

## EXPLANATION, ALTERATION OR SUPPLEMENTATION OF DOCUMENTATION OF PROCUREMENT PROCEDURE NO. I

for an above-threshold public supply contract named

### Infrared spectrometer

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

**Z2024-049481**

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

#### THE CONTRACTING AUTHORITY:

**Charles University**

**Faculty of Mathematics and Physics**

Company Reg. No: 00216208

Registered office: Ovocný trh 560/5, 116 36 Praha 1

(hereinafter referred to as the „**Contracting Authority**“)

#### THE REPRESENTATIVE OF THE CONTRACTING AUTHORITY:

**KOUKAL LEGAL, advokátní kancelář s.r.o.**

Company Reg.: 10800387

Registered office: Brno, Příkop 834/8, PSČ 602 00

phone: +420 606 113 974

e-mail: vz@koukallegal.cz

Data box ID: gnqnuj2

(hereinafter referred to as the „**Representative of the Contracting Authority**“)

The Representative of the Contracting Authority when performing actions pursuant to Act no. 134/2016 Coll., on the awarding of public contracts, as amended (hereinafter referred to as "**the Act**"), related to the awarding procedure of public contract is **KOUKAL LEGAL, advokátní kancelář s.r.o.**

Due to the fact that the request for an explanation of the procurement documentation, which is dealt with in this explanation, alteration or supplementation of documentation of the procurement procedure, was submitted in Czech, the Contracting Authority, in order to ensure broad competition, translated the submitted questions into the English (as the language in which procurement procedure is conducted) and provides answers to these questions in both Czech and English.

## EXPLANATION, ALTERATION OR SUPPLEMENTATION OF TENDER DOCUMENTATION

The Contracting Authority explains, alters or supplements the documentation of the procurement procedure based on the economic operator's request according to Section 98 or 98 of the Act as follows:

### Question No. 1

**Bod 88 návrhu smlouvy. V minulosti bývala smluvní pokuta max 0.1%, nyní je 0.2% a navíc bez limitu, který bývá max 5-10% z celkové částky. Dodavatelé by uvítali úpravu v tomto duchu. Důvod - nepřehledná situace ve světě může způsobit nečekané výpadky od subdodavatelů.**

*(Paragraph 88 of the draft purchase contract. In the past, the contractual penalty used to be a maximum of 0.1%, now it is 0.2% and, in addition, without a limit, which is usually a maximum of 5-10 % of the total amount. Suppliers would welcome an adjustment along these lines. The reason - the confusing situation in the world can cause unexpected outages from subcontractors. – the Contracting Authority's translation).*

### Answer

*The Contracting Authority modifies the draft purchase contract by changing the contractual penalty from 0.2% to 0.1% in paragraph 88 of the draft purchase contract and adds that the value of this contractual penalty will not exceed 10 % of the total price of the performance.*

*The updated draft of purchase contract forms an attachment to this explanation, alternation or supplementation of documentation of the procurement procedure (Annex No. 1 of this document)<sup>1</sup>.*

### Question No. 2

**Záruka je obvykle 12 měsíců, v návrhu je 24 měsíců. Za tuto změnu požadují zahraniční firmy navýšení ceny, což zvyšuje částku za zařízení oproti původním nabídkám. Je možné stanovit záruční dobu na 12 měsíců?**

*(The warranty is usually 12 months, in the draft purchase contract there is the warranty 24 months. For this change, foreign companies demand a price increase, which increases the amount for the equipment compared to the original offers. Is it possible to set a warranty period of 12 months? - the Contracting Authority's translation).*

---

<sup>1</sup> ČESKÁ VERZE

Zadavatel upravuje návrh kupní smlouvy tak, že u odstavce 88 návrhu smlouvy mění smluvní pokutu z 0,2 % na 0,1 % a doplňuje, že hodnota smluvní pokuty nepřesáhne 10 % z celkové ceny plnění.

Aktualizovaný Návrh kupní smlouvy tvoří přílohu tohoto vysvětlení, změny či doplnění zadávací dokumentace (Příloha č. 1 tohoto dokumentu).

### Answer

*The Contracting Authority modifies the draft purchase agreement by changing the warranty period from 24 months to 12 months.*

*The updated draft of purchase contract forms an attachment to this explanation, alternation or supplementation of documentation of the procurement procedure (Annex No. 1 of this document)<sup>2</sup>.*

### Question No. 3

**Reference. Zařízení se skládá z více bloků a kombinace vyrábí se na zakázku. Z těchto důvodů by byla vhodná reference v průběhu posledních 6 let a nikoliv 3 roky, jak je navrženo.**

*(References. The device consists of several blocks and the combination is made to order. For these reasons, a reference during the last 6 years and not during 3 years as suggested would be appropriate. - the Contracting Authority's translation).*

### Answer

*The Contracting Authority modifies the requirement for proof of technical qualification from 3 years to 6 years.*

*The updated Qualification documentation forms an attachment to this explanation, alternation or supplementation of documentation of the procurement procedure (Annex No. 2 of this document)<sup>3</sup>.*

**The Contracting Authority hereby explains, alters or supplements the tender documentation on its own initiative as follows:**

In addition to the above-mentioned amendments to the draft purchase contract, the Contracting Authority modifies the draft purchase contract for the following facts:

---

<sup>2</sup> ČESKÁ VERZE

Zadavatel upravuje návrh kupní smlouvy tak, že mění záruční dobu z 24 měsíců na 12 měsíců.

Aktualizovaný Návrh kupní smlouvy tvoří přílohu tohoto vysvětlení, změny či doplnění zadávací dokumentace (Příloha č. 1 tohoto dokumentu).

<sup>3</sup> ČESKÁ VERZE

Zadavatel upravuje požadavek na prokázání technické kvalifikace ze 3 let na 6 let.

Aktualizovaná Kvalifikační dokumentace tvoří přílohu tohoto vysvětlení, změny či doplnění zadávací dokumentace (Příloha č. 2 tohoto dokumentu).

- **Payment terms**

*The Contracting Authority decided to divide the Price into the two parts for the purposes of accounting Price.*

*The updated draft of purchase contract forms an attachment to this explanation, alternation or supplementation of documentation of the procurement procedure (Annex No. 1 of this document).*

- **Time of performance**

*The Contracting Authority decided to extend the deadline for delivery of the subject of performance to 14 months from the date of effectiveness of the Contract.*

*The updated draft of purchase contract forms an attachment to this explanation, alternation or supplementation of documentation of the procurement procedure (Annex No. 1 of this document).*

**Annexes of the Explanation, alternation or supplementation of the documentation of the procurement procedure:**

- Annex No. 1 - 01.2 A2 DPP - Draft purchase contract\_akt\_11112024
- Annex No. 2 - 01.3 A3 DPP - Qualification documentation\_akt\_11112024

**CHANGE OF TIME LIMIT FOR THE SUBMISSION OF TENDERS**

In view of the above, the Contracting Authority decided to extend the time limit for submission of tenders as follows:

**Time limit for the submission of tenders: do 16.12.2024, do 09:00 hod.**

The Contracting Authority points out that the method of submission of tenders and the method of opening of tenders do not change.

In Prague

---

**Charles University**  
**Faculty of Mathematics and Physics**  
pp KOUKALLEGAL, advokátní kancelář  
s.r.o.  
JUDr. Pavel Koukal, jednatel