



UNIVERZITA
KARLOVA

DOCUMENTATION OF TENDER PROCEDURE

for a small-scale public supply contract
pursuant to Section 27 in conjunction with Section 31 and Section 6 of Act No. 134/2016 Coll., on
Public Procurement, as amended (hereinafter referred to as "**the Act**")

Name of the public contract:

Upgrade of spectrometer NAP-XPS: Plasma decontaminator II.

(hereinafter referred to as the „**public contract**“)

The invitation to tender was published on The Contracting Authority's profile on:

29.07.2024

The Contracting Authority:

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

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1. IDENTIFICATION DATA OF THE CONTRACTING AUTHORITY

Name of the Contracting Authority:	Univerzita Karlova, Matematicko-fyzikální fakulta
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 related to this tender procedure is **KOUKAL LEGAL, advokátní kancelář, s.r.o.**, Company Reg. No.: 10800387, registered office: Brno, Příkop 834/8, postcode 602 00, e-mail: vz@koukallegal.cz, tel.: +420 606 113 974, 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 is authorized to carry out actions related to this tender procedure.

Communication

1.3 The Contracting Authority (the representative of the Contracting Authority) communicates with economic operators only in writing. Written communication between the Contracting Authority (the representative of the Contracting Authority) and the economic operator must take place mainly electronically.

2. SUBJECT OF THE PUBLIC CONTRACT

Subject-matter of the public contract

2.1 The subject-matter of the public contract is the supply of plasma decontaminator according to the Contracting Authority's requirements.

2.2 The subject-matter of the public contract is further specified in the draft purchase contract (Annex No. 3 of the Documentation of the tender procedure) and in the technical specification of the public contract subject (Annex No. 4 of the Documentation of the tender procedure).

Estimated value of the public contract

2.3 Estimated value of the public contract determined by the Contracting Authority pursuant to Section 16 et seq. of the Act is **540.000,- CZK without VAT**.

2.4 The highest permissible value of the tender price for a public contract is 660.000,- CZK without VAT. Exceeding the maximum permissible value of the tender price means non-compliance with the conditions of this tender procedure.

Financing of the public contract

2.5 The public contract will be (co)financed from the EU funds – i. e. from the OP JAK programme, project: "Modernizace a inovace velké výzkumné infrastruktury SPL-HTC", registration number of project: CZ.02.01.01/00/23_015/0008182.

Other conditions

2.6 The Contracting Authority does not allow to condition submitted tender by any conditions other than those stipulated in this tender procedure.

3. DURATION AND PLACE OF PERFORMANCE OF PUBLIC CONTRACT

3.1 Duration and place of performance of public contract are determined in the commercial and payment terms (Annex No. 3 of the Documentation of the tender procedure).

4. REQUIREMENTS FOR PROVING QUALIFICATION

4.1 The Contracting Authority requires proof of:

- a) basic qualification,
- b) professional qualification.

5. BASIC QUALIFICATION

5.1 An economic operator shall not be qualified if it:

- a) was convicted by final judgement in the country of its registered seat of a crime specified in Annex No. 3 to the Act or another similar crime pursuant to the law of the country of its registered office in the past 5 years preceding the commencement of the tender procedure; expunged convictions are disregarded,
- b) has outstanding tax arrears registered in tax records in the Czech Republic or in the country of its registered office,
- c) has outstanding arrears in respect of payments and penalties of public health insurance in the Czech Republic or in the country of its registered office,
- d) has outstanding arrears in respect of payments and penalties of social security contributions and contribution to the national employment policy in the Czech Republic or in the country of its registered office,

- e) is in liquidation, has been declared insolvent, in respect of whom the receivership has been imposed under another legal regulation or it is in a similar situation pursuant to the law of the country of its registered office.

5.2 If the economic operator is a legal person, both this legal person and every member of its governing body shall meet the condition specified in paragraph 5.1 (a) of the Documentation of the tender procedure. Where a legal person is a member of the governing body of the economic operator, the condition specified in paragraph 5.1 (a) of the Documentation of the tender procedure shall be met by:

- a) this legal person,
- b) every member of the governing body of this legal person, and
- c) the person representing this legal person in the governing body of the economic operator.

5.3 If the participant of this tender procedure is a branch of a business of:

- a) a foreign legal person, the condition specified in paragraph 5.1 (a) of the Documentation of the tender procedure shall be met by this legal person as well as the head of the branch,
- b) a Czech legal person, the condition specified in paragraph 5.1 (a) of the Documentation of the tender procedure shall be met by the persons referred to in paragraph 5.2 of the Documentation of the tender procedure as well as the head of the branch.

5.4 The economic operator shall prove that it fulfils the basic qualification requirements in relation to the Czech Republic by submitting:

- a) a copy of an entry in the Criminal Records in respect of paragraph 5.1 (a) of the Documentation of the tender procedure,
- b) a confirmation from a relevant tax office in respect of paragraph 5.1 (b) of the Documentation of the tender procedure,
- c) a written affirmation regarding excise duty in respect of paragraph 5.1 (b) of the Documentation of the tender procedure,
- d) a written affirmation in respect of paragraph 5.1 (c) of the Documentation of the tender procedure,
- e) a confirmation from a relevant district social security administration in respect of paragraph 5.1 (d) of the Documentation of the tender procedure,
- f) a copy of an entry in the Commercial Register, or a written affirmation in the event that the economic operator is not incorporated in the Commercial Register, in respect of paragraph 5.1 (e) of the Documentation of the tender procedure.

6. PROFESSIONAL QUALIFICATION

6.1 The economic operator shall prove its professional qualification in relation to the Czech Republic by submitting a copy of an entry in the Commercial Register or other similar records provided that registration in such records is required pursuant to another legal regulation.

7. COMMON PROVISIONS FOR QUALIFICATION

Proving of qualification obtained abroad

7.1 Where qualification has been obtained abroad, it shall be proved by documents issued under the law of the country in which it has been obtained and to the extent required by the Contracting Authority.

Qualification in the case of joint participation of economic operators

7.2 In the case of joint participation of economic operators, the basic and professional qualifications pursuant to paragraph 6.1 of the Documentation of the tender procedure shall be proved by each economic operator separately.

Proving of qualification through other persons

7.3 An economic operator may prove the economic qualification, technical qualification or professional qualification, with the exception of the criterion set out in paragraph 6.1 of the Documentation of the tender procedure, through other persons. In that case, the economic operator is obliged to submit to the contracting authority:

- a) documents proving that the professional qualification pursuant to paragraph 6.1 of the Documentation of the tender procedure has been fulfilled by the other person,
- b) documents proving that a missing part of the qualification has been fulfilled by the other person,
- c) documents proving that the basic qualification was fulfilled by the other person and
- d) a contract or a confirmation of its existence signed by other person, the content of which is an obligation to provide performance intended for the performance of the public contract or to provide things or rights which the economic operator is entitled to use when performing the public contract, at least to the extent to which the other person has proved its qualification instead of the economic operator.

7.4 It is presumed that the requirement set out in paragraph 7.3d) of the Documentation of the tender procedure is met if the contract or a confirmation of its existence signed by other person contains joint and several liability of such person and the economic operator for the performance of the public contract.

Qualification documents

7.5 Economic operators shall submit their qualification documents within their tenders in copies and **may substitute them by an affirmation. The Contracting Authority recommends processing the affirmation according to the template** (Annex No. 2 of the Documentation of the tender procedure).

7.6 When conducting the tender procedure, the Contracting Authority may request the submission of the originals or certified copies of the qualification documents. Economic operator is obliged to submit copies, original documents or officially certified copies of qualification documents to the Contracting Authority within the deadline set by the Contracting Authority, otherwise, the Contracting Authority reserves the right to reject the economic operator's tender.

7.7 The documents demonstrating basic qualification shall demonstrate the fulfilment of the required qualification criterion not later than 3 months before the day of the commencement of the tender procedure.

Changes in qualification of a participant

7.8 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. The participant shall not become obliged to announce changes and submit new documents under the first sentence 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.

7.9 If the Contracting Authority finds out that the economic operator has not fulfilled the duty defined in paragraph 7.8 of the Documentation of the tender procedure), the Contracting Authority can exclude such economic operator from the tender procedure.

8. COMMERCIAL AND PAYMENT CONDITIONS

8.1 The Contracting Authority shall establish the terms and conditions of payment in the form of the draft purchase contract (hereinafter referred to as the "**draft purchase contract**"), (Annex No. 3 of the Documentation of the tender procedure).

8.2 **The draft purchase contract is not submitted by the participant. Instead of a signed draft purchase contract, the participant submits an affirmation that he accepts the draft purchase contract and he is bound by it.** The Contracting Authority recommends to elaborate the affirmation in accordance with the template (Annex No. 5 of the Documentation of the tender procedure). The participant is not entitled to request changes or additions to the draft purchase contract, except for the additions, which are expressly reserved for addendum by participant, which will be added before signature of the purchase contract on the basis of the tender of the selected economic operator. The purchase contract will be concluded with the selected economic operator in accordance with the Act.

8.3 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 public contract for the entire duration of the performance of public contract and for the duration of other commitments resulting from a public contract. The relevant contract must also clearly define which of the economic operators is authorized to represent other economic operators in matters relating to the performance of public contract or a particular parts thereof and which of the economic operators will be the billing point.

9. REQUIREMENTS FOR METHOD OF PROCESSING OF THE TENDER PRICE

9.1 The participant will elaborate the tender price for the purpose of evaluation of tenders according to the cover sheet of the tender (Annex No. 1 of the Documentation of the tender procedure). The tender price will be divided into the price without VAT, VAT and the price including VAT.

9.2 The tender price means the total price for the supply of plasma decontaminator according to the draft purchase contract in CZK without VAT (hereinafter referred to as the “*tender price*”). The participant in the tender procedure is responsible for the content of the tender submitted by him.

9.3 The tender price must be determined as binding, maximum permissible and not exceeded (with exceptions specified in the draft purchase contract). The participant in the tender procedure is obliged to include in the tender price all costs or fees and other expenses that he incurs or may incur during the implementation of the public contract according to the tender documentation. Details are set out in the draft purchase contract. The tender price must include all the performance of the economic operator due to the fulfillment of the obligations set out in the draft purchase contract.

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

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

9.6 The participant shall state the tender price in the cover sheet of the tender (Annex No. 1 of the Documentation of the tender procedure).

9.7 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 cover sheet of the tender.

10. EVALUATION OF THE TENDERS

Economic advantageousness of tenders

10.1 Tenders will be evaluated on the basis of their economic advantageousness.

10.2 The economic advantageousness of tenders will be evaluated on the basis of the lowest tender price.

10.3 The Contracting Authority has set 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.

10.4 The most economically advantageous tender is the tender with the lowest tender price.

10.5 For the evaluation of the tenders are decisive tender prices without VAT.

11. BINDING NATURE OF THE CONTRACTING AUTHORITY'S REQUIREMENTS

11.1 The information and data provided in the documentation of the tender procedure define the binding requirements of the Contracting Authority for the performance of the public contract. The economic operator is obliged to fully and unconditionally respect these requirements when processing 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 THE TENDER PROCEDURE DOCUMENTS

13.1 The Contracting Authority may explain the documentation of the tender procedure.

13.2 Economic operators may request an explanation of the documentation of the tender procedure.

13.3 The request for explanation of the documentation of the tender procedure must be sent in writing in electronic form to the representative of the Contracting Authority referred to in Article 1 of the documentation of the tender procedure via e-mail or Data Box to the contact details specified in paragraph 1.1 of the documentation of the tender procedure , or by the electronic tool.

13.4 The request for explanation of the documentation of the tender procedure must include the identification and contact details of the economic operator and the information on which public contract the request relates to.

13.5 If an explanation of the tender documentation 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 of the documentation of the tender procedure if the request for explanation is not delivered in time, at least 4 working days before the time limit for the submission of tenders.

13.7 The Contracting Authority reserves the right to publish an explanation of the documentation of the tender procedure, possibly related documents, including the accurate wording of the request, on the profile of the contracting authority. In such a case, the explanation of the documentation of the tender procedure is delivered to all economic operators at the moment of its publication on the Contracting Authority's profile.

13.8 The Contracting Authority shall publish an explanation of the documentation of the tender procedure (or related documents) on the Contracting Authority's profile no later than 2 working days from the delivery of the request for an explanation of the documentation of the tender procedure . If the Contracting Authority provides an explanation to a request for an explanation of the

documentation of the tender procedure that is not delivered on time, it does not have to comply with this deadline.

13.9 If the request for explanation of the documentation of the tender procedure is delivered in time and the Contracting Authority fails to publish, send or transmit the explanation within the period according to paragraph 13.8 of the Documentation of the tender procedure, 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 according to the deadline in accordance with paragraph 13.8 of the Documentation of the tender procedure.

14. ALTERATION OR SUPPLEMENTATION OF THE TENDER PROCEDURE DOCUMENTS

14.1 The Contracting Authority may alter or supplement the conditions of tender procedure contained in the documentation of the tender procedure before the expiry of the time limit for the submission of tenders.

14.2 An alteration or supplementation of the tender procedure conditions contained in the documentation of the tender procedure shall be published or announced by the Contracting Authority by the same means as the tender procedure condition that has been altered or supplemented.

14.3 Where the nature of the supplementation or alteration of the tender procedure documents requires so, the Contracting Authority shall 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 tender documentation, 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.

14.5 The Contracting Authority is entitled to extend the time limit for the submission of tenders even without changing the tender documentation.

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 stated in the Invitation to tender.**

15.2 **Place of the submission of tenders:** **Place of the submission of tenders is stated in the Invitation to tender.**

15.3 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. CONDITIONS FOR DRAWING UP AND SUBMISSION OF TENDERS

16.1 Tenders shall be submitted in writing in paper form.

16.2 The tender in paper form must be delivered **in a properly sealed envelope marked with the name of the public contract and with the notice "Administration Department - Do not open"**. If the envelope with the tender will be placed in another envelope, this (outer) envelope must also be marked with the name of the public contract.

16.3 Tenders may be submitted only in the Czech or English language. It means if the economic operator decides to submit tender in the English language, the economic operator is not obliged to submit a translation of documents into the Czech language.

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

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

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

16.7 The Contracting Authority 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 tender procedure. The Contracting Authority shall send a notice of the exclusion of a participant from the tender procedure with an explanation to the excluded participant without delay.

16.8 The tender must contain a Technical specification of the public contract subject – the economic operator is obliged to submit a **completed specification** of the public contract subject form (Annex No. 4 of the Documentation of the tender procedure).

16.9 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. 7 of the Documentation of the procedure).

16.10 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. 6 of the Documentation of tender procedure).

16.11 Requirements for processing the tender:

- a) the tender must be signed by the participant or the participant's governing body or another person demonstrably authorized to represent the participant; in such a case, the participant shall document this authorization in a copy in the tender,
- b) the tender must be submitted 1x in the original in paper form and must contain all the documents, information and annexes specified by the conditions of the tender procedure, in the order that follows from the required structure of the tender,
- c) all sheets of the tender original will be firmly connected to each other or stapled in such a way that they are sufficiently secured against their removal from the tender original,
- d) all prints will be properly legible and without rewrites,
- e) all pages of the tender will be numbered in an uninterrupted ascending numerical series starting with the number 1,
- f) part of the tender must include an affirmation of acceptance of the draft purchase contract (not a signed draft purchase contract with annexes).

16.12 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) the tender price,
- c) eventually other data.

16.13 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 purchase contract,
- d) completed technical specification of the public contract subject,
- e) the affirmation of the absence of a conflict of interest,
- f) the list of subcontractors,
- g) other documents,
- h) information on the total number of tender sheets

16.14 Requirements for a formal adjustment of the tender specified in paragraph 16.12 and 16.13 of the Documentation of the tender procedure have a recommendatory character.

17. ADDITIONAL TERMS AND RIGHTS OF THE CONTRACTING AUTHORITY

17.1 The costs associated with participation in tender 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 a part of the tender procedure documentation.

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

17.3 The Contracting Authority does not allow any variations of the tender.

17.4 A tender that does not meet the requirements of the Contracting Authority set out in the procedure documents, in particular is not complete or does not contain all data, documents, information, annexes or other details or components set out in the tender conditions, does not meet the tender procedure's conditions.

17.5 The participant in the tender procedure is obliged to clarify any ambiguities in the conditions of the tender procedure before submitting the tender. Insufficient information, a misunderstanding of the conditions of the tender, an incorrectly determined tender price, etc. do not entitle the participant to demand additional payment of the costs of the tender or an increase in the price of the performance.

17.6 The Contracting Authority reserves the right to:

- a) alter or supplement the conditions of the tender procedure before the expiry of the time limit for the submission of tender,
- b) require a participant to explain the submitted data and documents or to supplement other or missing data documents;
- c) reject all tenders, even without giving a reason,
- d) cancel the tender procedure, until the moment of concluding a public contract with the selected economic operator, even without giving a reason,
- e) not to conclude a public contract with any participant in the tender procedure, even without giving a reason.
- f) notify the selection of the economic operator, the rejection of all tenders or the cancellation of the tender procedure through the Contracting Authority's profile; in such a case, the notification is delivered to all economic operators at the moment of its publication on the Contracting Authority's profile.

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

17.8 The participant, whose tender was selected as the most economically advantageous (hereinafter referred to as the "**selected economic operator**"), is obliged to provide the Contracting Authority with the necessary assistance to conclude the contract so that the contract can be concluded without undue delay after the delivery of the notice of the selection of the economic operator. If the selected economic operator does not provide the Contracting Authority with the necessary assistance to conclude the contract within the above-mentioned period, the Contracting Authority is entitled to conclude a contract with the participant who placed next in order.

17.9 The Contracting Authority will process personal data in the manner specified in the Information on the processing of personal data obtained under the tender procedure, which is annexed to the Documentation of the tender procedure (Annex No. 8 of Documentation of the tender procedure). Where an economic operator provides personal data in tender, the subject of such personal data shall be informed of processing of personal data.

Exclusion of a participant from a tender procedure

17.10 The Contracting Authority may exclude a participant from a tender procedure provided that the data, documents, samples or models submitted by the participant:

- a) do not meet the award criteria or the participant has not submitted them within the prescribed time limit,
- b) have not been explained or supplemented by the participant upon request made by the Contracting Authority, or
- c) do not correspond to reality and have had or can have an influence on the assessment of the conditions for participation or on the fulfilment of the evaluation criteria.

17.11 The Contracting Authority may exclude a participant from the tender procedure on grounds of unsuitability provided that it demonstrates that:

- a) the performance offered by the economic operator would result in a failure to comply with the duties set out in provisions of environmental, social and labour law or collective agreements relating to the subject matter of the public contract,
- b) there is a conflict of interest, and another corrective measure, except for a cancellation of the tender procedure, is not possible,
- c) competition has been distorted by a previous involvement of the participant during preparations for the tender procedure, other corrective measures are not possible and the participant has failed to prove upon the contracting authority's request that competition has not been distorted,
- d) in the past 3 years from the commencement of the tender procedure, the participant has shown grave or long term deficiencies while performing a prior contract with the Contracting Authority awarding the public contract or with another contracting authority, which caused damage, led to an early termination of the prior contract or other comparable sanctions,
- e) the participant has made an unjustified attempt to influence the decision made by the Contracting Authority within the tender procedure or has made an unjustified attempt to obtain non public information that could provide it with undue advantages during the tender procedure, or
- f) in the past three years prior or after to the commencement of the tender procedure, the participant committed a grave professional misconduct, which renders its integrity questionable, including a misconduct for which it has been imposed a disciplinary punishment or a disciplinary measure under separate legal regulations.

17.12 The Contracting Authority may also exclude a participant from the tender procedure on the grounds of unsuitability provided that the Contracting Authority has sufficiently plausible indications based on trustworthy information to conclude that the participant has, in relation to the public contract, being awarded entered into a contract prohibited by another legal regulation with other persons.

17.13 The Contracting Authority may exclude a participant from the tender procedure provided that the tender submitted by the participant contains an abnormally low tender price that has not been justified by the participant. If the Contracting Authority considers the tender price of a participant to be abnormally low, it will invite him to justify his tender price.

17.14 The Contracting Authority shall exclude a selected economic operator from participation in the tender procedure provided that the Contracting Authority finds out that there are grounds for exclusion pursuant to paragraph 17.10 of the Documentation of the tender procedure or that it may prove that there are grounds for exclusion pursuant to paragraphs a) b) c) of paragraph 17.11 of the Documentation of the tender procedure.

18. LIST OF ANNEXES

18.1 Documentation of the tender procedure includes the following annexes:

Annex No. 1 Cover sheet of the tender

Annex No. 2 Draft of a written affirmation for qualification

Annex No. 3 Draft purchase contract

Annex No. 4 Technical specification of the public contract subject

Annex No. 5 Affirmation of acceptance of draft contract of sale

Annex No. 6 Affirmation on the absence of a conflict of interest

Annex No. 7 Draft of a list of subcontractors

Annex No. 8 Information on the processing of personal data obtained under the tender procedure

In Prague on 29.07.2024

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