

Procurement Documentation

For a public contract for supply

Awarded in an open procedure, pursuant to Section 56 of Act No. 134/2016 Sb., to regulate public procurement, as amended

("Act")

Title:

LF HK – Ph.D. Infra for Charles University – High-Resolution Respirometer

The procurement procedure was published in the Register of Public Contracts under No:
Z2024-027999

Contracting authority:

Charles University, Faculty of Medicine in Hradec Králové

Registered office: Šimkova 870, 500 03 Hradec Králové

ID. No.: 002 16 208, VAT ID. No: CZ00216208

The public contract is awarded in the above-threshold regime. The rights and obligations not regulated in the Procurement Documentation are governed by the law.

Table of Contents

1. Contracting Authority Identification Information	3
2. Introductory Provisions	3
3. Subject of Performance of the Public Contract.....	4
4. Estimated Value of the Public Contract.....	4
5. Date, Place, and Terms of Performance of the Public Contract.....	5
6. Requirements for Proving Qualification.....	5
7. Terms and Conditions and Payment Terms	8
8. Requirements for the Specification of the Tender Price.....	9
9. Assessment of Tenders.....	9
10. Manner of Submission and Time Limit for Submission of Tenders.....	10
11. Opening of Tenders	10
12. Explanation of the Procurement Documentation	10
13. Modifications of, or Amendments to, the Procurement Documentation	11
14. Changes to the Tenderer's Qualification.....	11
15. Conditions for Entering Into the Agreement.....	11
16. Conditions and Requirements for Drafting and Submitting the Tenders	12
17. Other Conditions for the Procurement Procedure	14
18. Annexes to the Procurement Documentation	16

1. Contracting Authority Identification Information

Contracting authority: Charles University, Faculty of Medicine in Hradec Králové
Registered office: Šimkova 870, 500 03 Hradec Králové
ID No.: 00216208
VAT ID No: CZ00216208
Represented by: prof. MUDr. Jiří Mandáček, Ph.D., Dean

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2. Introductory Provisions

- 2.1 Under Section 28 (1) (a) of the Act, procurement terms mean any and all of the following conditions and rules set out by the contracting authority:
- Conditions for the procurement procedure and stages thereof;
 - Conditions for the participation in the procurement procedure;
 - Rules for reducing the number of tenderers or reducing the number of preliminary tenders or solutions;
 - Rules for the assessment of tenders;
 - Other conditions for entering into the public contract under Section 104 of the Act.
- 2.2 Under Section 28 (1) (b) of the Act, Procurement Documentation means any and all written documents which include procurement terms communicated or made available to the tenderers upon the commencement of the procurement procedure, including the forms according to Section 212 of the Act and calls for tenders in a simplified below-threshold procedure.
- 2.3 The public contract is co-financed by the Johannes Amos Comenius Operational Programme, itself financed from the European Regional Development Fund and the state budget of the Czech Republic. In this respect, the contracting authority informs the supplier of the obligation to provide any and all necessary cooperation and to perform the obligations arising from this fact.
- 2.4 The public contract is awarded within the project identified below: Development of Infrastructure for Doctoral Programmes of Study at Charles University, short title: PhD. Infra for Charles University, registration number: CZ.02.01.01/00/22_012/0005514.
- 2.5 The Procurement Documentation, including the annexes thereto, will be available for free with unlimited and direct remote access during the entire period for the submission of tenders at the profile of the contracting authority at https://zakazky.cuni.cz/profile_display_11.html. The Procurement Documentation is available to the public.

Electronic tool of the contracting authority and notification

- 2.6 As a rule, the contracting authority communicates with the suppliers in writing in accordance with Section 211 (1) of the Act. The contracting authority and the supplier must communicate in writing primarily in electronic form (with the exemptions under Section 211 (5) of the Act), in particular via the E-ZAK certified electronic tool ("electronic tool").
- 2.7 Any and all acts made by the contracting authority within this procurement procedure, including the provision of the Procurement Documentation, will be made via the electronic tool unless the contracting authority provides otherwise herein or in the course of the procurement procedure.

- 2.8 For the purposes of communicating with the contracting authority via the electronic tool, the supplier is obliged to register itself at the link to the electronic tool: https://zakazky.cuni.cz/profile_display_11.html.

3. Subject of Performance of the Public Contract

Subject of performance of the public contract

- 3.1 The subject of performance of the public contract is the **supply of a high-resolution respirometer for the measurement of oxygen consumption of biological material, equipped with a module for the simultaneous measurement of the redox state of coenzyme Q** for the Experimental Hepatology Laboratory of the Department of Physiology at the Faculty of Medicine in Hradec Králové of Charles University, including accessories, transport, customs, installation, putting the device into operation, training of operators, delivery of the documentation for the device, warranty service, and other in accordance with the conditions set out in the Procurement Documentation ("**Respirometer with Q Module**").
- 3.2 The device concerned is a high-resolution respirometer equipped with a module for the measurement of the redox state of coenzyme Q (using cyclic voltammetry). The supply must include auxiliary equipment, such as software, an integrated PC with a keyboard, a system for siphoning the medium from the chambers, and a service kit for the replacement of the electrode membranes.
- 3.3 The subject of performance and other requirements of the contracting authority are further specified in the terms and conditions and the payment terms (Annex 7 hereto) and in Annex 5 hereto.
- 3.4 In Annex 5 hereto, the contracting authority determines the minimum functional requirements and expected technical parameters. Failure to meet one of these minimum functional and technical requirements constitutes a failure to meet the procurement terms of the public contract and results in the exclusion of the tenderer from the procurement procedure under Section 48 of the Act. The contracting authority allows tendering devices with parameters, qualities, or functions that exceed the requirements.
- 3.5 The contracting authority requires the suppliers to provide information on whether the performance tendered meets the minimum technical requirements set by the supplier and the identification of the performance tendered. All of this information is provided by the supplier in Annex 5 hereto.
- 3.6 The contracting authority requires that the subject of performance be supplied new and unused.

Classification of the subject of the public contract

- 3.7 The contracting authority defined the subject of the public contract according to the main vocabulary for the single classification system for the purposes of public procurement:

CPV code:

38432000-2 Analysis apparatus

4. Estimated Value of the Public Contract

- 4.1 The estimated value of the public contract set by the contracting authority pursuant to Section 16 *et seq.* of the Act is **2,509,000.00 excluding VAT**.
- 4.2 **The estimated value of the public contract is also the maximum permissible tender price for**

the public contract excluding VAT (with regard to the means of co-financing of the public contract and the available financial means of the contracting authority). Exceeding the maximum permissible tender price constitutes a failure to meet the procurement terms set out for the public contract.

5. Date, Place, and Terms of Performance of the Public Contract

Date and place of performance of the public contract

5.1 The date and place of performance are provided in the terms and conditions (Annex 7 hereto).

Cooperation for the Purposes of Financial Control

5.2 Suppliers must acknowledge in the performance of the public contract that, under Section 2 (e) of Act No. 320/2001 Sb., to regulate financial control in public administration, as amended, the selected supplier 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 (e.g., Act No. 255/2012 Sb., to regulate control (Control Code), as amended, are met). Suppliers acknowledge that the selected supplier will be obliged to enter into a binding agreement stipulating that same obligation for its subcontractors.

6. Requirements for Proving Qualification

6.1 Under Section 73 of the Act, the contracting authority requires proving the following qualifications:

- a) **Basic eligibility under Section 74 of the Act;**
- b) **Professional competence under Section 77 of the Act;**
- c) **Technical qualification under Section 79 of the Act.**

Basic eligibility under Section 74 of the Act

6.2 The supplier proves basic eligibility under Section 74 (1) of the Act by submitting the documents enumerated in Section 75 (1) of the Act, that is, the supplier must submit the following documents in relation to the Czech Republic:

- a) Extract from the Criminal Records in relation to Section 74 (1) (a) of the Act;
- b) Confirmation from the competent Tax Authority in relation to Section 74 (1) (b) of the Act;
- c) Written affirmation regarding consumption tax in relation to Section 74 (1) (b) of the Act;
- d) Written affirmation in relation to Section 74 (1) (c) of the Act;
- e) Confirmation of the competent local social security administration office in relation to Section 74 (1) (d) of the Act;
- f) Extract from the Commercial Register or a written affirmation if the supplier is not entered in the Commercial Register in relation to Section 74 (1) (e) of the Act.

6.3 If the supplier is a legal person, the condition under paragraph 6.2 (a) hereof must be met by the legal person and also by each member of its governing body. If a member of the supplier's governing body is a legal person, the condition under paragraph 6.2 (a) hereof must be met by the legal person, each member of the governing body of the legal person, and the person representing the legal person in the supplier's governing body.

- 6.4 Where a branch of a business participates in the procurement procedure, the procedure under Section 74 (3) of the Act applies.

Professional competence under Section 77

- 6.5 Under Section 77 (1) of the Act, the supplier proves professional competence in relation to the Czech Republic by submitting an extract from the Commercial Register or another similar register if another legal regulation requires an entry in such register.
- 6.6 The contracting authority does not require proving professional competence under Section 77 (2) of the Act.

Technical qualification under Section 79 of the Act

Technical qualification criterion under Section 79 (2) (b) of the Act

- 6.7 Pursuant to Section 79 (2) (b), the contracting authority requires the supplier to submit a **list of significant deliveries** provided by the supplier in the **last 3 years** before the commencement of the procurement procedure, including a brief factual description, the price, date of provision (completion), identification of the client, and the client's contact person and contact details).
- 6.8 The contracting authority recommends drafting the list of significant deliveries in the form of an affirmation using the template provided (Annex 3 hereto).
- 6.9 The documents submitted must clearly show that in the given period, the supplier provided **at least 1 significant delivery of a minimum value of 1,250,000.00 excluding VAT.**
- 6.10 For the purposes hereof, a significant delivery means **the supply of a device serving a similar purpose to that of the subject of performance of the public contract, that is, the supply of a high-resolution respirometer.**

Documents proving qualification

- 6.11 The supplier submits plain copies of documents proving qualification.
- 6.12 **Under Section 86 (2) of the Act, the contracting authority stipulates that documents proving qualification may be replaced with a written affirmation.** The contracting authority recommends drafting the written affirmation using the template provided (Annex 2 hereto). Pursuant to Section 87, the supplier may always replace the required documents with the European Single Procurement Document.
- 6.13 Under Section 45 (3) of the Act, where the Act or the contracting authority requires a document to be submitted pursuant to the legal order of the Czech Republic, the supplier may submit a similar document in accordance with the legal order of the state where this document is issued. A document drawn up in a language other than the language designated by the contracting authority for the submission of the request to participate, the pre-tender or the tender shall be submitted with a translation into the language designated by the contracting authority. Where the contracting authority has doubts regarding the correctness of the translation, it may require the submission of a certified translation of the document made by a court appointed translator registered in the list of court appointed experts and translators. A document in the Czech or in the Slovak language and a certificate of education in the Latin language shall be submitted without a translation; the contracting authority may waive the obligation to provide a translation for other documents. Where pursuant to the relevant legal order the required document is not issued, it may be substituted by an affirmation.
- 6.14 Under Section 45 (4) of the Act, the supplier may also fulfil the obligation to submit a document by providing a link to the relevant information registered in a public administration information system or in a similar system administered in another member state which allows unrestricted

remote access. The link must contain an internet address, login information, and information on how to retrieve the information required where necessary.

- 6.15 **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 the commencement of the procurement procedure.**

Proof of qualification using other persons

- 6.16 Under Section 83 of the Act, the supplier 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, using other persons. In such case, the supplier 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 supplier 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 supplier.

- 6.17 Where the supplier proves qualification using another person and provides the documents under Section 79 (2) (a), (b), or (d) of the Act in relation to that person, it must follow from the contract or the confirmation thereof under paragraph 6.16 (d) hereof that the other person is obliged to carry out the construction work or provide the services to which the qualification criterion being proven relates.

- 6.18 The requirement under paragraph 6.16 (d) hereof is deemed to be met if it follows from the content of the contract or the confirmation thereof under paragraph 6.16 (d) hereof that the other person is obliged to perform the public contract jointly and severally with the supplier; this provision does not apply if the contract or the confirmation thereof under paragraph 6.16 (d) of hereof must meet the requirements under paragraph 6.17 hereof.

- 6.19 The supplier must use the subcontractor whose qualification was used to prove the qualification requirements. With the approval of the contracting authority, the supplier may replace that supplier with another one provided that the new supplier has the same qualification as the subcontractor whose qualification was used to prove the qualification requirements.

Proof of qualification with an extract from the list of qualified suppliers

- 6.20 Under Section 228 of the Act, the supplier may prove qualification by an extract from the list of qualified suppliers. Such extract replaces proof of the following qualification:

- a) Professional competence under Section 77 of the Act to the extent that the information in the extract from the list of qualified suppliers proves compliance with the professional competence criteria, and
- b) Basic eligibility under Section 74 of the Act.

- 6.21 The contracting authority is obliged to accept the extract from the list of qualified suppliers as long as it is not more than 3 months old on the last day of the time limit for proving basic eligibility or professional competence. The contracting authority is not obliged to accept an extract from the list of qualified suppliers if it indicates the commencement of the procedure

under Article 231 (3) of the Act.

Proof of qualification by a certificate from the system of certified suppliers

- 6.22 Under Section 234 of the Act, the supplier may prove qualification by a certificate issued in the system of certified suppliers.
- 6.23 If the supplier submits a certificate which complies with the elements under Section 239 of the Act, the supplier is deemed to be qualified to the extent indicated on the certificate.
- 6.24 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 supplier who has proven qualification by providing a certificate may be required to submit the documents under Article 74 (1) (b) to (d) of the Act.

Qualification in the case of joint participation of suppliers in the procurement procedure

- 6.25 If the tender is submitted jointly by several suppliers under Section 82 of the Act, basic eligibility under Section 74 of the Act and professional competence under Section 77(1) of the Act must be proven by each supplier separately. Other qualification must be proven by the suppliers submitting the tender jointly.

Proof of qualification from abroad

- 6.26 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.
- 6.27 The documents proving qualification are submitted by the foreign entity in the original language with a non-certified translation into Czech; documents drafted in Slovak need not be translated into Czech.

7. Terms and Conditions and Payment Terms
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Draft Agreement

- 7.1 For the purposes of this public contract, the terms and conditions and the payment terms are provided in the binding Draft Agreement, which forms Annex 7 hereto, where the contracting authority specified the basic requirements for the performance, scope, rights and obligations of the parties, time limits, and place of performance in relation to this public contract. The suppliers must accept these terms and conditions without any reservations.
- 7.2 **Tenderers do not submit the Draft Agreement as part of their tender. Instead of the signed Draft Agreement, tenderers submit an affirmation stating that they accept the Draft Agreement as binding.** The contracting authority recommends drafting the affirmation using the template provided (Annex 8 hereto).
- 7.3 Tenderers do not have the right to request modifications of, or amendments to, the Draft Agreement, except for completing the information which is expressly designated as information to be filled by the tenderer and which will be filled in before the execution of the Agreement based on the tender submitted by the selected supplier. The Agreement will be entered into with the selected supplier in accordance with the procedure set out by the law.
- 7.4 The Draft Agreement must comply with the Act, Act No. 89/2012 Sb., the Civil Code, as amended, and other legal regulations applicable to public procurement.
- 7.5 The Draft Agreement may not exclude or restrict in any way the rights of the contracting authority provided herein; otherwise the tender does not comply with the procurement terms.
- 7.6 The legal relationship arising from the Draft Agreement is governed by the legal regulations of

the Czech Republic in force and effect and directly applicable legal regulations of the European Union.

Joint submission of tenders

- 7.7 If several suppliers participate jointly in the procurement procedure (acting as one tenderer), they must submit the original copy, a certified copy, or a plain copy of a binding contract which stipulates that all the suppliers concerned are jointly and severally liable to the contracting authority and to third parties with respect to the performance of the public contract for the entire period of performance of the public contract and for the duration of any other obligations arising from the public contract. Such contract must also clearly state which supplier may represent the other suppliers in matters related to the performance of the public contract or part thereof and whose invoicing details will be used.

8. Requirements for the Specification of the Tender Price

- 8.1 **Tenderers must specify and structure the price using the template provided (Annex 6 hereto).**
- 8.2 **The tender price means the total price for the supply of the subject of performance, that is, the supply of a high-resolution respirometer for the measurement of oxygen consumption of biological material, equipped with a module for the simultaneous measurement of the redox state of coenzyme Q, including any related performance hereunder, in CZK excluding VAT (“tender price”).** Tenderers are liable for the content of their tender.
- 8.3 **The tender price must be set as the binding and maximum permissible price which may not be exceeded** (with the exemptions stipulated in the Draft Agreement). Tenderers must include any and all costs, fees, and other expenses in the tender price which will or may be incurred by the tenderer in the course of performing the public contract hereunder. Further details are provided in the Draft Agreement. The tender price must include any and all performance on the part of the supplier necessary to fulfil the obligations set by the Draft Agreement.
- 8.4 **The tender must contain the duly specified price of the performance.**
- 8.5 Tenderers must provide or round the individual amounts to two decimal points.
- 8.6 VAT means the financial amount corresponding to the amount of value added tax calculated in accordance with Act No. 235/2004 Sb., to regulate value added tax, as amended. If the tenderer is not a registered VAT payer, this fact must be expressly stated in the form of an affirmation in the tender cover page.

9. Assessment of Tenders

- 9.1 Pursuant to Section 114 (1) of the Act, the tenders will be assessed on the basis of their economic advantageousness.
- 9.2 Economic advantageousness is assessed based on the following criteria:

Assessment criteria	Significance
Tender price of the entire subject of performance in CZK excluding VAT	100%

- 9.3 The tenders are assessed based on their order according to the tender price from the lowest to the highest tender price.
- 9.4 **The tender with the lowest tender price is considered as the most economically advantageous**

tender.

9.5 **The assessment is based on prices excluding VAT.**

10. Manner of Submission and Time Limit for Submission of Tenders

- 10.1 Tenders may be submitted **only in electronic form using the electronic tool** available on the link to the public contract.
- 10.2 **The time limit for the submission of tenders terminates ends on the date provided in the published Contract Notice in the Register of Public Contracts.**
- 10.3 **Tenders must be submitted no later than on the date for the submission of tenders determined above. Tenderers are liable for the timely delivery of their tenders.**

11. Opening of Tenders

- 11.1 The contracting authority will open the tenders after the expiry of the time limit for the submission of tenders.
- 11.2 The opening of tenders in electronic form means making the content thereof accessible to the contracting authority.
- 11.3 Given the fact that the tenders may only be submitted in electronic form, the tenderers will not be present for the opening of the tenders.

12. Explanation of the Procurement Documentation

- 12.1 Under Section 98 (1) of the Act, the contracting authority **may explain the Procurement Documentation by publishing the explanation**, or any related documents, **on its profile no later than 5 working days before the date for the submission of tenders.**
- 12.2 Under Section 98 (3), suppliers may **request the explanation of the Procurement Documentation (including the annexes thereto) in writing.**
- 12.3 The supplier is obliged to address the request for the explanation of the Procurement Documentation **in writing in electronic form to the contracting authority**, that is, by e-mail, data box, or the electronic tool **no later than 8 working days before the date for the submission of tenders.** Under Section 98 of the Act, the contracting authority explains the Procurement Documentation on the basis of a duly submitted request in writing.
- 12.4 The request for the explanation of the Procurement Documentation must include the supplier's identification and contact details and information on the public contract concerned.
- 12.5 If a supplier requests an explanation of the Procurement Documentation in writing, the contracting authority publishes, sends, or delivers the explanation including the exact wording of the request without identifying the supplier.
- 12.6 **The contracting authority is not obliged to provide the explanation if the request is not delivered in due time, that is, at least 3 working days before the date under paragraph 12.1 hereof.**
- 12.7 If the contracting authority provides an explanation in response to a request for an explanation which was not delivered in due time, the time limits under paragraph 12.1 hereof need not be respected.

- 12.8 If the request for the explanation of the Procurement Documentation is delivered in due time and the contracting authority fails to publish, send, or deliver the explanation within 3 working days, the time limit for the submission of tenders must be extended by at least the number of working days by which the period from the date of the delivery of the request for an explanation of the Procurement Documentation to the date of publishing, sending, or delivering the explanation exceeded 3 working days.

13. Modifications of, or Amendments to, the Procurement Documentation

- 13.1 Before the date for the submission of tenders, the contracting authority may change or amend the procurement terms herein.
- 13.2 A modification of, or amendment to, the procurement terms herein must be published or notified to the suppliers in the same way as modified or amended procurement terms.
- 13.3 If the nature of the amendment to, or modification of, the Procurement Documentation so requires, the contracting authority extends the time limit for the submission of tenders accordingly.
- 13.4 If the Procurement Documentation is modified or amended in a manner which may extend the range of possible tenderers, the contracting authority must extend the time limit so that it equals at least the original period from the time of sending the modification of, or amendment to, the Procurement Documentation.

14. Changes to the Tenderer's Qualification

- 14.1 If the tenderer's qualification changes in the course of the procurement procedure after the documents or affirmations 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 affirmations proving qualification within 10 working days of the notification of the change; the contracting authority may extend or waive these time limits.
- 14.2 The obligation under the previous paragraph hereof 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 or tenders have not been affected by the change;
 - c) The criteria for the assessment of tenders have not been affected by the change.
- 14.3 The contracting authority may exclude a tenderer from the procurement procedure if it proves that the tenderer has failed to comply with the obligation under paragraph 14.1 hereof.

15. Conditions for Entering Into the Agreement

- 15.1 The contracting authority informs the suppliers **that, under Section 122 (3) (a) of the Act, a notice will be sent to the selected supplier to submit** the documents proving the supplier's qualification required by the contracting authority and which the contracting authority does not have available, including the documents under Section 83 (1) of the Act; if the contracting authority does not apply the procedure under Section 122 (4) (b) of the Act, the documents regarding basic eligibility must prove compliance with the required eligibility criterion in the period under Section 86 (3) of the Act.
- 15.2 Pursuant to Section 122 (4) of the Act, the contracting authority may determine in the notice

under Section 122 (3) (a) of the Act that the selected supplier must submit a) the originals or certified copies of the documents under Section 122 (3) of the Act, b) documents regarding basic eligibility under Section 74 of the Act proving compliance with the required eligibility criterion after the delivery of the notice under Section 122 (3) of the Act, or c) a written affirmation stating that the information in the documents under Section 122 (3) of the Act which the contracting authority has available and on the basis of which compliance with the qualification requirements was assessed has not changed or new documents if the relevant information in these documents has changed.

- 15.3 In accordance with Section 122 (5) of the Act, if the selected supplier is a Czech legal person, the contracting authority retrieves **information on the beneficial owner** under the act regulating the register of beneficial owners (“beneficial owner”) from the register of beneficial owners under that same act (“register of beneficial owners”). Under Section 122 (8) (a) of the Act, the contracting authority excludes the selected supplier if the supplier is a Czech legal person with a beneficial owner and **the information on the beneficial owner could not be retrieved from the register of beneficial owners** in accordance with Section 122 (5) of the Act; an entry made accessible in the register of beneficial owners after a notice of exclusion of a supplier is sent is not taken into account.
- 15.4 If the selected supplier is a foreign legal person, the contracting authority invites the supplier, under Section 122 (6) of the Act, to **submit an extract from a foreign register similar to the register of beneficial owners** or, if such register does not exist,
- a) to provide the identification details of all of the supplier’s beneficial owners, and
 - b) to submit documents which show the relationship between all persons under a) to the supplier.
- Such documents include, but are not limited to, the following:*
1. Extract from a foreign register similar to a public register;
 2. List of shareholders;
 3. Decision of the governing body to distribute dividends;
 4. Memorandum of association, instrument of incorporation, or articles of association.
- The failure to fulfil this obligation is considered a failure to provide the cooperation necessary to enter into the Agreement within the meaning of Section 122 (6) of the Act.
- 15.5 In accordance with Section 122 (8) (b) of the Act, the contracting authority excludes tenderers that **have failed to submit the information, documents, or samples under Section 122 (3), (4), or (6) of the Act.**
- 15.6 If the selected supplier is excluded as a result of the above rule, the contracting authority applies the procedure under Section 125 of the Act.
- 15.7 If the contracting authority finds that there are grounds to exclude the selected supplier under Section 48 (8) of the Act, or under Section 48 (9) of the Act, the supplier will be excluded from the procurement procedure. In such case, the contracting authority sends a notice of exclusion, including justification, to the supplier without delay.

16. Conditions and Requirements for Drafting and Submitting the Tenders

- 16.1 **Tenders may be submitted only in writing in electronic form.**
- 16.2 **Tenders in electronic form must be submitted via the electronic tool.** Suppliers who intend to submit a tender for the public contract must register at the link to the electronic tool mentioned above. A tender may be submitted only after registration and logging in to the electronic tool. More information on the submission of tenders in electronic form is to be found in the User Manual for Suppliers, which is available on the profile of the contracting authority.

- 16.3 **Tenders must be submitted in one of the following languages: Czech, Slovak or English.**
- 16.4 The entire tender must be drafted in the Czech language, except for the documents proving the supplier's qualification, which may be submitted in another language, accompanied by a non-certified translation of the document into a language determined by the contracting authority (Section 45 (3) of the Act).
- 16.5 A supplier may submit only one tender in the procurement procedure.
- 16.6 If a tender is not delivered to the contracting authority within the time limit or in the manner specified in the Procurement Documentation, it is not considered as submitted and is not included in the procurement procedure.
- 16.7 Tenders may not contain any additions written by hand or corrections which could mislead the contracting authority.
- 16.8 All documents and affirmations for which the supplier's signature is required must be signed by the supplier, the supplier's governing body, or a person authorised to act on behalf of the supplier. If the supplier is represented by a representative on the basis of a power of attorney, the power attorney must be annexed to the tender.
- 16.9 The contracting authority recommends to the supplier to draft the tender according to the recommendations below, using the templates for the documents provided in the annexes hereto. However, suppliers will not be excluded on grounds of failure to comply with the formal elements of the tender according to the recommendations of the contracting authority.
- 16.10 A supplier who has submitted a tender in the procurement procedure may not be, at the same time, the person used to prove qualification by another supplier in the same procurement procedure.
- 16.11 Under Section 107 (5) of the Act, the contracting authority excludes a tenderer from the procurement procedure who has submitted multiple tenders in the same procurement procedure, either individually or jointly with other suppliers, 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. The contracting authority will send a notice of exclusion, including justification, to the tenderer without delay.
- 16.12 **Tenderers must provide due specification of the tendered performance in their tender. The specification of the tendered performance submitted by the tenderer must include, at a minimum, structured and duly specified information in the scope according to the specification of the subject of performance** (Annex 5 hereto). The specification of the tendered performance submitted by the tenderer must indicate that the tendered performance meets the minimum requirements of the contracting authority set in the specification of the subject of performance (Annex 5 hereto). The contracting authority recommends drafting the specification of the tendered performance using the template provided (Annex 5 hereto). **Tenderers may not make any changes to the specification of the performance except for filling in the required information** (in particular, changing the structure and elements of the specification of the performance, changing the titles, descriptions, units of measure and their quantity, or other information provided for the individual items in the specification of the performance, adding or removing items of the specification, etc.).
- 16.13 **Tenderers submit the specification of the tendered performance** in their tender **in electronic form in the xls(x) open format.**
- 16.14 **Tenderers must include the duly specified price of the performance in their tender.** The contracting authority recommends specifying the price using the template provided (Annex 6 hereto).
- 16.15 **Tenders must include a duly modified and completed affirmation signed by a person**

authorised to act on behalf of the tenderer stating that the tenderer accepts the Draft Agreement as binding.

16.16 Tenderers must annex an affirmation to their tender with clear and specific information regarding the parts of the performance that the tenderer intends to order from other persons.

At the same time, suppliers must annex a list of persons who will perform these parts of the performance, including their specific identification details, if they are known to them upon the submission of the tender, in particular, the subcontractors used by the tenderer to prove compliance with certain requirements for professional competence or technical qualification, and must indicate the parts of the public contract to be performed by each subcontractor (“list of subcontractors”). **Suppliers are obliged to annex an affirmation to the tender even if they intend to perform the contract without any subcontractors. The affirmation must be submitted by the supplier as a part of the tender.** The contracting authority recommends drafting the list of subcontractors using the template provided (Annex 4 hereto).

16.17 Tenderers must annex an affirmation regarding conflict of interest and international sanctions to the tender.

16.18 Tenderers submit one original copy of the tender in electronic form via the electronic tool.

Content and structure of the tender

16.19 The tender must contain all information and documents required herein.

16.20 The contracting authority recommends compiling the tender according to the structure below:

- Tender cover page;
- Documents proving eligibility, competence, and qualification;
- Duly completed specification of the subject of performance;
- Price of the performance;
- Affirmation of acceptance of the Draft Agreement;
- List of subcontractors;
- Other documents.

17. Other Conditions for the Procurement Procedure

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

17.2 The costs related to the participation in the procurement procedure are borne by the tenderer. The supplier is not entitled to damages including any lost profit if the contracting authority exercises its rights under the law or hereunder.

17.3 The contracting authority does not require the provision of a deposit to secure the performance of the supplier’s obligations.

17.4 With regard to the subject of performance of the public contract, the contracting authority does not organise an inspection of the place of performance.

17.5 The contracting authority does not set a tender period.

17.6 The contracting authority does not reserve the right to modify the obligation within the meaning of Section 100 of the Act.

17.7 The public contract is not divided into parts within the meaning of Section 101 of the Act.

17.8 The contracting authority does not permit different variants of the tender within the meaning of Section 102 of the Act.

- 17.9 The contracting authority reserves the right to cancel the procurement procedure in accordance with Section 127 of the Act.
- 17.10 The contracting authority reserves the right to verify information provided in the tender with third persons and the tenderer is obliged to provide any and all necessary cooperation to the contracting authority in this respect.
- 17.11 The contracting authority does not permit setting any other conditions for the tender than the conditions set out in the procurement terms.
- 17.12 The information and data in the Procurement Documentation define the binding requirements of the contracting authority for the performance of the public contract. The supplier is obliged to respect these requirements without any reservations in its tender.
- 17.13 The contracting authority has an interest in awarding the public contract in accordance with the principles of socially and environmentally responsible procurement, and the tenderer therefore agrees, throughout the entire period of performance of the public contract, to ensure decent working conditions and occupational safety, to comply with all legal regulations, in particular, Act No. 262/2006 Sb., the Labour Code, as amended (remuneration, working hours, periods of rest between shifts, paid work overtime), and Act No. 435/2004 Sb., to regulate employment, as amended, in relation to all persons involved in the performance of the public contract regardless of whether the public contract is performed by the supplier or its subcontractors. The tenderer also agrees to fulfil its financial obligations owed to its subcontractors in a due and timely manner, specifically by paying the invoices issued by the subcontractors in a due and timely manner. The tenderer also agrees to give special attention to the protection of the environment to the extent permitted by the performance of the public contract, and to take appropriate measures to protect the environment, in particular, to prevent pollution and damage to the environment, to minimise the adverse effects of its activities on the environment, and to select preferentially such materials, objects, and procedures in the performance of the public contract with the least negative impact on the environment provided that the requirements set by the contracting authority herein are met. The principles of socially and environmentally responsible procurement are reflected in the Draft Agreement (Annex 7 hereto).

Requirements set out in the Conflict of Interest Act

- 17.14 Under Section 4b of Act No. 159/2006 Sb., to regulate conflict of interest, as amended (“Conflict of Interest Act”), the contracting authority may not award a public contract to a supplier or subcontractor who is a company in which a public official under Section 2 (1) (c) of the Conflict of Interest Act, as amended, or a person controlled by a public official, holds a share representing at least 25% of a member’s participation in a company.

The contracting authority therefore requires the supplier to affirm that the above prohibition does not apply to the supplier.

Under Section 48 (8) in conjunction with Section 48 (2) (a) of the Act and Section 4b of the Conflict of Interest Act, the contracting authority excludes a supplier who violates Section 4b of the Conflict of Interest Act from the procurement procedure.

Requirements set out in the International Sanctions Implementation Act

- 17.15 Under Section 48a of the Act, the contracting authority may not award a public contract to a supplier if such award is contrary to international sanctions under Section 2 of Act No. 69/2006 Sb., to regulate the implementation of international sanctions, as amended (“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 supplier to affirm that it is not subject to international sanctions and that it is not aware of any of its subcontractors that will perform the public contract or part thereof being subject to international sanctions.

17.16 Under Section 48a (2) (b) of the Act, the contracting authority excludes the selected supplier from the procurement procedure if the supplier is subject to international sanctions, or it will require the selected supplier to replace its subcontractor subject to international sanctions under Section 48a (3) (b) of the Act.

17.17 The contracting authority hereby expressly informs the suppliers of one recently adopted international sanction regulated under Article 5k of 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 ("Council of the EU Regulation") under which the contracting authority is prohibited to award a public contract to or with:

(a) a Russian national, or a natural or legal person, entity or body established in Russia;

(b) a legal person, entity or body whose proprietary rights are directly or indirectly owned for more than 50 % by an entity referred to in point (a); or

(c) a natural or legal person, entity or body acting on behalf or at the direction of an entity referred to in point (a) or (b);

including, where they account for more than 10 % of the contract value, subcontractors, suppliers or entities whose capacities are being relied on within the meaning of the public procurement Directives.

18. Annexes to the Procurement Documentation

Annex 1 – Template for the Tender Cover Page;

Annex 2 – Template for the Summary Affirmation of Eligibility, Competence, and Qualification;

Annex 3 – Template for the List of Significant Deliveries;

Annex 4 – Template for the List of Subcontractors;

Annex 5 – Specification of the Subject of Performance

Annex 6 – Template for the Specification of the Price of the Performance

Annex 7 – Draft Agreement

Annex 8 – Affirmation of Acceptance of the Draft Agreement

Annex 9 – Affirmation on Conflict of Interest and International Sanctions

In Hradec Králové

prof. MUDr. Jiří Mandáček, Ph.D. – Dean