



Středočeský kraj

## Invitation to participate in a preliminary market consultation

in accordance with Section 33 of Act No. 134/2016 Coll., on Public Procurement, as amended  
(hereinafter referred to as "**Public Procurement Act**")

Dear,

The City of Prague and the Central Bohemia Region (referred to hereinafter collectively as "**Contracting Authority**") kindly invite you to participate in a preliminary market consultation ("**PMC**"), which aims to prepare the award criteria and inform potential suppliers and relevant market entities about the intentions and requirements for the performance of public contracts in the area of rail transportation services on the territory of both regions.

The invitation to participate in this PMC concerns manufacturers of railway vehicles. Invitation to participate in the PMC will be sent to six manufacturers and their representation in the Czech Republic, if the manufacturer has its representation in the Czech Republic (see the distribution list). The invitation to participate in the PTC, including the annexes, will be published at the same time on the contracting authority profile, allowing for the submission of statements by other manufacturers of railway vehicles who have not been directly addressed.

### **I. Information for manufacturers of railway vehicles and explanation of the reasons and context of the PMC:**

#### **Information provided by the Contracting Authority for manufacturers of railway vehicles regarding the planned use of new EMU400 units for transportation services by rail in the territory of the City of Prague and the Central Bohemia Region from December 2029:**

The transport service with electric railway vehicles (hereinafter referred to as "**ERV**") with a capacity of 300+ seated passengers within the City of Prague and the Central Bohemia Region is currently covered by a contract with public service operator České dráhy, a.s., with its registered office at Nábřeží L. Svobody 1222, 110 15 Praha 1, ID Number: 70994226 (hereinafter referred to as "**current operator**"), which, for the operation, normally uses its owned electric units 471 (Škoda 1Ev, resp. CityElefant). It will not be possible to extend the contract with the current operator after its expiry or to conclude a new contract with the current operator based on a direct award. Due to this fact, the Contracting Authority analyzed and considered the possibilities of how to ensure transportation services by rail after the expiry of the current contractual relationship in accordance with the legal regulations.

To find the optimal solution for the mentioned transportation services by rail, domestic and foreign practices were taken into account, considering regional solutions in the Czech Republic and selected EU countries, including an assessment of possible ways of procuring ERV.

After weighing the strengths and weaknesses of various scenarios, arising opportunities and associated risks to ensure rail transportation services, the variant of operating high-capacity EMU400 units was selected by the Contracting Authority, with the announcement of a procurement procedure to select a public service operator responsible for both the operation and the procurement of the mentioned railway vehicles from December 2029, for a contract period of at least 15 years (Contracting Authority is also considering a longer contract period, within the range of 15-30 years).



Středočeský kraj

The Contracting Authority expects that the selected public service operator will be able to offer completely new ERV of the EMU400 category (hereinafter referred to as "**required ERV**") from December 2029, which will be able to meet the contractual volume of public railway transport services in the territory of both the City of Prague and the Central Bohemia Region in terms of their number and quality. The required ERV should meet the following basic parameters (see Attachment No. 1: Required Parameters of New EMU400 for more information):

- Units of type 400 (with an approximate seating capacity of 400),
- Double-deck double-system (3 kV/25 kV, 50 Hz),
- Operationally and economically suitable for (regional) transportation services by rail in the territory of both the City of Prague and the Central Bohemia Region and potentially other territorial units adjacent to the Central Bohemia Region.

Based on publicly available information, as well as previous reference contracts, your company has been identified as a relevant potential supplier of the required ERV to the new public service operator. For this reason, in accordance with the relevant provisions of the Public Procurement Act, we would like to address your company within this PMC as an expert in the field and utilize your valuable experience regarding the technical specification of ERV, production capacity, and approval process for the introduction of ERV into operation in the Czech Republic.

These pieces of information will help us properly define the award criteria of the procurement procedure, which is expected to be initiated by the Contracting Authority in 2024, in terms of requirements for ERV and transport services, in order to best meet the needs of the Contracting Authority and set conditions in line with the Public Procurement Act and Act No. 194/2010 Coll., on Public Services in Passenger Transport, as amended.

## **II. Definition of the Purpose and Objectives of the PMC:**

The aim of this PMC is to conduct a market survey and verify the possibilities for manufacturers of ERV:

- (i) to deliver a complete fleet of the required ERV (in accordance with the defined parameters) in a quantity of approximately 40-50 vehicles and ensure the approval of their regular operation with passengers in the Czech Republic by December 2029,

as well as the possibility

- (ii) to carry out further deliveries of the required ERV after 2029 in an estimated quantity of 40-50 vehicles in the period from 2030 to 2034 (in case of activation of reserved changes in obligation arising from the public contract),
- (iii) guarantee the commutability (technical commonality) of the required ERV even after 2034.

Other important topics/questions for which we would like to know the manufacturer's opinion/stance regarding ERV are:

- Critical milestones for the development, production, and entry of the required ERV into operation by December 2029,
- Manufacturer's capability to meet the requirements for technical and other parameters of the required ERV (see Attachment No. 1: Required Parameters of New EMU400 for more information),
- Structure of warranty conditions (including warranty period) for the manufacturer of the required ERV.

During the consultation, we would also like to receive your comments or suggestions regarding the following topics/questions:

- 1) potential interest of the manufacturer in participating in the project of providing rail transportation services in the territory of the Contracting Authority after 2029 (together with the carrier) beyond the scope of production and delivery of the required ERV - for example, by establishing a technical base to provide maintenance services through "full service",
- 2) potential participation of the manufacturer in pre-financing (advance payments) or direct financing of the required ERV (compensation payments of the Contracting Authority to the carrier are tied to the actual transportation performance after the vehicles are put into operation; due to legal regulations the Contracting Authority is not allowed to make any prepayment in advance for their "future transportation performance" and the financial costs are capitalized by the carrier into the depreciation),
- 3) manufacturer's possibilities in terms of arranging financing for the production of the required ERV via financial institutions or leasing companies,
- 4) possibilities to reduce risks arising from the implementation of the project for its individual participants (Contracting Authority, public service operators, manufacturers of ERV).

In addition to the answers provided in Attachment No. 2: Required Parameters of New EMU400, we kindly request your responses to the above-mentioned topics and questions under points 1) to 4).

### III. Procedure of the Preliminary Market Consultation:

The first round of the PMC will be conducted by the Contracting Authority sending a prepared questionnaire (in Excel format) reflecting the currently considered parameters to the potential manufacturers of ERV and at the same time publishing an invitation to participate in the PMC on the contracting authority profile. The manufacturer of ERV will have the opportunity to present their viewpoint by providing specific answers in the form of YES/NO and additional comments.

In addition to completing the prepared questionnaire, the Contracting Authority also requests the completion of a brief Registration Form with the contact details of the manufacturer of ERV and the submission of the manufacturer's statement regarding the topics and questions mentioned in Section II under points 1) to 4).

The first round of the consultation will be conducted in writing, electronically via email.

Therefore, the Contracting Authority requests the manufacturers of ERV to complete and submit:

- Registration Form (according to Attachment No. 1 of this invitation),
- Attachment No. 2 of this invitation - Required Parameters of New EMU400, and
- Brief statement of the manufacturer of ERV regarding the topics and questions mentioned in Section II under points 1) to 4),

**by no later than November 17, 2023, 5:00 p.m. in a written form, via email to [vz@mt-legal.com](mailto:vz@mt-legal.com).**

Based on the evaluation of the received responses from the participants of the consultation, the Contracting Authority reserves the right to conduct further rounds of the PMC, which can take place in oral or written form.

Any further round of the consultation would aim to specify or clarify certain aspects resulting from the responses received in the first round of the consultation.

The format and further details will be communicated to the participants of the consultation well in advance.

Following the results of previous PMC rounds, the Contracting Authority may express interest in visiting the manufacturer's manufacturing plant, which will take place upon agreement and with the consent of



Středočeský kraj

the manufacturer. Participation in the PMC is not conditional on the Contracting Authority being allowed into the manufacturing plant.

**Disclaimers:**

- Participants are advised that, in accordance with Section 36 (4) of the Public Procurement Act, the Contracting Authority is obliged to identify the persons involved in the consultation in the procurement documents and provide all significant information that was a part of the consultation and information resulting from the consultation.
- We reserve the right to record the course of the consultation, e.g., through minutes, visual or audio recordings, or summaries of the main elements of communication. Physical persons participating in the consultation give their consent for the processing of personal data and the creation of recordings.
- We reserve the right to change the course of the consultation. Any such decision will be communicated to the concerned participants of the consultation with sufficient notice.
- Participants of the consultation shall bear the costs associated with their participation independently; the Contracting Authority is under no obligation to contribute in any way to the payment of these costs.
- The consultation will be conducted in a manner that does not disturb fair competition or the principles of public procurement pursuant to Section 6 of the Public Procurement Act.
- All communication (both written and oral) within the consultation will be conducted in the Czech language. If a participant of the consultation is a foreign person, they must provide their own translation/interpreter into a language they understand, at their own expense. This invitation to participate in the consultation is also sent in English, but the Czech language version always prevails.
- The participation in or non-participation in the consultation does not confer any rights or obligations on the participants in future procurement proceedings of the Contracting Authority.
- The participants of the consultation do not have the right to be informed about the details of the final evaluation of the consultation by the Contracting Authority.

For any questions or comments related to the consultation, please send them exclusively by email to [vz@mt-legal.com](mailto:vz@mt-legal.com).

Attachment No. 1 - Registration Form for PMC

Attachment No. 2 - Required Parameters of New EMU400



Středočeský kraj

**Distribution list:**

1.

**Stadler Praha, s.r.o.**

Kutvirtova 339/5  
150 00 Praha 5

**(E-mail and Data box)**

and:

**Stadler Rail AG**

Ernst-Stadler-Strasse 1,  
9565 Bussnang, Schweiz

**(E-mail)**

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2.

**ŠKODA TRANSPORTATION a.s.**

Emila Škody 2922/1  
301 00 Plzeň

**(E-mail and Data box)**

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3.

**Siemens Mobility, s.r.o.**

Siemensova 2715/1  
155 00 Praha 5 – Stodůlky

**(E-mail and Data box)**

and:

**Siemens Mobility Holding B.V.**

Prinses Beatrixlaan 800 2595 BN,  
's-Gravenhage, Zuid-Holland Netherlands

**(E-mail)**

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4.

**PESA Rail CR s.r.o.**

Siemensova 2717/4  
155 00 Praha 5

**(Data box)**

and:

**PESA Bydgoszcz SA**

85-082 Bydgoszcz,  
ul. Zygmunta Augusta 11



Středočeský kraj

**(E-mail)**

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5.

**Alstom Czech Republic a.s.**

Václavské náměstí 2132/47

110 00 Praha 1

**(E-mail and Data box)**

and:

**Alstom (France)**

48, rue Albert Dhalenne

93400 Saint-Ouen, France

**(E-mail)**

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6.

**Construcciones y Auxiliar de Ferrocarriles, SA (CAF)**

C/ José Miguel Iturrioz, 26

20200 Beasain, Spain

**(E-mail)**