



UNIVERZITA
KARLOVA

Documentation of procurement procedure to conclude framework agreement

for a above-threshold public service contract
entered in an open procedure
pursuant to Section 56 of Act No. 134/2016 Coll., on Public Procurement, as amended
(hereinafter referred to as "**the Act**")

Name of the procurement procedure:

Framework agreement for the provision of programming services

(hereinafter referred to as the "***procurement procedure***")

The tender procedure was published in the Tenders Electronic Daily under the contract registration
number:

Z2023-027578

The Contracting Authority:

Univerzita Karlova
Company Reg. No.: 00216208
with registered office: Ovocný trh 560/5, 116 36 Praha 1

The rights and obligations not listed in the documentation of procurement procedure are governed
by the Act.

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1. IDENTIFICATION DATA OF THE CONTRACTING AUTHORITY

Name of the Contracting Authority:	Univerzita Karlova
Company Reg. No.:	00216208
Registered office:	Ovocný trh 560/5, 116 36 Praha 1
Person authorized to represent the Contracting Authority:	doc. RNDr. Mirko Rokyta, CSc. dean of the Faculty of Mathematics and Physics

Profile of the Contracting Authority at: https://zakazky.cuni.cz/profile_display_15.html

Representation of the Contracting Authority

1.1 The representative of the Contracting Authority to carry out acts pursuant to the Act relating to this procurement procedure is **KOUKAL LEGAL, advokátní kancelář, s.r.o.** (law office), Company Reg. No.: 10800387, with registered office: Brno, Příkop 834/8, postcode 602 00, e-mail: vz@koukallegal.cz, tel.: +420 721 084 271, Data Box ID: gnqnuj2 (hereinafter referred to as "**the representative of the Contracting Authority**").

1.2 The representative of the Contracting Authority ensures all communication of the Contracting Authority with the economic operators (without prejudice to the authorization of the person authorized to represent the Contracting Authority or other delegated entities of the Contracting Authority) and in accordance with the Section 43 of the Act is authorized to carry out actions under the Act related to this procurement procedure, including the acceptance of any objections.

Communication

1.3 The Contracting Authority (the representative of the Contracting Authority) communicates with economic operators in accordance with Section 211 (1) of the Act only in writing. Written communication between the Contracting Authority and the economic operator shall be carried out by electronic means (with the exception of cases pursuant to Section 211 (3) of the Act), especially through a **certified electronic tool E-ZAK** (hereinafter referred to as "**electronic tool**").

1.4 For communication with the Contracting Authority (the representative of the Contracting Authority) via electronic tool is the economic operator required to register at the internet address of electronic tool: https://zakazky.cuni.cz/profile_display_15.html.

2. DEFINITION OF SOME TERMS

2.1 Award criteria in accordance with Section 28 (1) (a) of the Act mean all of the following requirements, conditions, criteria and rules laid down by the Contracting Authority including:

- a) requirements for the conduct of the procurement procedure,
- b) conditions for participation in the procurement procedure,

- c) rules for reduction of the number of participants or reduction of the number of tenders and solutions,
- d) evaluation criteria,
- e) other requirements for awarding the public contract pursuant to Section 104.

2.2 Procurement documents in accordance with Section 28 (1) (b) of the Act mean all written documents containing award criteria that are communicated or made available to participants at the moment of launching the procurement procedure including forms pursuant to Section 212 and invitations referred to in Annex 6 of the Act.

2.3 The Contracting Authority published procurement documents in accordance with Section 96 (1) of the Act on the profile of the Contracting Authority, with the exception of forms pursuant to Section 212 of the Act and invitations specified in Annex No. 6 of the Act.

2.4 Documentation of procurement procedure is understood to be the document entitled as "***Documentation of procurement procedure to conclude framework agreement***".

2.5 Qualification documentation is understood to be the document entitled as „***Qualification documentation***“

3. SUBJECT OF PROCUREMENT PROCEDURE

Subject of procurement procedure

3.1 Subject of the procurement procedure is to conclude framework agreement **with reopening of competition** between the Contracting Authority and **three economic operator** (if the framework agreement won't be concluded with more economic operators in accordance with rules for the evaluations of tenders), on the basis of which public service contracts will be awarded.

Subject of performance of public contracts awarded under the framework agreement

3.2 Subject of the public contracts awarded under the framework agreement is the provision of programming services related to the software CLARIN-DSpace.

3.3 Subject of the public contracts awarded under the framework agreement is specified in general in the draft framework agreement (Annex No. 2 of the Documentation of procurement procedure) and in the technical specification (Annex No. 5 of the Documentation of procurement procedure).

Classification of the subject of public contracts awarded under the framework agreement

3.4 The Contracting Authority has defined the subject of a public contracts awarded under a framework agreement according to the main vocabulary of the single classification system for public procurement purposes (Common Procurement Vocabulary):

CPV code:

72243000-0 Programming services

Estimated value of the framework agreement

3.5 Estimated value of the framework agreement determined by the Contracting Authority pursuant to Section 16 et seq. of the Act is **5.000.000,- CZK without VAT**.

3.6 The maximum permissible value of the price for 1 hour worked by the Project manager during the performance of public contracts awarded under the framework agreement is **65 EUR** without VAT. Exceeding the maximum permissible value of the price for 1 hour worked by the Project manager during the performance of public contracts awarded under the framework agreement means failure to fulfill the conditions of the procurement procedure.

3.7 The maximum permissible value of the price for 1 hour worked by the Software architect during the performance of public contracts awarded under the framework agreement is **65 EUR** without VAT. Exceeding the maximum permissible value of the price for 1 hour worked by the Software architect during the performance of public contracts awarded under the framework agreement means failure to fulfill the conditions of the procurement procedure.

3.8 The maximum permissible value of the price for 1 hour worked by the Software programmer during the performance of public contracts awarded under the framework agreement is **50 EUR** without VAT. Exceeding the maximum permissible value of the price for 1 hour worked by the Software programmer during the performance of public contracts awarded under the framework agreement means failure to fulfill the conditions of the procurement procedure

Financing of public contracts awarded under the framework agreement

3.9 Public contracts under the framework agreement will be (co)financed from the grant from the Ministry of Education, Youth and Sports Czech Republic, project: Digitální výzkumná infrastruktura pro jazykové technologie, umění a humanitní vědy, number of project: LM2023062.

3.10 Next the contracting authority assumes that public contracts awarded under the framework agreement will be (co)financed too from the EU funds – i. e. from the OP JAK programme – especially from Call No. 02_23_014 – Open Science I¹.

Other conditions

3.11 The Contracting Authority does not allow tender to conclusion of the framework agreement to be conditional upon any other conditions than those specified in the award criteria.

Socially and Environmentally Responsible Public Procurement

3.12 The contracting authority fully reflected the principles set out in Section 6 of the Act. The contracting authority applies these principles within the public contracts awarded under a framework agreement mainly through the institutes listed below.

¹ See https://opjak.cz/aktuality/vyzva-c-02_23_014-open-science-i/

3.13 The principle of socially responsible public procurement is taken into account by the contracting authority, for example, by the fact that the contracting authority places emphasis on correct subcontracting relationships in the supply chain of the selected economic operator, decent working conditions and adequate remuneration of all workers involved in the fulfillment of the subject of the public contracts awarded under the framework agreement, and on occupational safety for all workers participating in implementation of the subject of the public contracts awarded under the framework agreement.

3.14 The principle of environmentally responsible procurement is reflected by the contracting authority in the procurement conditions, especially in the draft framework agreement (Annex No. 2 of Documentation of procurement procedure), such as the requirements of the contracting authority to minimize the generation of waste or to use recycled or recycled materials, products and packaging, if objectively possible.

3.15 The principle of innovation is already taken into account in the subject of public contracts awarded on the basis of the framework agreement, as an information system of the contracting authority will be created as part of the performance of public contracts, which will innovate the way the data is handled.

4. DURATION OF THE FRAMEWORK AGREEMENT; DURATION AND PLACE OF PERFORMANCE OF PUBLIC CONTRACTS AWARDED UNDER THE FRAMEWORK AGREEMENT

4.1 The framework agreement will be concluded for **4 years**.

4.2 Duration and place of performance of public contracts awarded under the framework agreement will be determined in the commercial and payment terms (the draft framework agreement) and conditions of the public contracts awarded under the framework agreement.

5. REQUIREMENTS FOR PROVING QUALIFICATION

5.1 The Contracting Authority's requirements for proving qualification are specified in the Qualification documentation (Annex No. 3 of the Documentation of procurement procedure).

6. FRAMEWORK AGREEMENT; COMMERCIAL AND PAYMENT CONDITIONS

Framework agreement

6.1 The Contracting Authority shall establish the terms and conditions of payment in the form of the draft framework agreement (hereinafter referred to as the "***draft framework agreement***"), (Annex No. 2 of the Documentation to procurement procedure).

6.2 The draft framework agreement is not submitted by the participant. Instead of a signed draft framework agreement, the participant submits an affirmation that he accepts the draft framework agreement and he is bound by it. The Contracting Authority recommends to elaborate the affirmation in accordance with the template (Annex No. 6 of the Documentation to procurement procedure). The participant is not entitled to request changes or additions to the draft framework agreement, except for the additions, which are expressly reserved for addendum by participant, which will be added before signature of the framework agreement on the basis of the tender of the selected economic operator. The framework agreement will be concluded with the selected economic operator in accordance with the Act.

6.3 If several economic operators jointly participate (as a single participant), they are required to attached an original, an officially certified copy or a copy of the contract which will imply that all such economic operators will be jointly and severally liable to third parties in connection with the performance of the framework agreement or the performance of public contracts awarded under the framework agreement for the entire duration of the framework agreement as well as for the entire duration of the performance of public contracts awarded under the framework agreement and for the duration of other commitments resulting from a framework agreement or public contracts awarded under the framework agreement. The relevant contract must also clearly define which of the economic operators is authorized to represent other economic operators in matters relating to the framework agreement and performance of public contracts awarded under the framework agreement or a particular parts thereof and which of the economic operators will be the billing point.

Commercial and payment conditions of public contracts awarded under the framework agreement

6.4 The Contracting Authority shall establish the terms and conditions of payment of public contracts awarded under the framework agreement in the draft framework agreement (Annex No. 2 of the Documentation to procurement procedure) and in the subsequent orders.

7. REQUIREMENTS FOR METHOD OF PROCESSING THE PRICE OF PERFORMANCE

7.1 The participant will elaborate the price of performance for the purpose of evaluation of tenders for conclusion of the framework agreement according to the template (Annex No. 4 of the Documentation of procurement procedure).

7.2 For the purpose of evaluation of tenders for the conclusion of the framework agreement, the tender price is the price calculated according to predefined formulas in the template (Annex No. 4 of the Documentation of procurement procedure) (hereinafter referred to as the „*sample table*“), i.e. the total price for the expected number of hours worked by individual members of the participant's realization team during the performance of public contracts awarded under the framework agreement (for the entire duration of the framework agreement) in EUR without VAT (hereinafter referred to as the "*tender price*"). The participant is responsible for the content of the tender for the conclusion of the framework agreement he has submitted.

7.3 The participant will use the sample table to elaborate the tender price, in which the participant will complete the data in the required structure and the final tender price will be calculated by the sample table. In the sample table participants are entitled to complete the sample table only in the part of color (yellow) marked fields. Participants are not entitled to make any other

changes, modifications or additions to fields other than color (yellow) marked fields designated for the completion by participants.

7.4 The prices for 1 hour of work of individual members of the participant's realization team referred to in the template (Annex No. 4 of the Documentation of procurement procedure) (hereinafter referred to as "*unit prices*") must be set as binding, maximum permissible and can not be exceeded (with exceptions set out in the draft framework agreement). The participant is obliged to include all costs or fees and other expenses incurred or likely to arise during the performance of public contracts awarded under the framework agreement in the unit prices. Details are set out in the draft framework agreement. All performances of the economic operator resulting from the fulfillment of obligations set out in the draft framework agreement must be a part of the unit prices.

7.5 The tender for conclusion of the framework agreement must contain a duly elaborated price of performance. The Contracting Authority reserves the right (not the obligation) to exclude the participant from the procurement procedure, if his tender for conclusion of the framework agreement will contain zero, negative or no value at any of the unit prices (precised to 2 decimals), or if the template for processing the price of performance does not expressly set that out at some of the unit prices (in that case instruction in the template for processing the price of performance will be applied). The Contracting Authority shall send a notice of the exclusion of a participant from the procurement procedure with an explanation to the excluded participant without delay.

7.6 The individual numbers of the participant in procurement procedure is obliged to determine, i.e. precise to 2 decimals.

7.7 VAT is a monetary amount, the amount of which corresponds to the value added tax calculated according to Act No. 235/2004 Coll., On Value Added Tax, as amended. If the participant is not a registered VAT payer, he shall explicitly state this fact by a statement in the draft framework agreement.

8. EVALUATION OF TENDERS FOR THE CONCLUSION OF THE FRAMEWORK AGREEMENT

Economic advantageousness of tenders

8.1 Tenders for conclusion of the framework agreement will be evaluated in accordance with Section 114 (1) of the Act on the basis of their economic advantageousness.

8.2 The economic advantageousness of tenders for conclusion of the framework agreement will be evaluated in accordance with Section 114 (2) of the Act, second sentence, on the basis of the lowest tender price.

Rules for evaluation of tenders

8.3 The Contracting Authority has set in accordance with Section 115 of the Act the tender price as the only evaluation criterion, while the tenders will be evaluated by ranking the tenders according to the tender price from the tender with the lowest tender price to the tender with the highest tender price.

8.4 The most economically advantageous tender for conclusion of the framework agreement is the tender for conclusion of the framework agreement with the lowest tender price.

8.5 The Contracting Authority concludes the framework agreement with three participants, who submit the most economically advantageous offers for the Contracting Authority (according to the evaluation criteria mentioned above).

8.6 If the Contracting Authority receives several tenders that are as economically advantageous as the 3rd most economically advantageous tender, the framework agreement will be concluded with all participants who submitted such tenders in such a way the specified number of participants with whom it has the framework agreement is concluded, and at the same time the framework agreement was concluded with all participants who submitted tenders as economically advantageous as the 3rd most economically advantageous tender.

8.7 If less than three tenders are submitted to the procurement procedure or if less than three tenders remain in the procurement procedure after the assessment and evaluation of the tenders, the contracting authority will conclude the framework agreement with the participants who submitted tender to the procurement procedure and who successfully passed the assessment and evaluation of the tenders.

8.8 Subject to compliance with the rules set out in par. 8.6 and 8.7 of the Documentation of procurement procedure, the framework agreement may be concluded with a bigger or smaller number of participants (than with three participants).

8.9 For evaluation of tenders are decisive prices in EUR without VAT.

9. REQUIREMENTS FOR THE METHOD OF PROCESSING THE PRICE OF PERFORMANCE FOR THE PURPOSE OF EVALUATING THE TENDERS FOR THE CONCLUSION OF THE PUBLIC CONTRACT ON THE BASIS OF THE FRAMEWORK AGREEMENT

9.1 The participants of the framework agreement will process the tender price for the purposes of evaluating tenders for the conclusion of the public contract on the basis of the framework agreement according to the instructions set out in the framework agreement and the invitation to submit a tender for the conclusion of the public contract sent to the participants of the framework agreement in accordance with the conditions set out in the framework agreement.

10. EVALUATION OF TENDERS FOR THE CONCLUSION OF THE PUBLIC CONTRACT ON THE BASIS OF THE FRAMEWORK AGREEMENT

Economic advantageousness of tenders

10.1 Tenders for conclusion of the public contract on the basis of the framework agreement will be evaluated in accordance with Section 114 (1) of the Act on the basis of their economic advantageousness.

10.2 The economic advantageousness of tenders for conclusion of the public contract on the basis of the framework agreement will be evaluated in accordance with Section 114 (2) of the Act, second sentence, on the basis of the lowest tender price.

Rules for evaluation of tenders

10.3 The Contracting Authority has set in accordance with Section 115 of the Act the tender price as the only evaluation criterion, while the tenders will be evaluated by ranking the tenders according to the tender price from the tender with the lowest tender price to the tender with the highest tender price. Details are set out in the framework agreement and the invitation to submit a tender for the conclusion of the public contract on the basis of the framework agreement.

10.4 The most economically advantageous tender for conclusion of the public contract on the basis of the framework agreement is the tender for conclusion of the public contract on the basis of the framework agreement with the lowest tender price.

10.5 For evaluation of tenders are decisive prices in EUR without VAT.

11. OBLIGATION OF REQUIREMENTS OF THE CONTRACTING AUTHORITY

11.1 Information and data specified in the procurement documents are defining the mandatory requirements of the Contracting Authority for the conclusion of the framework agreement. These requirements have to be strictly and unreservedly respected by the economic operator when he draws up his tender.

12. VISIT TO THE SITE OF PERFORMANCE

12.1 The Contracting Authority does not organize a visit to the site of performance.

13. EXPLANATION OF PROCUREMENT DOCUMENTS

13.1 In accordance with Section 98 (1) of the Act the Contracting Authority **may explain the procurement documents provided that it publishes such explanation** or, where applicable, **related documents on the Contracting Authority profile not less than five working days before the expiry of the time limit for the submission of tenders.**

13.2 In accordance with Section 98 (3) of the Act economic operators may **request in writing an explanation of the procurement documents.**

13.3 The economic operators shall **send a request for explanation of the procurement documents written in electronic form** to the representative of the Contracting Authority referred to in Article 1 of the Documentation of procurement procedure, i.e. via e-mail or data message to the contact details referred to in paragraph 1.1 of the Documentation of procurement procedure or by the electronic tool.

13.4 The request for explanation of the procurement documents must contain an identification data and contact details of the economic operator and the information about the procurement procedure to which the request relates.

13.5 If an explanation of the procurement documents is requested in writing by the economic operator, the Contracting Authority shall publish, send or transmit the explanation including the accurate wording of the request without identifying the respective economic operator.

13.6 The Contracting Authority is not obliged to provide an explanation if the request for explanation is not delivered in time, which means not less than 3 working days before the expiry of the time limits defined in paragraph 13.1 of the Documentation of procurement procedure.

13.7 If the contracting authority provides an explanation upon a request that has not been delivered in time, it is not obliged to observe the time limits under the paragraph 13.1 of the Documentation of procurement procedure.

13.8 If the request for explanation of the procurement documents is delivered in time and the Contracting Authority fails to publish, send or transmit the explanation within 3 working days, it shall extend the time limit for the submission of tenders by at least as many working days as a number of days by which the period between the receipt of the request for explanation and the publication, sending or transmission of the explanation exceeded 3 working days.

13.9 Where the explanation of the procurement documents concerns such parts of procurement documents that are not made public pursuant to Section 96 (2) of the Act, the Contracting Authority shall send or transmit them to all economic operators who have submitted requests for explanation of the respective parts of the procurement documents; in this case paragraph 13.1 of the Documentation of procurement procedure does not apply.

14. ALTERATION OR SUPPLEMENTATION OF THE PROCUREMENT DOCUMENTS

14.1 The Contracting Authority may alter or supplement the award criteria contained in the procurement documents before the expiry of the time limit for the submission of tenders.

14.2 An alteration or supplementation of the procurement documents will be published or announced by the Contracting Authority to economic operators by the same means as the award criterion that has been altered or supplemented.

14.3 Where the nature of the supplementation or alteration of the procurement documents requires so, the Contracting Authority will reasonably extend the time limit for the submission of tenders.

14.4 In cases where the scope of possible participants may be extended by the alteration or supplementation of the procurement documents, the Contracting Authority will extend the time limit to be at least as long from the moment of sending the alteration or supplementation as the original time limit.

15. TIME LIMIT FOR THE SUBMISSION OF TENDERS

15.1 Time limit for the submission of tenders:

time limit for the submission of tenders is set out in the notice of initiation of the procurement procedure published in the Tenders Electronic Daily under the contract registration number: Z2023-027578 and in the electronic tool.

15.2 The tender must be submitted no later than the end of the time limit for submission of tenders set out above. The participant is fully responsible for the timely delivery of the tender.

16. OPENING OF TENDERS FOR CONCLUSION OF THE FRAMEWORK AGREEMENT

16.1 The Contracting Authority will open tenders after the expiry of the time limit for the submission of tenders.

16.2 Opening of tenders will be, due to the fact that the Contracting Authority allows submission of tenders only electronically, held without the presence of participants.

16.3 Opening a tender in electronic form shall be understood as granting access to the content of the tender to the Contracting Authority.

17. AWARD PERIOD

17.1 The Contracting Authority lays down in accordance with Section 40 of the Act a five-month award period (time limit throughout which the participants may not withdraw from the procedure).

17.2 The award period shall run from the expiry of the time limit for the submission of tenders. The award period shall be suspended for the period of time during which the Contracting Authority shall not enter into a contract, resp. framework agreement, pursuant to Section 246 of the Act.

18. SECURITY

18.1 The Contracting Authority in accordance with Section 132 (6) of the Act does not request participants to provide a security.

19. CHANGES IN QUALIFICATION OF A PARTICIPANT

19.1 If the qualification of a participant changes after the submission of documents or affirmation regarding qualification, the participant is obliged to announce such change to the Contracting Authority within 5 working days and to submit new documents or affirmation of qualification within 10 working days from the announcement of such change; the Contracting Authority may extend these time limits or excuse their default.

19.2 The participant shall not become obliged to announce changes and submit new documents under the paragraph 19.1 of the Documentation of procurement procedure if the qualification is changed in such a manner that

- a) the qualification requirements are still met,
- b) the criteria for the reduction of the number of participants or the number of tenders have not been influenced,
- c) the criteria for evaluation of tenders have not been influenced.

19.3 If the Contracting Authority finds out that the economic operator has not fulfilled the duty defined in paragraph 19.1, the Contracting Authority shall exclude such economic operator from the procurement procedure without delay. The Contracting Authority shall send a notice of the exclusion of a participant from the procurement procedure with an explanation to the excluded participant without delay.

20. CONDITIONS FOR DRAWING UP AND SUBMISSION OF TENDERS

20.1 Tenders shall be submitted **in writing in electronic form**.

20.2 Electronic tenders shall be submitted via **electronic tool**. The economic operator who intends to submit tender in the procurement procedure is required to register at the internet address of electronic tool listed above. Tender submission is possible only after registration and logging into the electronic tool.

20.3 The registration of an economic operator in the electronic tool can be done electronically at the electronic tool address: <https://mfc.ezak.cz/regitrace.html>. More information about the economic operator's registration process can be found on the electronic tool website (www.mfc.ezak.cz) in the Manuals category. The procedure for registering a foreign economic operator is available in English.

20.4 The language of the procurement procedure is the English language.

20.5 Tenders may be submitted **only in the English language**.

20.6 The framework agreement will be concluded in English version, regardless of the country of the selected economic operator.

20.7 If the tender will not be delivered to the Contracting Authority within the time limit or within the manner laid down in the procurement documents, it shall not be considered as submitted and shall not be taken during the procurement procedure.

20.8 The economic operator may submit in the procurement procedure only one tender.

20.9 The economic operator which has submitted a tender in the procurement procedure shall not be at the same time a person through which another economic operator proves qualification in the same procurement procedure.

20.10 The Contracting Authority pursuant to Section 107 (5) of the Act shall exclude a participant which has submitted several tenders either separately or together with other economic operators or a participant which has submitted a tender and is at the same time a person through which another economic operator proves qualification in the same procurement procedure. The Contracting Authority shall send a notice of the exclusion of a participant from the procurement procedure with an explanation to the excluded participant without delay.

20.11 The tender must contain an affirmation of acceptance of draft framework agreement signed by the participant.

20.12 The tender must contain a duly elaborated price of performance (the tender price). The participant is not entitled to make any changes in the template for the processing the tender price (Annex No. 4 of the Documentation of procurement procedure), except the adding the price for determination of the age of one sample. The participant is not entitled especially to change the structure of the tender price, the names, descriptions, units of measurement or number of units of measurement or other information specified in the individual items of the tender price. Next the participant is not entitled especially to add or remove items of the tender price etc. The Contracting Authority recommends the participants processing the tender price in accordance with the template (Annex No. 4 of the Documentation of procurement procedure).

20.13 The tender must contain a list of subcontractors, if they are known to the participant, in particular subcontractors with which the participant proved the fulfillment of part of the professional qualification or economic or technical qualification, including an indication of the part of the public contract that each of the subcontractors will perform, **or affirmation that the participant is not aware of the subcontractors who will participate in the performance of the public contract** (hereinafter referred to as the “*list of subcontractors*”). The Contracting Authority recommends the participants list of subcontractors in accordance with the template (Annex No. 8 of the Documentation of procurement procedure).

20.14 According to Section 4b of Act No. 159/2006 Coll., on conflict of interests, as amended (hereinafter referred to as the “*Act on Conflict of Interests*”), the contracting authority is prohibited from awarding a public contract to the economic operator that is a commercial company in which the public official listed in Section 2 (1) letter c) of the Act on Conflict of Interests, or a person controlled by him, owns a share representing at least 25 % of the partner’s participation in the company.

For this reason, the contracting authority requires the economic operator to honestly declare that it is not an economic operator to which the above prohibition would apply. **These facts the economic operator shall declare in an affirmation on the absence of a conflict of interest** (Annex No. 7 of the Documentation of procurement procedure).

The contracting authority in accordance with Section 48 (8) of the Act in connection with Section 48 (2) letter a) of the Act and with Section 4b of the Act of Conflict of Interests shall exclude from the procurement procedure an economic operator who violates Section 4b of the Act of Conflict of Interests.

20.15 According to Section 48a of the Act the contracting authority is prohibited from awarding a public contract to an economic operator if this is in conflict with international sanctions according to Section 2 of the Act No. 69/2006 Coll., on the Implementation of International Sanctions, as amended (hereinafter referred to as “*international sanctions*”). You can find out more about used international sanctions of the website of the Financial and Analytical Office and on the website of the European Council and the Council of the EU.

For this reason, the contracting authority requires the economic operator to honestly declare the it is not an economic operator that is subject to international sanctions and tha it is not aware of the fact that international sanctions would apply to any of its subcontractors through which it will fulfill the the public contract in question or part of it. These facts the economic operator shall declare in an affirmation related to international sanctions (Annex No. 10 of the Documentation of procurement procedure).

The contracting authority in accordance with Section 48a (2) letter b) of the Act shall exclude from the procurement procedure the selected economic operator to whom international sanctions apply, or in accordance with Section 48a (3) letter b) of the Act will require the selected economic operator to replace its subcontractor, which is subject to international sanctions.

The contracting authority hereby explicitly draws attention to one of the current accepted international sanctions, which is governed by Article 5k of the EU Council Regulation (EU) 2022/576 of 8 April 2022, amending Regulation (EU) No. 833/2014 concerning restrictive measures in view of Russia’s actions destabilising the situation in Ukraine (herein referred to as the “EU Council Regulation”), according to which the contracting authority is prohibited from awarding a public contract:

- a) to any Russian nationals, natural or legal persons, entities or bodies based in Russia,
- b) to legal entities, entities or bodies that are more than 50 % directly or indirectly owned by any of the entities listed in letter a) of this paragraph, or
- c) to natural or legal persons, entities or authorities acting on behalf of or at the direction of any of entities listed in letters a) or b) of this paragraph.

The same applies to all subcontractors, suppliers or entities that participate in the performance of a public contract for more than 10 % of the value of this contract, with which the participant proves his qualification, or submits a joint tender with them.

20.16 The participant shall submit the tender in electronic form via electronic tool.

20.17 Cover Sheet of the tender must consists of:

- a) identification data of the participant within the scope specified in Section 28 (1) (g) of the Act,
- b) eventually other data.

The Contracting Authority recommends processing the Cover Sheet of the tender according to the template (Annex No. 1 of the Documentation of procurement procedure).

20.18 The submitted tender will have the following structure:

- a) the Cover Sheet of the tender,
- b) documents proving the fulfillment of qualification,

- c) the affirmation of acceptance of the draft framework agreement,
- d) the price of performance in accordance with Article 7.2 of the Documentation of procurement procedure,
- e) the affirmation of the absence of a conflict of interest,
- f) the affirmation related to Russia's activities,
- g) the list of subcontractors,
- h) other documents.

20.19 Requirements for a formal adjustment of the tender specified in paragraph 20.17 and 20.18 of the Documentation of procurement procedure have a recommendatory character.

21. ADDITIONAL TERMS AND RIGHTS OF THE CONTRACTING AUTHORITY

21.1 The costs associated with participation in procurement procedure shall be borne by each participant himself. Tenders or parts of the tenders will not be returned to participants after the end of time limit for the submission of tenders and will remain with the Contracting Authority as part of the procurement procedure documentation.

21.2 In the event of a change in the information given in the tender until conclusion of contract, resp. framework agreement, with the selected economic operator, the selected economic operator shall be obliged to inform the Contracting Authority thereof in writing without undue delay.

21.3 The procurement procedure is not divided into lots pursuant to Section 101 of the Act.

21.4 The Contracting Authority does not allow any variations of the tender pursuant to Section 102 of the Act.

21.5 The Contracting Authority reserves the right to cancel the procurement procedure in accordance with Section 127 of the Act.

21.6 The Contracting Authority reserves the right to verify the information contained in the tender of the participant or third parties in procurement procedure. The participant is obliged to provide all the necessary cooperation.

21.7 The processing of personal data by the Contracting Authority will be done in the manner described in the Information of the processing of personal data collected in procurement procedure (hereinafter referred to as "**Information of processing of personal data**"), which is annexed to the Documentation of procurement procedure (Annex No. 9 of Documentation of procurement procedure). Where an economic operator provides personal data in tender, the subject of such personal data shall be informed of processing of personal data.

22. LIST OF ANNEXES

The following annexes are part of Documentation of procurement procedure:

- Annex No. 1** Draft cover sheet of the tender
- Annex No. 2** Draft framework agreement
- Annex No. 3** Qualification documentation
- Annex No. 4** Draft processing price of performance (the tender price)
- Annex No. 5** Technical specification
- Annex No. 6** Affirmation of acceptance of draft framework agreement
- Annex No. 7** Affirmation on the absence of a conflict of interest
- Annex No. 8** Draft of a list of subcontractors
- Annex No. 9** Information on the processing of personal data by the Contracting Authority
- Annex No. 10** Affirmation related to international sanctions

In Prague on 30.06.2023

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