

**CALL FOR TENDERS AND PROCUREMENT DOCUMENTS FOR A PUBLIC CONTRACT**  
**Awarded in the simplified sub-threshold procedure under Act No. 134/2016 Sb., to regulate public procurement, as amended ("Act")**

Pursuant to Section 53(1) of the Act, the contracting authority, Charles University, with its registered office at: Ovocný trh 560/5, Staré Město, 116 36 Praha 1; unit of the University concerned: First Faculty of Medicine, Kateřinská 1660/32, Nové Město, 121 08 Praha 2, hereby invites you to submit a tender.

**1. TITLE AND TYPE OF THE PUBLIC CONTRACT**

Title of the public contract (PC):	<b>First Faculty of Medicine of CU – fMRI Visual Stimulation System (repetition)</b>
Type of PC:	Simplified sub-threshold procedure for supply
CPV code for the subject of the PC:	33110000-4 Imaging equipment for medical, dental and veterinary use
E-ZAK (DBID) number:	7741
Link to the public contract:	<a href="https://zakazky.cuni.cz/vz00007166">https://zakazky.cuni.cz/vz00007166</a>
Project identification information:	Recovery and Resilience Facility (RRF) – National Recovery Plan of the Czech Republic – component 5.1 – Programme for the Support of Excellence in Research in the Priority Areas of Public Interest in the Health Care Sector – EXCELES Name of the project: National Institute of Neurological Research Project number: LX22NPO5107

**2. CONTRACTING AUTHORITY IDENTIFICATION INFORMATION**

Business name or name:	<b>Charles University</b>
Registered office:	Ovocný trh 560/5, Staré Město, 116 36 Praha 1
Unit of the University concerned:	<b>First Faculty of Medicine</b> Kateřinská 1660/32, Nové Město, 121 08 Praha 2
Id. No., VAT Id. No.:	00216208, CZ00216208
Person authorised to represent the contracting authority:	Prof. MUDr. Martin Vokurka, CSc., Dean of the First Faculty of Medicine of Charles University
Contact person of the contracting authority for the purposes of the procurement procedure:	Ing. Anna Marková, Public Procurement Office, E-mail: <a href="mailto:anna.markova@lf1.cuni.cz">anna.markova@lf1.cuni.cz</a>
Link to the profile of the contracting authority:	<a href="https://zakazky.cuni.cz/profile_display_7.html">https://zakazky.cuni.cz/profile_display_7.html</a>

List of persons other than the contracting authority who have contributed to the creation of the procurement documents and identification of the parts of procurement documents to which they have contributed: no persons other than the contracting authority have contributed to the creation of the procurement documents.

The contracting authority has conducted preliminary market consultations ("PMC") with the following contractors:

- NordicNeuroLab AS, Møllendalsveien 1, N-5009 Bergen, Id. No.: 891043082; and

- MES Forschungssysteme GmbH, Am Anger 4, 82237 Würthsee.

The purpose of the PMC was to acquire information and data necessary for determining the procurement terms. The information gathered during the PMC was used to determine the estimated value of the public contract, the delivery period, as well as the guarantee period and the period for the removal of defects provided in the draft agreement.

### 3. DEFINITION OF THE SUBJECT OF THE PUBLIC CONTRACT

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**The subject of performance of the public contract is the supply of a visual stimulation system allowing separate 2D imaging on a monitor compatible with the 3T MRI environment and 3D imaging on separate binocular glasses used to present stimuli to subjects participating in a research study carried out by the Department of Neurology of the First Faculty of Medicine of Charles University and the General University Hospital in Prague (“Goods”).**

The parameters of the Goods (detailed technical specifications of the subject of the public contract) are provided in Annex 1 – the template for the Sales Agreement (“Agreement”) which forms part of the present procurement documents. Contractors who submit a tender in this procurement procedure must comply with all the technical requirements provided in the Annex. **Tenders submitted by the tenderers must also contain technical and visual documentation for the Goods – e.g., a copy of the manufacturer’s technical data sheet or the manual for the Goods, etc. The data provided by the tenderer in Annex 1 to the Agreement, or the technical documentation, must clearly show that the Goods tendered by the tenderer comply with the minimum technical requirements of the contracting authority for the Goods.**

The performance of the public contract also includes the transport of the Goods to the place of performance, installation of the Goods at the place of performance, commissioning of the Goods, testing and trial operation, professional training of the operators in the appropriate scope, and handover of the Goods and all documents related thereto, in particular documents necessary for the acceptance and use of the Goods by the buyer (user manual, etc.).

### 4. ESTIMATED VALUE OF THE PUBLIC CONTRACT

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The estimated value of the public contract is **CZK 3 740 424 excluding VAT**.

### 5. PLACE OF PERFORMANCE OF THE PUBLIC CONTRACT

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The place of performance of the public contract is the **Department of Neurology of the First Faculty of Medicine of Charles University and the General University Hospital in Prague, at Kateřinská 30, 128 21 Praha 2, rooms P49 and P50 (control room for the operator and the control system).**

### 6. PERIOD OF PERFORMANCE OF THE PUBLIC CONTRACT

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**Delivery period: No later than within 4 months of the date of publication of the Sales Agreement in the Register of Contracts** under Act No. 340/2015 Sb., to regulate the register of contracts, as amended. The tenderer’s (seller’s) obligation is fulfilled by the delivery of the Goods to the place of performance, installation at the place of performance, commissioning of the Goods, testing and trial operation, training of the operators in the appropriate scope, delivery of the relevant documentation for the Goods, and acceptance of the Goods by the contracting authority without reservation.

### 7. RESPONSIBLE PROCUREMENT

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The contract is suitable for small and medium-sized enterprises. Labour aspects and decent working conditions are incorporated in Article VIII of Annex 1 – the template for the Sales Agreement.

### 8. TERMS AND CONDITIONS, INCLUDING PAYMENT TERMS

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**The procurement terms include a template for the Agreement** which regulates the requirements for the subject of performance of the public contract and contains the binding payment, delivery, warranty and post-warranty terms, penalties, objective conditions under which it is possible to exceed the tender price, and other terms and conditions set by the contracting authority.

The template for the Agreement forms Annex 1 hereto and the tenderers must use it for drawing up their draft Agreement in their tender. **The tenderers only fill in the required information in the designated fields of the template for the Agreement and may not otherwise modify or amend the wording of the Agreement.** The contracting authority does not require the tenderer to sign the draft Agreement in the tender.

## 9. QUALIFICATION REQUIREMENTS

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A contractor is qualified under Section 73(1) to (3) of the Act to perform the public contract if the following requirements are met:

- a) The contractor proves basic eligibility under Article 9.2 hereof;
- b) The contractor proves professional competence under Article 9.3 hereof;
- c) The contractor proves technical qualification under Article 9.4 hereof.

### 9.1 REQUIREMENTS FOR PROVING THE NECESSARY QUALIFICATION

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#### 9.1.1 Proof of qualification held by other persons

The contractor may prove the economic qualification, technical qualification, or professional competence required by the contracting authority, except for the criterion under Section 77(1) of the Act, held by other persons. In such case, the contractor is obliged to provide the contracting authority with the following documents:

- a) Documents proving that another person meets the requirements for professional competence under Section 77(1) of the Act;
- b) Documents proving that another person fulfils the requirements for the missing qualification;
- c) Documents proving that another person meets the requirements for basic eligibility under Section 74 of the Act; and
- d) Contract or a confirmation thereof signed by another person which provides for the obligation on the part of the other person to provide the performance of the public contract or to provide property or rights which the contractor will be entitled to dispose of in the performance of the public contract, at least to the extent that the other person provided proof of the necessary qualification instead of the contractor.

Where the contractor proves qualification held by another person and provides documents under Section 79(2)(a), (b) or (d) of the Act in relation to that person, it follows from the contract or the confirmation thereof under Section 83(1)(d) that the other person is obliged to carry out the construction work or provide the services to which the criterion of qualification being proven relates. The requirement under Section 83(d) is deemed to be met if it follows from the content of the contract or the confirmation thereof that the other person is obliged to perform the public contract jointly and severally with the contractor; this provision does not apply if the contract or the confirmation thereof must meet the requirements under Section 83(2) of the Act.

#### 9.1.2 Joint proof of qualification

If contractors participate jointly in the procurement procedure, basic eligibility under Section 74 of the Act and professional competence under Section 77(1) of the Act must be proved by each contractor separately.

If contractors participate jointly in the procurement procedure, they must prove their technical qualification under Section 79 of the Act jointly or they must prove the qualification held by other persons.

#### 9.1.3 Proof of qualification from abroad

Qualification from abroad is proven by documents issued in accordance with the law of the state in which the qualification was obtained, to the extent required by the contracting authority. If the required document is not issued in accordance with the applicable laws, it may be replaced by an affirmation.

#### 9.1.4 List of qualified contractors

If the contractor submits to the contracting authority an extract from the list of qualified contractors, this extract replaces the document proving (a) professional competence under Section 77 of the Act to the extent that the information in the extract from the list of qualified contractors proves compliance with the criteria for professional competence, and (b) basic eligibility under Section 74 of the Act.

The contracting authority is obliged to accept the extract from the list of qualified contractors as long as it is not older than 3 months on the last day of the period for proving basic eligibility or professional competence. The contracting authority is not obliged to accept an extract from the list of qualified contractors which indicates the commencement of the procedure under Article 231(3) of the Act.

Instead of providing an extract from the list of qualified contractors, the contractor may prove the necessary qualification by providing a certified confirmation from another Member State where the contractor's registered office is located, which is equivalent to the extract from the list of qualified contractors.

#### 9.1.5 System of qualified contractors

A valid certificate issued within the approved system of certified contractors under Section 233 *et seq.* of the Act may be used to prove qualification in the procurement procedure. The contractor is deemed to be qualified to the extent indicated on the certificate.

The contracting authority does not dispute the information provided in the certificate unless there are special reasons to do so. Before entering into the Agreement, a contractor who has proved qualification by providing a certificate may be required to submit the documents under Article 74(1)(b) to (d) of the Act.

Instead of providing a certificate, the contractor may prove the necessary qualification by providing a certified confirmation from another Member State where the contractor's registered office is located, which is equivalent to the certificate.

#### 9.1.6 Documents proving qualification

Documents proving basic eligibility under Section 74 of the Act must prove compliance with the required eligibility criterion no later than 3 months before the date of commencement of the procurement procedure. Where the law or the contracting authority requires an affirmation from the contractor to prove qualification, the affirmation must contain the information required by the law and by the contracting authority on compliance with the qualification requirements.

If the law or the contracting authority requires the submission of a document in accordance with the laws of the Czech Republic, the contractor may submit a similar document in accordance with the laws of the state in which the document was issued. Documents in languages other than the language designated by the contracting authority for the submission of the tender must be submitted with a translation into the language designated by the contracting authority. If the contracting authority has any doubts as to the accuracy of the translation, the contracting authority may require the submission of a certified translation of the document by a translator registered in the list of certified translators and interpreters. Documents in the Czech or Slovak languages and documents proving education in Latin are submitted without translation; the contracting authority may also waive the obligation to provide a translation for other documents. If the required document is not issued in accordance with the applicable laws, it may be replaced by an affirmation.

In the tender, the tenderer submits the documents proving the necessary qualification in uncertified copies and may replace them with an affirmation or the European Single Procurement Document within the meaning of Section 87 of the Act.

The tenderer may also fulfil the obligation to submit a document by referring to the relevant information registered in a public administration information system (Act No.365/2000 Sb., to regulate public administration information systems and to amend certain other acts, as amended) or in a similar system administered in another

Member State which allows unrestricted remote access. Such link must contain an internet address, login information, and information on how to retrieve the information required where necessary.

In the course of the procurement procedure, the contracting authority may request the submission of originals or certified copies of the documents proving qualification.

**Before entering into the Agreement, the contracting authority always requests the selected contractor to submit the required documents proving qualification if the contracting authority does not have them available, including documents under Section 83(1) of the Act.**

#### 9.1.7 Changes regarding the contractor's qualification

If the tenderer's qualification changes in the course of the procurement procedure after the documents or the affirmation proving the tenderer's qualification have been submitted, the tenderer must notify the contracting authority of the change within 5 working days and submit new documents or an affirmation proving qualification within 10 working days of the notification of the change; the contracting authority may extend or waive these time limits. The obligation under the first sentence does not arise where the tenderer's qualification is changed as follows:

- (a) The qualification conditions are still met;
- (b) The criteria for reducing the number of tenderers in the procurement procedure or tenders have not been affected by the change; and
- (c) The criteria for the evaluation of tenders have not been affected by the change.

The contracting authority may exclude tenderers from the procurement procedure if it proves that the tenderer has failed to comply with the above obligation.

## 9.2 BASIC ELIGIBILITY

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Under Section 74(1) of the Act, a contractor is not eligible if:

- a) A final judgment of conviction has been delivered against the contractor in the state where the contractor's registered office is located for a crime enumerated in Annex 3 to the Act or a similar crime under the law of the state where the contractor's registered office is located in the last 5 years before the commencement of the procurement procedure; spent convictions are not taken into consideration;  
The contractor proves compliance with the requirements for basic eligibility in relation to the Czech Republic under Section 75(1)(a) of the Act by submitting an extract from the criminal records.
- b) The tax register shows that the contractor has tax arrears in the Czech Republic or in the state where the contractor's registered office is located;  
The contractor proves compliance with the requirements for basic eligibility in relation to the Czech Republic under Section 75(1)(b) and (c) of the Act by submitting a confirmation from the respective Tax Authority and a written affirmation regarding excise tax.
- c) The contractor is in arrears with public healthcare insurance contributions or penalties in the Czech Republic or in the state where the contractor's registered office is located;  
The contractor proves compliance with the requirements for basic eligibility in relation to the Czech Republic under Section 75(1)(d) of the Act by submitting a written affirmation.
- d) The contractor is in arrears with social security insurance contributions or penalties, or with contributions to the state employment policy in the Czech Republic or in the state where the contractor's registered office is located;  
The contractor proves compliance with the requirements for basic eligibility in relation to the Czech Republic under Section 75(1)(e) of the Act by submitting a confirmation from the respective District Social Security Administration Office.
- e) The contractor is in liquidation, a ruling on insolvency has been issued against the contractor, the contractor has been placed into receivership under another legal regulation or the contractor is in a similar situation in accordance with the law of the state in which the contractor's registered office is located.

The contractor proves compliance with the requirements for basic eligibility in relation to the Czech Republic under Section 75(1)(f) of the Act by submitting an extract from the Commercial Register or by submitting an affirmation if the contractor is not listed in the Commercial Register.

If the contractor is a legal entity, the condition under Section 74(1)(a) of the Act must be met by the legal entity and also by each member of its governing body. If a member of the contractor's governing body is a legal entity, the condition under Article 74(1)(a) of the Act must be met by:

- a) The legal entity;
- b) Each member of the governing body of the legal entity; and
- c) The person representing the legal entity in the contractor's governing body.

Where a branch of a business participates in the procurement procedure:

- a) If the business is a foreign legal entity, the condition under Section 74(1)(a) of the Act must be met by the legal entity and the head of the branch of the business;
- b) If the business is a Czech legal entity, the condition under Section 74(1)(a) of the Act must be met by the persons referred to in Section 74(2) of the Act and the head of the branch of the business.

#### **Proof of qualification in the tender**

For the purpose of proving basic eligibility, the tenderer may replace the documents referred to in Article 9.2 hereof in the tender with the following:

- a) An affirmation (see Annex 2 hereto – templates for affirmations), the affirmation must be dated;
- b) European Single Procurement Document;
- c) Link to the relevant information registered in a public administration information system (see Annex 3 hereto – Cover page).

### **9.3 PROFESSIONAL COMPETENCE**

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The tenderer proves professional competence under Section 77(1) of the Act in relation to the Czech Republic by submitting an extract from the Commercial Register or another similar register if another legal regulation requires entry in such register. The contractor is not obliged to submit documents to prove professional competence if the legal regulations in the state where its registered office is located do not require similar professional competence.

#### **Proof of qualification in the tender**

For the purpose of proving professional competence, the tenderer may replace the documents in the tender with the following:

- a) An affirmation (see Annex 2 hereto – templates for affirmations);
- b) European Single Procurement Document;
- c) Link to the relevant information registered in a public administration information system (see Annex 3 hereto – Cover page).

### **9.4 TECHNICAL QUALIFICATION**

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The tenderer proves technical qualification **under Section 79(2)(b) of the Act:**

In the tender, the contractor provides a list of significant deliveries made by the contractor in the last 3 years before the commencement of the procurement procedure (as of the date of the commencement of the procurement procedure), including the price, duration of the delivery, and the identification of the client (including the client's contact person and contact details).

#### **Manner of proving compliance with this technical qualification criterion under Section 79(2)(b) of the Act:**

The contractor proves compliance with this technical qualification criterion by submitting a list in the form of an affirmation showing compliance with the technical qualification criterion at the level defined below. A template for the affirmation forms Annex 2 hereto. The contractor may also prove compliance with this technical qualification criterion by submitting a contract with the client and evidence of the contractor's performance.

**Definition of the minimum level of this technical qualification criterion under Section 79(2)(b) of the Act corresponding to the type, scope, and complexity of the subject of performance of the public contract:**



The contractor meets this technical qualification criterion if it has provided in the last 3 years before the commencement of the procurement procedure at least 2 deliveries of a visual stimulation system of a minimum value of CZK 1,000,000 excluding VAT for 1 delivery of the system. If the reference contract was carried out in a currency other than CZK, the tenderer indicates the price of the reference contract in that currency and the exact date of the performance of the reference contract (delivery of a visual stimulation system) in the affirmation. The value of the reference contract in CZK will be calculated based on the exchange rate of the CNB applicable on the date of the performance of the reference contract, i.e., the recorded date of the delivery of the system.

## 10. REQUIREMENTS FOR THE PREPARATION AND SUBMISSION OF THE TENDER

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**The tender must be submitted in Czech or English.**

The contracting authority does not accept different variants of tenders.

If any of the information provided in the tender changes before the Agreement is entered into with the selected tenderer, the tenderer is obliged to inform the contracting authority of this change in writing without delay.

**In the tender, the tenderer must provide at least the following documents:**

- Tender cover page;
- Documents proving basic eligibility;
- Documents proving professional competence;
- Documents proving technical qualification;
- Documents and affirmations referred to under Articles 16.1 to 16.4 hereof;
- Completed draft Agreement;
- Completed Annex 1 to the Agreement (required technical specifications for the subject of performance);
- Technical and visual documentation for the Goods.

The tender may not contain any additions written by hand or corrections which could mislead the contracting authority.

A contractor may submit only one tender. A contractor who has submitted a tender in the procurement procedure may not be, at the same time, the person used to prove qualification by another contractor in the same procurement procedure. Within the meaning of Section 107(5) of the Act, the contracting authority excludes a tenderer who has submitted multiple tenders, either individually or jointly with other contractors, or who has submitted a tender and is, at the same time, the person used by another tenderer to prove qualification in the same procurement procedure.

In the event that the subject of the public contract is to be performed jointly by several contractors, they are obliged to submit to the contracting authority a contract providing for the obligation that all contractors are jointly and severally liable to the contracting authority and to third parties with respect to any legal relations arising in connection with the public contract for the entire period of performance of the public contract and for the duration of any other obligations arising out of the public contract, in accordance with Section 103(1)(f) sentence after the semicolon.

**Tenders are submitted by the contractors via the E-ZAK electronic tool available at: [https://zakazky.cuni.cz/profile\\_display\\_7.html](https://zakazky.cuni.cz/profile_display_7.html).**

Detailed instructions for the contractors on how to submit a tender are available in the electronic tool in the 'Uživatelská příručka pro dodavatele' [User Guide for Contractors] at: <https://zakazky.cuni.cz/data/manual/EZAK-Manual-Dodavatele.pdf>.

A test of one's browser and system settings is available at: [https://zakazky.cuni.cz/test\\_index.html](https://zakazky.cuni.cz/test_index.html).

The tender will be entered by the contractor in electronic form in the electronic tender sheet, created in the certified E-ZAK electronic tool, which guarantees compliance with all the conditions regarding security and confidentiality of the data entered, including absolute inaccessibility of the tenders by the contracting authority before the expiry of the recorded period specified for making them accessible. The contractor uploads to the electronic tool as attachments all documents required by the contracting authority to be submitted as part of

the tender. Individual files may not exceed 50 MB. The contracting authority is not responsible for the technical conditions of the tenderer.

The contracting authority recommends that tenderers take into account, in particular, the speed of their internet connection when submitting their tender so that it is submitted within the period for the submission of tenders (submission of a tender means the final confirmation of the tender in the electronic tool after uploading all attachments).

## 11. EVALUATION OF TENDERS, REVIEW OF THE TENDER PRICE

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Tenders will be evaluated on the basis of their economic advantageousness in accordance with Section 114(2) of the Act, **based on the lowest tender price**. The ranking of the tenders will be determined according to the tender price in EUR excluding VAT stated in Article II.1 of the draft Agreement, from the lowest to the highest. **The tender with the lowest tender price in EUR excluding VAT will be evaluated as the most economically advantageous tender.**

The tenderer may not set any conditions for the evaluated data proposed by the tenderer. Conditionality or the indication of several different values may be grounds for eliminating the tender and excluding the tenderer from the procurement procedure.

**The tenderer sets the tender price as an absolute amount in EUR and states the price in Article II.1 of the Agreement.** The tender price must be set as the maximum permissible price which may not be exceeded and must include any and all costs necessary for the due performance of the subject of the public contract, including all related costs (i.e., in particular, the costs of purchasing the Goods, the costs of transporting the Goods to the place of performance, including any costs of manipulation mechanisms, costs of insuring the Goods, costs of securing the Goods until their handover and acceptance, taxes and charges associated with the supply of the Goods, and the costs of accompanying documentation).

The tender price must be broken down as follows:

- Tender price in EUR excluding VAT;
- VAT rate in % and the amount of VAT in EUR;
- Tender price in EUR including VAT.

Foreign tenderers must indicate the price in EUR excluding VAT.

## 12. COMMUNICATION BETWEEN THE CONTRACTING AUTHORITY AND THE CONTRACTOR; MANNER OF EXPLAINING, MODIFYING, AND AMENDING THE PROCUREMENT DOCUMENTS

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All communication with the contracting authority will be handled exclusively in electronic form in Czech or English.

Requests for explanation of the procurement documents may be delivered to the contracting authority exclusively in electronic form no later than 7 working days before the expiry of the period for the submission of tenders as follows:

- In electronic form via the E-ZAK electronic tool;
- In electronic form by e-mail to the address: [anna.markova@lf1.cuni.cz](mailto:anna.markova@lf1.cuni.cz); or
- Via data box (ID: [piyj9b4](#); enter **'1. LF UK VZ'** in the subject of the message).

The contracting authority will publish the explanations of the procurement documents on its profile at least 4 working days before the expiry of the period for the submission of tenders. The contracting authority may explain the procurement documents even without a prior request from a contractor.

The procurement terms provided in the procurement documents may be modified or amended by the contracting authority before the period for the submission of tenders expires. The modified or amended procurement documents will be published or notified to the contractors in the same way as modified or amended procurement terms. If the nature of the amendment to, or modification of, the procurement documents so requires, the contracting authority extends the period for the submission of tenders accordingly. If the procurement documents are modified or amended in a manner which may extend the range of possible



tenderers, the contracting authority must extend the period so that it equals at least the original period from the time of sending the modification of, or amendment to, the procurement documents.

### 13. INSPECTION OF THE PLACE OF PERFORMANCE

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Given the nature of the performance of the public contract, inspection of the place of performance of the public contract will not be carried out.

### 14. PERIOD FOR THE SUBMISSION OF TENDERS AND OPENING OF TENDERS

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The period for the submission of tenders is stated on the profile of the contracting authority in the E-ZAK tool on the link to the public contract (see point 1 hereof) in the section "Information on the Public Contract".

**Tenderers submit their tender in accordance with Section 107 of the Act, in electronic form, using the E-ZAK tool, see point 10 hereof.**

If the tender is not delivered to the contracting authority within the period or in the manner specified in the procurement documents, it is not considered in the procurement procedure.

If the period for the submission of tenders is extended, e.g., due to modifying or amending the tender documents, the contracting authority notifies the tenderers of this fact on its profile. The contracting authority therefore strongly recommends that contractors regularly check the status of the procurement procedure on the profile of the contracting authority, or any newly published documents (explanations of the procurement documents) on the profile of the contracting authority.

### 15. TENDER PERIOD, SECURITY DEPOSIT

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The contracting authority does not set a tender period.

The contracting authority does not require the provision of a deposit to secure the performance of the obligations arising from the participation of the contractor in the procurement procedure.

### 16. OTHER TERMS AND REQUIREMENTS SET BY THE CONTRACTING AUTHORITY

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#### 16.1 Affirmation of the absence of a conflict of interest

Tenderers must prove the absence of a conflict of interest within the meaning of Section 4b of Act No. 159/2006 Sb., to regulate conflict of interest, as amended. The tender must include an affirmation of the absence conflict of interest, the template for which forms Annex 2 hereto. The affirmation must be dated.

#### 16.2 Requirements set out in the International Sanctions Implementation Act

The contracting authority is prohibited from awarding the public contract to a contractor if such award is contrary to international sanctions. For more information about the adopted international sanctions, visit the websites of the Financial Analytical Office and the European Council and the Council of the EU. The contracting authority therefore requires the contractor to affirm in the tender that it is not subject to international sanctions and that it is not aware of any of its subcontractors that will perform the respective public contract or part thereof being subject to international sanctions. For this reason, the contracting authority requires the contractor to affirm that the above prohibition does not apply to the contractor. For more information, see Annex 2 hereto. The affirmation must be dated.

#### 16.3 Requirement to state beneficial owners and use of subcontractors

Tenderers are obliged to specify (state) in the tender which parts of the public contract are to be performed by subcontractors who are known to them at the time of submission of the tender and to provide their identification information. The tenderers must indicate this information in the affirmation, the template for which forms Annex 2 hereto. The affirmation must be dated. In the affirmation, the tenderer must also state its beneficial owners within the meaning of Section 2(e) of Act No. 37/2021 Sb., to regulate the registration of beneficial owners, and

the beneficial owners of its subcontractor(s) that will be involved in the performance of the subject of the public contract and that are known to the contractor at the date of the submission of the tender. The subcontractor(s) that the contractor is required to fill in this table may also be a natural person, e.g., a sole trader (self-employed person).

#### 16.4 Consent to the use and processing of personal data

The tenderers give their consent to the use and processing of the personal data contained in the tender and other documents submitted to the contracting authority in connection with this procurement procedure in accordance with Act No. 110/2019 Sb., to regulate the processing of personal data, for the purpose of verifying the data provided by the tenderer in the affirmations, if required, for a minimum period of 10 years from the granting of this consent, or for a minimum period for which the contracting authority is obliged to archive the documents in accordance with the agreement providing for the performance of the subject of the public contract. The consent is part of Annex 2 hereto.

#### 16.5 Other terms and rights reserved by the contracting authority

- a) The tenderers bear any and all costs related to their participation in the procurement procedure.
- b) The individual tenderers must refrain from any conduct that could undermine transparency and non-discrimination in relation to the procurement procedure, in particular conduct that could result in distorting competition between the tenderers involved in public procurement.
- c) The contracting authority reserves the right to modify the procurement terms.
- d) Under Section 53(5) of the Act, the contracting authority reserves the right to deliver the following documents by publishing them on its profile:
  - o Notice of exclusion of a tenderer;
  - o Notice of selection a contractor.Notices are deemed delivered to all tenderers upon their publication on the profile of the contracting authority.
- e) In the course of the procurement procedure, the contracting authority reserves the right to apply the rules of the institution of abnormally low tender price under Section 113 of the Act, which the contracting authority is not obliged to apply under Section 53 of the Act.
- f) Before the decision on the selection of a contractor is made, the contracting authority reserves the right to verify the information and data contained in the tender submitted by the tenderer with third parties and the tenderer must provide all necessary cooperation in this respect.
- g) The contracting authority reserves the right to cancel the procurement procedure in accordance with the law.
- h) If a contractual obligation is modified or terminated, the contracting authority reserves the right to proceed in accordance with Sections 222 and 223 of the Act.
- i) The contracting authority informs the contractor that it is a person obliged to provide information within the meaning of Act No. 106/1999 Sb., to regulate free access to information, as amended, and it is obliged to provide information in accordance with this Act. The duty to provide information on the part of the contracting authority applies in full to this public contract.
- j) The contracting authority informs the contractor that under Section 219 of the Act, it will publish the Agreement and any amendments thereto in the Register of Contracts in accordance with the Register of Contracts Act, or also on the profile of the contracting authority.
- k) The contracting authority also informs the contractor that under Section 2(e) and Section 13 of Act No. 320/2001 Sb., to regulate financial control in public administration, as amended, the selected contractor (and its subcontractors, if any) will be obliged to cooperate in the performance of a financial control. This obligation also applies to those parts of the tender, Agreement, and related documents which are protected under special legal regulations (e.g., as trade secrets, classified information) provided that the requirements imposed by legal regulations under Act No. 255/2012 Sb., to regulate control (Control Code), as amended, are met. The selected contractor must ensure that its subcontractors, if any, agree to this contractual obligation. The selected contractor must also provide all bodies authorised to carry out controls/audits (grant provider, respective Managing Authority of the Operational Programme, Ministry of Finance, financial administration bodies, Supreme Audit Office, European Commission, and the European Court of Auditors, and any other bodies authorised to carry out control) with all information and documents related to the contractor's and subcontractors' activities in connection with the performance of the contract.

## 17. ANNEXES

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Annex 1 – Template for the Agreement including Annex 1 thereto

Annex 2 – Templates for the affirmations

Annex 3 – Cover page

In Prague on: 10 November 2023

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prof. MUDr. Martin Vokurka, CSc. m. p.  
Dean of the First Faculty of Medicine of Charles University