



EVROPSKÁ UNIE
Evropský fond pro regionální rozvoj
Operační program Podnikání
a inovace pro konkurenceschopnost

DECISION OF THE CANCELLATION OF A PROCUREMENT PROCEDURE

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| Name of public contract: | S&M Develop – Žitotín Wind Power Plant – Deliveries |
| Type of procurement procedure: | Public contract outside of the regime governed by Act No. 134/2016 Coll., on Public Procurement (hereinafter referred to only as the “APP”) |
| Type of public contract: | Deliveries |
| Address of contracting authority's profile: | https://ezak.tendera.cz/profile_display_1129.html |
| Identification of project: | “S&M Develop – Žitotín Wind Power Plant”, Project registration number: CZ.01.3.09/0.0/0.0/19_302/0019938 |

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| Name of contracting authority: | S&M Develop s. r. o. |
| Registered office of contracting authority: | Makovského náměstí 3147/2, Žabovřesky, 616 00 Brno |
| Represented by: | Martin Valter, Executive Director Jiří Svoboda, Executive Director |
| Company ID No.: | 27534511 |
| VAT No.: | CZ27534511 |

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| Party representing the contracting authority ¹ : | TENDERA partners, s.r.o. |
| Registered office: | Syrovce 424, 664 67 Syrovce |
| Contact point: | Česká 161/1, 602 00 Brno |
| Company ID No.: | 08668477 |
| VAT No.: | CZ08668477 |
| Contact person: | Ing. Radek Hlaváček |
| Telephone: | +420 731 131 684 |
| E-mail: | hlavacek@tendera.cz |
| Data box identifier: | he9gwrw |

¹ In accordance with Section 43(1) of Act No. 134/2016 Coll., on Public Procurement, as amended (hereinafter referred to only as the “APP”) on the basis of a contract of mandate. The party representing the contracting authority is not in conflict of interest, which they have evidenced by provision of an affidavit regarding this fact.

In the case of a procurement procedure for the public contract indicated above, the contracting authority in accordance with the provisions of Section 127 (1) APP

decided to cancel the procurement procedure.

Odůvodnění:

I.

On 4 May 2021, the publication of the call for tenders, incl. tender documentation on the contracting authority's profile, the tender procedure for the above-mentioned public contract has been initiated.

Tenders were to be delivered to the address of the contact point of the person representing the contracting authority, ie to the address of **TENDERA partners, s.r.o., Česká 161/1, 602 00 Brno, no later than 5 October 2021 by 10:00 am.**

Within the set deadline for submission of tenders, the contracting authority received **1 bid.**

For the purposes of assessing the fulfillment of the conditions for participation in the tender procedure and evaluation of tenders, the Contracting Authority appointed an evaluation commission (hereinafter referred to as the **"Commission"**), **which performed the assessment of the fulfillment of the conditions for participation in the tender procedure and the evaluation of tenders.**

II.

Based on the performed assessment of the tenderer's tender, the commission unanimously decided that **it was not entirely clear from the tenderer's tender whether it met the tender conditions in full.** It authorized the person representing the contracting authority to send a call for clarification of the tender (the complete wording of 30 November 2021 is available to the participant).

The Call to the participant to clarify the tender was sent by the person representing the contracting authority on 30 November 2021. The participant requested its extension several times during the deadline for sending the reply, while the contracting authority always complied with its request. The deadline for reply was set for February 10, 2022, 10:00. Within the said period, the participant sent an e-mail to the person representing the contracting authority stating that *he would not provide a response and thus he waive from further participation in this tender procedure.* In his justification, *he said that the Current situation due to economic development & COVID influences historical high price levels, extreme relative cost increase and extended time of completion in past months. ENERCON, as many other suppliers on the market, has been forced to adjust turbine prices and conditions of turbine delivery agreements. As it has not been formally possible to update our tender offer and Turbine Supply Agreement in this ongoing tender process, we had to make this decision.*

On the basis of the clarification of the participants's bid, the Commission stated that the only participant had **not fulfilled** the tender conditions by failing to answer the questions set out by the commission as part of its clarification of the tender and de facto withdrawing from the tender. With regard to § 48 par. b) ZZVZ recommended to the contracting authority its **exclusion and cancellation of the procurement procedure** in the sense of § 127 par. 1 ZZVZ.

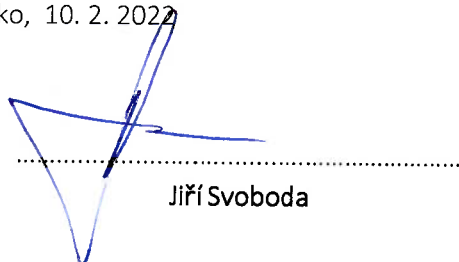
III.

On the basis of the above, the contracting authority within the meaning of § 127 para. 1 ZZVZ decided to cancel the procurement procedure.

IV.

In accordance with Article 14 of the tender documentation, the contracting authority shall publish a notice of cancellation of the tender procedure on the contracting authority's profile. The notice shall be deemed to have been delivered to all participants at the time of its publication.

Jevicko, 10. 2. 2022



Jiří Svoboda

