qualification System**

The Contracting Authority hereby sets the general validity of the documents upon which the decision to include a Supplier in the Qualification System for a specific category was made, **until the date specified in the Contracting Authority's Request to update documents.**

If a Supplier wishes to remain on the list of Suppliers included in the Qualification System, it is obliged to **submit updated documents** demonstrating continued fulfilment of the qualification requirements, or the Contracting Authority's conditions for inclusion in the Qualification System for the relevant category, **no later than on the date specified in the Contracting Authority's Request to update documents.**

Documents submitted after the deadline set in the preceding paragraph shall be considered by the Contracting Authority as a new Application for Inclusion in the Qualification System and will be assessed within the statutory time-limits in accordance with Article VII of the General Part. If, during the assessment of the new application by the Contracting Authority, the validity of documents defined in the first paragraph of this article expires, the Supplier shall be removed from the Qualification System and may be re-included only upon a new decision of the Contracting Authority in accordance with Article VII of the General Part.

The Contracting Authority further reserves the right to exceptionally request Suppliers included in the Qualification System to renew the documents on the basis of which their inclusion in a specific category of the QS was decided, however, no more than once a calendar year. The Contracting Authority will exercise this option only in exceptional cases, such as when the implementation of a public sector contract in the relevant category is planned and the Suppliers' documents are no longer current for the purpose of executing such public contract.

Subsequently, the Procurement Documentation will specify that the selected Supplier will be requested to submit documents, the form of which will be detailed in the Contracting Authority's request. The Contracting Authority may require that documents proving the basic qualification pursuant to Section 74 of PPA shall not be older than 3 months from the date of sending the invitation to tender.

## **IX. Special Part**

Beyond the General Part, the Contracting Authority has created a Special Part for the purpose of implementing the Qualification System. Within the Special Part, the Contracting Authority specifies in

detail the individual qualification requirements that must be met for a Supplier to be successfully included in the relevant category of the Qualification System.

For all categories of the Qualification System, the Contracting Authority shall require fulfilment of basic qualification under Section 74 of PPA and professional qualification under Section 77(1) of PPA. Any additional professional, economic or technical qualification, or other requirements of the Contracting Authority shall be specified in detail in the Special Part.

To demonstrate basic qualification under Section 74 of PPA and professional qualification under Section 77 of PPA, the Supplier may use **an extract from the List of Qualified Suppliers** pursuant to Section 226 et seq. of PPA, or a certificate from another Member State where the Supplier has its registered office, which is equivalent to an extract from the List of Qualified Suppliers (hereinafter referred to as the “**certificate**”). The Contracting Authority accepts an extract from the List of Qualified Suppliers or a certificate provided it is not older than 3 months as of the day preceding the submission of the Application for Inclusion in the Qualification System or the day preceding the sending of the Contracting Authority’s Request to update documents in the Qualification System. The Contracting Authority may refuse to accept an extract from the List of Qualified Suppliers if it indicates the initiation of procedure pursuant to Section 231(3) of PPA.

The Contracting Authority explicitly excludes the possibility of replacing documents demonstrating qualification or compliance with the Contracting Authority’s requirements for inclusion in the Qualification System in the Supplier’s Application with an affirmation, except in cases where the General Part or Special Part explicitly provide otherwise.

#### **Updating the Special Part**

If the Contracting Authority also determines an expected List of Cables and Wires to be procured, the Contracting Authority may update this List. The updated List shall be communicated by the Contracting Authority to all Suppliers included in the Qualification System via E-ZAK, with further details provided in the Special Part.

Together with these Rules, the Contracting Authority publishes, **for the purpose of giving the Suppliers prior information**, a List of Cables and Conductors that will be procured under the public sector contracts following up on this system. The Contracting Authority reserves the right to update Annex No. 9 during the term of this Qualification System and notes that, in the subsequent public sector contracts, the cables and wires required may differ to some extent from the List of Cables and Conductors published within the framework of these Rules.

## **X. Invitation to Submit Indicative Tenders/Tenders**

If the Contracting Authority decides to award a public contract linked to the Qualification System that meets the characteristics of the public sector contract, it shall invite all Suppliers included in the relevant category of the Qualification System corresponding to the subject-matter of such public contract to submit indicative tenders or tenders through E-ZAK.

## **Indicative Tenders/Tenders Submitted Outside the Qualification System**

The Contracting Authority notes that only **Suppliers which have submitted an Application for Inclusion in the Qualification System for the relevant category and have been delivered a decision on their inclusion within the time-limits specified above will be invited to submit indicative tenders/tenders.** Indicative tenders/tenders submitted by entities not included in the established Qualification System shall not be taken into account by the Contracting Authority. The Contracting Authority reserves the right to award a public contract outside the Qualification System.

## **Rules of PPA, Commercial Terms and Conditions**

For the phase of submitting indicative tenders/tenders, the rules analogous to the restricted procedure or negotiated procedure with publication under PPA shall apply, depending on the decision of the Contracting Authority (i.e., depending on whether it proceeds pursuant to Section 163(4)(c) or (d) of PPA). The time-limits for the submission of indicative tenders/tenders, the method of submission and their required form will be specified in detail in the respective invitations to submit indicative tenders/tenders. The invitations shall include commercial terms and conditions in the form of sample framework agreements or contracts.

## **Subcontractors and the Link to Commitments of Other Persons**

Suppliers may also be required, as part of submitting an indicative tender/tender in a procurement procedure linked to the Qualification System, to specify the persons who will participate in the performance as subcontractors, including an indication of the specific part of the performance to be carried out by such subcontractors. The Contracting Authority notes that it will examine whether the description of the subcontractors' involvement and the specification of their performance correspond to the commitments of other persons through which the Supplier demonstrated the missing part of the qualification or compliance with the Contracting Authority's requirements for inclusion in the Qualification System for the relevant category. The Contracting Authority emphasises that the participation of the other person in the performance of the subject-matter of a specific public contract must, in terms of its subject-matter and scope, correspond to the extent to which that person has demonstrated qualification or compliance with the Contracting Authority's requirements for inclusion in the Qualification System on behalf of the Supplier.

## **One Indicative Tender/Tender Only**

The Contracting Authority notes that a Supplier is entitled to submit only one indicative tender/tender within a given invitation to submit indicative tenders/tenders for a specific procurement procedure. If the Supplier decides to submit an indicative tender/tender, it may not simultaneously act as another person through which another Supplier in the same category demonstrates compliance with the Contracting Authority's conditions for inclusion in the Qualification System and also submits an indicative tender/tender. The same applies where a Supplier participates as a member of an association (consortium) of Suppliers included in the Qualification System and simultaneously submits an indicative tender/tender. A Supplier participating in more than one indicative tender/tender, or the affected indicative tenders/tenders, shall be excluded from the procurement procedure. If the Supplier breaches the prohibition under this paragraph, the Contracting Authority is entitled to remove the Supplier from the relevant category of the Qualification System. It is not prohibited for multiple Suppliers to demonstrate qualification through the same other person pursuant to Section 83 of PPA, provided that such person itself does not submit a tender.

### **Indicative Tenders/Tenders Including Supplies from Third Countries**

The Contracting Authority may exclude a Supplier at any time in the course of the public sector contract where the proportion of the value of supplies, including software used in telecommunications network equipment, originating in countries with which the European Union has not concluded an agreement ensuring comparable and effective access for European Union economic operators to the markets of those countries, as determined in accordance with the directly applicable regulation of the European Union, exceeds 50 % of the total value of the proposed supplies. This does not apply where a promulgated international agreement concluded by the Czech Republic provides otherwise.

Supplies originating in the countries referred to in the preceding paragraph shall not include supplies from countries to which the scope of application of Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on public procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC has been extended by a decision of the Council of the European Union.

### **Indicative Tenders/Tenders Including Supplies Subject to Sanctions**

The Contracting Authority further reserves the right to exclude a Supplier at any time during the public sector contract if the Supplier, its subcontractor, or any other person participating in the performance of the public contract directly or indirectly supplies, purchases, uses, or otherwise trades in materials or raw materials originating in the Russian Federation or the Republic of Belarus, or which were manufactured, extracted, or processed in those countries, where such performance would be contrary to international, European Union, or national sanctions.

The Supplier shall submit an affirmation proving that no materials, raw materials, or their substantial constituents used in the performance of the public contract (i) originate in the Russian Federation or the Republic of Belarus, (ii) are purchased from entities established or manufacturing in those countries, nor (iii) are subject to restrictions arising from international, European Union, or national sanctions. A sample affirmation is attached by the Contracting Authority as an annex hereto.

Any false statement in the affirmation or other breach of obligations relating to the origin of materials shall entitle the Contracting Authority to exclude the Supplier from the Qualification System and from future procurement procedures linked to the Qualification System. The Supplier acknowledges that a similar affirmation will be required repeatedly in procurement procedures following up on this Qualification System.

### **Notice of the Contracting Authority**

The Contracting Authority shall verify, in respect of the Suppliers applying for inclusion in the Qualification System that are joint-stock companies or have a legal form comparable to a joint-stock company, whether they have issued **exclusively dematerialized shares**.

The Contracting Authority may exclude a participant in the procurement procedure that is a joint-stock company or has a legal form comparable to a joint-stock company and has not issued exclusively dematerialized shares.

After submission of the tender, the Contracting Authority shall verify, in respect of the selected Supplier, the existence of grounds for exclusion pursuant to Section 48(7) of PPA on the basis of information recorded in the Commercial Register. If the information recorded in the Commercial Register demonstrates the existence of grounds for exclusion pursuant to Section 48(7) of PPA, the Contracting Authority shall exclude the participant from the procurement procedure.

Where the selected Supplier is a foreign legal entity that is a joint-stock company or has a legal form comparable to a joint-stock company, the Contracting Authority shall request that, within a reasonable period of time, it submit a written affirmation identifying the persons who are shareholders holding shares with an aggregate nominal value exceeding 10% of the registered capital of the participant in the procurement procedure, including an indication of the source from which the information on the size of the shareholders' interests is derived. Such request shall be deemed a request pursuant to Section 46 of PPA.

Under the conditions defined in procurement procedures following up on the Qualification System, the Contracting Authority may stipulate additional requirements or conditions requiring the selected Supplier, as part of its cooperation prior to contract signature, to submit an affirmation confirming that it has not concluded and will not conclude **any prohibited agreement** with other Suppliers under a special legal regulation, namely Act No. 143/2001 Coll., on the Protection of Competition, as amended (the "**Act on the Protection of Competition**"), in connection with the relevant public contract.

The Contracting Authority draws attention to Section 122 of PPA, pursuant to which the following applies: "The Contracting Authority shall exclude the selected Supplier if it is a Czech legal entity that has a beneficial owner and, in accordance with paragraph 5 [Contracting Authority's note: Section 122 of PPA], it has not been possible to obtain **information about its beneficial owner** from the Register of Beneficial Owners" [Section 122(8)(a) of PPA].

Under the conditions defined in procurement procedures following up on the Qualification System, the Contracting Authority may stipulate additional requirements or conditions, for example that the selected Supplier, as part of its cooperation prior to the conclusion of the contract, shall submit an affirmation stating that neither the Supplier nor a member of its statutory or other governing body, nor a former member of such body who held office within the last three years prior to the commencement of the procurement procedure (collectively referred to as the "Suspected Person"), has within the last three years prior to the commencement of the procurement procedure been subject to, or is currently subject to, criminal proceedings in which the Suspected Person has been charged or indicted for committing a **criminal offence** in connection with any public contract or other tender procedure conducted for the Contracting Authority or any other contracting authority, namely any criminal offence under Section 216 (money laundering), Section 256 (arrangement of an advantage in the procurement, in a public tender and in a public auction), Section 257 (machinations during public procurement and tenders), Section 331 (accepting a bribe), Section 332 (bribery) or Section 333 (indirect bribery) of Act No. 40/2009 Coll., the Criminal Code, as amended, or any equivalent criminal offence under the laws of the state in which the Supplier has its registered office; and that it has not concluded and will not conclude any prohibited agreement with other Suppliers under a special legal regulation (the Act on the Protection of Competition) or an equivalent competition law of the state in which the Supplier has its registered office, in connection with the relevant public contract.

If the Supplier is subject to a notification obligation under Regulation (EU) 2022/2560 on foreign subsidies distorting the internal market, the Supplier shall proceed in accordance with that Regulation and its implementing provisions and fulfil its notification obligations towards the Contracting Authority. In two-stage procedures, the Supplier acknowledges that the notification obligation may arise repeatedly.

## **Special Part of the Rules of the Qualification System**

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## **I. Introduction**

In this Special Part, the Contracting Authority specifies the individual qualification requirements of future public sector contracts that may be awarded through the Qualification System. The current version of the rules for the Qualification System established by the Contracting Authority (including the General Part and the Special Part) is available free of charge with unrestricted and direct remote access on the Contracting Authority's profile located in the E-ZAK electronic tool.

Within the Special Part of the Qualification System, the Contracting Authority provides a detailed description of the requirements for inclusion in the Qualification System for individual categories.

A participant is entitled to apply for inclusion in one or more (or even all) categories of the Qualification System.

## II. Categories of the Qualification system – Purchase of MV and LV cables

<b>Category A</b>	1 kV cables with an aluminium core according to VDE
<b>Category B</b>	1 kV cables with a copper core according to VDE
<b>Category C</b>	Single-core cables, 10 and 11 kV according to VDE
<b>Category D</b>	Single-core cables, 20 and 22 kV according to VDE
<b>Category E</b>	Single-core cables, 30 and 36 kV according to VDE
<b>Category F</b>	Three-core cables, 11, 22 and 30 kV according to VDE
<b>Category G</b>	1 kV conductors according to VDE

### **III. Terms and Conditions of Participation in the Qualification System**

Below, the Contracting Authority sets out the **requirements that a Supplier must meet in order to be admitted to the Qualification System**, as well as the general rules applicable to demonstrating compliance with these requirements.

#### **3.1. Basic qualification**

Basic qualification is met by the Supplier:

- I. Which has not been finally convicted, in the country of its registered office, within the last five years prior to the date of submission of the Application for Inclusion in the Qualification System / prior to the date of dispatch of the Contracting Authority's Request to update documents within the Qualification System, of a criminal offence listed in Annex No. 3 to PPA (which the Contracting Authority also attaches to these Rules of the Qualification System), or of an equivalent criminal offence under the law of the country of the Supplier's registered office; expunged convictions shall be disregarded. If the Supplier is a legal entity, this condition must be met both by the legal entity itself and by each member of its statutory body. If a member of the statutory body of the Supplier is a legal entity, the above condition must be fulfilled both by that legal entity and by each member of its statutory body, as well as by the person representing that legal entity in the statutory body of the Supplier.

If the Application for Inclusion in the Qualification System is submitted by a branch of an enterprise of a foreign legal entity, the above condition must be fulfilled by that legal entity and by the head of the branch.

If the Application for Inclusion in the Qualification System is submitted by a branch of an enterprise of a Czech legal entity, the above condition must be fulfilled, in addition to the persons specified above, also by the head of the branch;

The Supplier also

- II. must not have any outstanding tax arrears recorded in the tax records in the Czech Republic or in the country of its registered office,
- III. must not have any outstanding arrears of public health insurance premiums or penalties in the Czech Republic or in the country of its registered office;
- IV. must not have any outstanding arrears of social security contributions or penalties, including contributions to the state employment policy, in the Czech Republic or in the country of its registered office;
- V. must not be wound-up, must not have been declared insolvent, must not be subject to compulsory administration under another legal regulation, nor be in a similar situation under the law of the country of its registered office.

#### **Method of demonstration:**

Documents proving basic qualification pursuant to Section 74 of PPA must prove compliance with the required qualification criterion no later than three months prior to the date of submission of the Application for inclusion in the Qualification System / prior to the date of sending the Contracting Authority's Request to update documents within the Qualification System.

A Supplier shall prove that it fulfils the basic qualification requirements in relation to the Czech Republic by submitting simple copies of an entry in the Criminal Records for natural and legal persons in respect of point I above;

- a) a confirmation from a relevant tax office in respect of point II above,
- b) a written affirmation regarding excise duty in respect of point II above,
- c) a written affirmation in respect of point III above,
- d) a confirmation from a relevant district social security administration in respect of point IV above,
- e) a copy of an entry in the Commercial Register, or a written affirmation in the event that the Supplier is not incorporated in the Commercial Register, in respect of point V above.

For the purposes of point II (with regard to excise duty), point III and point V, the Supplier may use the sample affirmation attached as **Annex No. 2** to the Qualification System documentation.

### **3.2. Professional qualification**

#### A copy of an entry in the Commercial Register

The Supplier fulfils this part of the professional qualification by submitting a copy of an entry in the Commercial Register, if it is registered therein, or an extract from another similar register, where applicable legal regulations require the Supplier to be registered in such register.

#### Method of demonstration:

The Supplier shall submit a copy of an entry in the Commercial Register or an extract from another similar register.

### **3.3. Technical Qualification**

#### **3.3.1 List of Significant Supplies**

This technical qualification is fulfilled by the Supplier which demonstrates that, during the last 3 years prior to submitting the application for inclusion in the Qualification System—or, if the Contracting Authority requests the Supplier to update documents, then during the 3 years prior to the date of sending the Contracting Authority's request for document updates in the Qualification System via E-ZAK—the Supplier has carried out the following deliveries for a party other than themselves:

##### **3.3.1.1 For category A: 1 kV cables with an aluminium core according to VDE**

Delivery of at least 100 km of a cable with rated voltage  $U_0/U$  0.6/1 kV, with an aluminium core and PVC or PE sheath, manufactured and tested in accordance with standards applicable within the European Union (HD603).

This can be demonstrated through one or more contracts.

##### **3.3.1.2 For category B: 1 kV cables with a copper core according to VDE**

Delivery of at least 100 km of cable with a rated voltage  $U_0/U (U_m)$  0.6/1 (1.2) kV, with a copper core and PVC or PE sheath, manufactured and tested in accordance with standards applicable within the European Union (HD603).

This can be demonstrated through one or more contracts.

#### **3.3.1.3 For category C: Single-core cables, 10 and 11 kV according to VDE**

Delivery of at least 100 km of a single-core cable with rated voltage  $U_0/U (U_m)$  6/10 (12) kV or 6.35/11 (12) kV, with an aluminium or copper core, manufactured and tested in accordance with standards applicable within the European Union (HD620).

This can be demonstrated through one or more contracts.

#### **3.3.1.4 For category D: Single-core cables, 20 and 22 kV according to VDE**

Delivery of at least 100 km of a single-core cable with rated voltage  $U_0/U (U_m)$  12/20 (24) kV or 12.7/22 (25) kV, with an aluminium or copper core, manufactured and tested in accordance with standards applicable within the European Union (HD620).

This can be demonstrated through one or more contracts.

#### **3.3.1.5 For category E: Single-core cables, 30 and 36 kV according to VDE**

Delivery of at least 100 km of a single-core cable with rated voltage  $U_0/U (U_m)$  18/30 (36) or 20.8/36 (42) kV, with an aluminium or copper core, manufactured and tested in accordance with standards applicable within the European Union (HD620).

This can be demonstrated through one or more contracts.

#### **3.3.1.6 For category F: Three-core cables, 11, 22 and 30 kV according to VDE**

Delivery of at least 100 km of a three-core cable with rated voltage  $U_0/U (U_m)$  6.35/11 (12) kV or 12.7/22 (24) kV or 18/30 (36) kV, with an aluminium or copper core, manufactured and tested in accordance with standards applicable within the European Union (HD620).

This can be demonstrated through one or more contracts.

#### **3.3.1.7 For category G: 1 kV conductors according to VDE**

Delivery of at least 30 km of a stranded insulated conductor with rated voltage  $U_0/U (U_m)$  0.6/1 (1.2) kV, with an aluminium core and PE insulation, manufactured and tested in accordance with standards applicable within the European Union (HD626).

This can be demonstrated through one or more contracts.

#### **Method of demonstration:**

The Supplier shall demonstrate fulfilment of this qualification criterion by submitting a list of significant supplies, which must include at least the information specified in **Annex No. 3 of QS**. The Supplier is also entitled to use this Annex for providing the list of significant supplies.

#### **3.3.2 Documents proving conformity of the required product with the applicable technical standard or technical documentation**

The Supplier shall demonstrate this qualification requirement by submitting the catalogue sheets, manufacturer's technical datasheets, or other equivalent documents which must unequivocally verify that the supplied products comply with and meet all requirements specified in Annex No. 3 hereto.

### **3.3.3 On-Site Audit**

The purpose of the On-Site Audit is to verify the Supplier's technical qualification to perform the subject-matter of the contract, in particular with respect to the quality, safety, capacity, and reliability of the manufacturing process.

The On-Site Audit shall include, in particular, verification of the technical capacities and equipment of the plant, including the assessment of manufacturing process quality in accordance with Annex No. 8\_(QS\_Audit\_Requirements). In addition, the Supplier shall provide evidence of compliance with the requirements of relevant certifications in accordance with Annex No. 8\_(QS\_Audit\_Requirements).

The assessed topics are:

- Leadership (& HR);
- Corporate Social Responsibility;
- Quality Management System;
- Research and Development;
- Production Engineering;
- Process Management;
- Supply Chain Management;
- Warehouse;
- Manufacturing.

Each of the assessed topics is evaluated by the Contracting Authority on a scale of 0 to 100 points. The minimum required score to pass each assessed topic ("pass score") is 60 points out of 100. The total audit score shall be determined as a weighted average of the evaluated topics. If the total score is below 60 %, the audit shall be considered unsuccessful, and the technical qualification shall not be deemed proven. The Contracting Authority emphasizes that the Qualification System is established for an indefinite period, and that the Supplier may, throughout its duration, strive to achieve the on-site audit score required by the Contracting Authority. The Contracting Authority anticipates the announcement of multiple subsequent public sector contracts under this Qualification System.

The audit is conducted by the Contracting Authority or by persons authorized by it. The Supplier is obliged to allow the Contracting Authority or its authorized persons access to all relevant parts of the manufacturing plant(s), if there is more than one, and to provide the necessary information and requested documentation. In the event that the Supplier itself is not the manufacturer of the cables or conductors requested by the Contracting Authority, it shall ensure that the manufacturer fulfils the obligations referred to in the preceding sentence.

### **Method of demonstration:**

The Supplier shall demonstrate that it meets this qualification criterion by submitting a certificate of passing the audit according to Annex No. 8\_(QS\_Audit\_Requirements).

The Supplier is also entitled, instead of the above-mentioned audit confirmation, to submit—and the Contracting Authority may accept—a certificate of successful completion of a comparable audit conducted by the Contracting Authority or by an entity belonging to the same group as the Contracting Authority, which must not be older than ten (10) years prior to the submission of the Application for inclusion in the Qualification System, or, if the Contracting Authority requests the Supplier to update documents, it must not be older than ten (10) years prior to the date of sending the Contracting Authority's Request for updating documents in the Qualification System.

The Annex No. 8\_(QS\_Audit\_Requirements) contains information that is considered confidential by the Contracting Authority. This Annex will be provided to those Suppliers who request the Contracting Authority to conduct an on-site audit under these Rules, through the electronic tool, based on a signed Non-Disclosure Agreement (“**NDA**”), the wording of which is included as **Annex No. 11** hereto and forms an integral part of these rules. The NDA must be signed by a person authorized to act on behalf of the Supplier, or by a person with a granted power of attorney to act on behalf of the Supplier (in the case that the NDA is signed by a person whose authority to act cannot be verified from a public register, a power of attorney must be attached as well).

### 3.4. General Rules

Unless otherwise explicitly provided by the Contracting Authority in the General or Special Part, the Supplier shall submit only simple copies of documents proving compliance with the qualification criteria or the Contracting Authority's requirements for inclusion in the Qualification System.

If the Supplier is unable, for reasons beyond its control, to submit the required document, it is entitled to submit another equivalent document.

Unless otherwise specified, the Supplier is not entitled to replace the submission of documents required by this Special Part with its affirmation.

The Supplier may replace the required documents with the European Single Procurement Document (“ESPD”) for public procurement in accordance with Section 87 of the Public Procurement Act. The ESPD template is set out in Commission Implementing Regulation (EU) 2016/7 of 5 January 2016, which establishes the standard ESPD form for public procurement, and is available, for example, at the following internet address:

<http://eur-lex.europa.eu/legal-content/CS/TXT/?uri=uriserv%3AOJ.L .2016.003.01.0016.01.CES>

Documents proving the basic qualification defined in subsection 3.1 hereof must demonstrate fulfilment of the required qualification criteria no later than three months prior to the date the Supplier submits the Application for Inclusion in the Qualification System / or prior to the date the Contracting Authority sends the Request for updating documents in the Qualification System.

If the Supplier proves compliance with any of the above conditions by submitting a document issued in the name of an individual, the Supplier must attach a statement indicating whether this individual is an employee of the Supplier. If the individual is not an employee of the Supplier, this constitutes

proof of fulfilment of the Contracting Authority's requirements through the other person, and in such case, the Supplier must submit the documents specified in the General Part.

If the qualification was obtained abroad, it shall be proven by documents issued under the legal system of the country where it was obtained, to the extent required by the Contracting Authority.

The Contracting Authority notifies the Supplier that, prior to signing the contract, it may request the submission of original copies or officially certified copies of the documents previously submitted for the purpose of inclusion in the Qualification System, if such documents have not already been provided by the Supplier.

Any additional information regarding the documents required for the Supplier's inclusion in the Qualification System is set out in the General Part.

**To facilitate the process of including Suppliers in the Qualification System, the Contracting Authority provides, as attachments to the Special Part, sample documents which it recommends the Suppliers to use, or to upload as part of their application for inclusion in the Qualification System via the E-ZAK system.**

### **3.5. Fee for the Supplier's application administration**

The Contracting Authority does not require any fee from the Supplier within this category of the Qualification System to cover the costs associated with the administration of the Qualification System.

## **IV. Annexes**

- Annex\_1\_QS\_Cover\_Sheet
- Annex\_2\_QS\_CP\_Basic\_Qualification
- Annex\_3\_QS\_List\_of\_Significant\_Supplies
- Annex\_4a\_QS\_Proving\_of\_qualification\_through\_other\_persons – Works and services
- Annex\_4b\_QS\_Proving\_of\_qualification\_through\_other\_persons – Supplies
- Annex\_5\_QS\_CP\_Joint\_Application\_of\_Multiple\_Suppliers
- Annex\_6\_QS\_Wording\_of\_Section\_48(5)\_and\_(6)of\_PPA
- Annex\_7\_QS\_Annex\_3\_to\_Act\_No.\_134\_2016\_Coll.
- Annex\_8\_QS\_Audit\_Requirements
- Annex\_9\_QS\_List\_of\_cables\_and\_conductors
- Annex\_10\_QS\_CP\_Materials\_raw\_materials\_and\_their\_essential\_constituents
- Annex\_11\_QS\_Non-Disclosure\_Agreement