

**CALL FOR TENDERS AND TENDER DOCUMENTATION FOR THE PUBLIC CONTRACT  
awarded in a simplified sub-limit procurement procedure pursuant to Act No. 134/2016 Coll., on public  
procurement, as amended (hereinafter referred to as "the Act")**

**The contracting authority** Charles University, with registered office: Ovocný trh 560/5, Staré Město, 116 36 Prague 1, in the matter of the unit: First Faculty of Medicine, Kateřinská 1660/32, Nové Město, 121 08 Prague 2, **hereby invites you to submit a tender pursuant to Section 53(1) of the Act.**

**1. NAME AND TYPE OF PUBLIC CONTRACT**

Name of the public contract (PC):	<b>UK 1. LF - SWIR scientific camera with accessories and laser modules</b>
CPV code of the subject of the contract:	38000000-5 Laboratory, optical and precision instruments and equipment (excluding glass) 38636100-3-Lasers 38651200-5 - Photographic equipment bodies
Type of the PC according to the subject of the PC:	Supplies
Type of PC:	Under Limit
Tender procedure:	Simplified sublimit procedure
DBID public procurement (E-ZAK)	<b>8913</b>
Address of the public contract:	<a href="https://zakazky.cuni.cz/vz00008913">https://zakazky.cuni.cz/vz00008913</a>
Identification of the operational programme:	Operational Programme Jan Amos Komenský Project name: Modernization of VVI Czech-Biolmaging Project registration number: CZ.02.01.01/00/23_015/0008205

**2. IDENTIFICATION DATA OF THE CONTRACTING AUTHORITY**

Contracting authority:	Charles University
Headquarters:	Ovocný trh 560/5, Staré Město, 116 36 Prague 1
It's about the component:	First Faculty of Medicine, Kateřinská 1660/32, Nové Město, 121 08 Prague 2
ID NUMBER, VAT identification number:	00216208, CZ00216208
Person authorised to represent the contracting authority:	prof. MUDr. Martin Vokurka, CSc., Dean of the First Faculty of Medicine, Charles University
Contact person of the contracting authority for the purposes of the procurement procedure:	Ing. Jitka Jankolová, Public Procurement Department, E-mail: <a href="mailto:jitka.jankolova@lf1.cuni.cz">jitka.jankolova@lf1.cuni.cz</a>
The electronic address of the contracting authority's profile/electronic tool:	<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 participated in the preparation of the tender documentation and identification of the parts of the tender documentation in which they participated:

No persons other than the contracting authority participated in the preparation of the tender documentation.

The Contracting Authority has conducted a Preliminary Market Consultation (hereinafter referred to as "PMC") with the following suppliers:

Kaer Labs SAS, with registered office at 2 rue Alfred Kastler, 44300 Nantes, France, registration number: 84394413300019  
MIT, spol. s r.o., with registered office: Praha 4, Klánova 71/56, Postal Code 14700, ID No.: 46348395

### List of information in the tender documentation resulting from the pre-market consultation:

On the basis of some of the quotations received, the following tender conditions were set (marked in green): estimated value (Article 5 of this tender documentation - in accordance with Article 218(3) of the Act, the contracting authority does not indicate the prices established in the Preliminary Market Consultation), period of performance - delivery time (according to the Preliminary Market Consultation, the range is 10-16 weeks) (Article 218(3) of the Act). 7. of this tender documentation and Article III. paragraph 1. of the Draft Purchase Contract), warranty period of 12 months (according to Preliminary Market Consultation) (Article V. paragraph 3. of the Purchase Contract), some technical parameters in Annex No. 1 of the Purchase Contract - Technical Specification of the Subject of Performance.

### **3. DETAILS OF ACCESS TO THE TENDER DOCUMENTATION**

The tender documentation, including all annexes, is published in accordance with Section 96(1) of the Act on the profile of the contracting authority (see the address of the public contract - Article 1 of this tender documentation).

### **4. DEFINITION OF THE SUBJECT OF THE PUBLIC CONTRACT**

The subject of the tender is the supply of a camera that uses an indium gallium arsenide semiconductor material (hereinafter also referred to as "InGaAs") for the detection of infrared light with a programmable setting for quantitative measurement of fluorescence intensity in the short-wavelength infrared (SWIR) spectrum after passing through the tissues of a laboratory mouse for the Centrum for Advanced Preclinical Imaging of the First Faculty of Medicine, Charles University. The camera shall be accompanied by an electrical control unit and laser illumination ( hereinafter also referred to as 'the goods' or 'the subject-matter ').

Part of the performance of the public contract is also the transport of the subject of performance to the place of performance or the handover of the goods, technical documentation and other all documents related to the goods (instruction manual or user manual or handbook, warranty card, maintenance instructions, declaration of conformity, etc.). The goods may be delivered to the contracting authority in the manner specified in Article IV. Purchase contract.

The parameters of the goods (detailed technical specification of the subject of performance) are given in Annex 1 of the Purchase Contract. Suppliers submitting a tender under this tendering procedure shall comply with all the technical requirements set out in this Annex.

The tender must also include technical documentation of the offered goods, or a detailed description of the technical characteristics and technical data of the goods (e.g. product data sheet, product data sheet, product data sheet, technical documentation or manual, or manufacturer's declaration or any document indicating the performance and other technical characteristics of the product) (hereinafter also referred to as "technical documentation").

### **5. ESTIMATED VALUE OF THE PUBLIC CONTRACT**

The estimated value of the public contract is 2.070.000 CZK without VAT

### **6. PLACE OF PERFORMANCE OF THE PUBLIC CONTRACT**

The place of performance of the public contract is Centrum of Advanced Preclinical Imaging, First Faculty of Medicine, Charles University, Salmovská 3, Prague 2, basement, room 0.070, barrier-free access from U Nemocnice 5 (ramp).

### **7. PERIOD OF PERFORMANCE OF THE PUBLIC CONTRACT**

The commencement of performance of the public contract is conditional on the proper completion of the procurement procedure, the conclusion of the purchase contract and its publication in the Register of Contracts pursuant to Act No. 340/2015 Coll., on the Register of Contracts, as amended (hereinafter referred to as the "Register of Contracts").

Delivery time: **no later than 16 weeks from the effective date of the purchase contract, i.e. from the date of publication of the purchase contract in the Register of Contracts.**

The Participant's (Seller's) obligation is fulfilled by delivery of the Goods (including related performance under the Purchase Contract and this tender documentation) to the place of performance.

### **8. RESPONSIBLE PROCUREMENT**

Applying the principles of responsible public procurement:

Charles University, of which the First Faculty of Medicine is a part, implements the principles for responsible procurement in accordance with the Responsible Procurement Strategy of Charles University and its internal regulations. This Strategy is in line with the Sustainable Development Strategy of the Charles University and follows the National Strategy for Public Procurement in the Czech Republic. Therefore, the public contracts awarded by the

First Faculty of Medicine, Charles University emphasize the topics of the composition of the supply chain and the conditions therein, with an emphasis on the observance of decent working conditions, the implementation of socially responsible public procurement, and the preference for environmentally friendly solutions. These principles are applied in a proportionate and transparent manner, respecting the principles of equal treatment and non-discrimination in relation to suppliers and the principles of efficiency, economy and effectiveness. The contracting authority has endeavoured to accommodate small and medium enterprises by simplifying the tender documentation as much as possible in order to minimise the work involved in submitting a tender.

The contract is suitable for small and medium-sized enterprises. The labour aspects, decent working conditions and environmental responsibility - proper disposal of the waste generated in accordance with environmental standards and in compliance with the relevant legislation - are incorporated in Article VIII. Purchase contract.

## 9. TENDER FORM, COMMERCIAL AND TECHNICAL CONDITIONS

Part of the tender conditions (Annex 2 to this tender documentation) is a draft Purchase Contract (hereinafter and in the preceding text also referred to as the "**Purchase Contract**"), which regulates the requirements for the subject of performance of the public contract and contains all binding payment, delivery, guarantee and post-guarantee conditions, penalty conditions and objective conditions under which it is possible to exceed the amount of the tender price and other commercial conditions set by the contracting authority.

As Annex No. 1 to this tender documentation, the contracting authority submits to the suppliers a sample **Tender Form** containing pre-filled requirements of the contracting authority, which are conditional on the participation of suppliers in the procurement procedure.

Suppliers shall demonstrate compliance with the requirements of the Contracting Authority for the subject of performance, for qualification or for the submission of information and data critical for assessment and evaluation by submitting a **completed Tender Form** including the relevant required annexes, in particular the completed Annex 1 of the Purchase Contract and the technical documentation according to Article 4 of this tender documentation.

**The contracting authority does not require that the Purchase Contract be part of the tender, the contracting authority requires only an amended Annex No. 1 to the contract (Technical Specification of the Subject of Performance).**

The signed Purchase Contract corresponding to the Purchase Contract with the data completed in the indicated places must be submitted only by the selected contractor following the Contracting Authority's invitation.

Suppliers are obliged to read the text of the Purchase Contract thoroughly and in case of any ambiguity to proceed according to Section 98 of the Act (Explanation of Tender Documentation). The Purchase Contract is binding on the tenderers and is accepted by the tenderer by submitting a tender - see Tender Form, paragraph 4(b).

In the event that the tenderer makes the Purchase Contract part of the tender, the tenderer may only add to the Purchase Contract in the places indicated - no other changes or additions to the Purchase Contract are permitted.

## 10. QUALIFICATION REQUIREMENTS

A supplier qualified to perform this procurement is a supplier who:

- a) demonstrate basic eligibility under Section 74(1)(a) to (e) of the Act in the manner specified in Section 53(4) of the Act (i.e. only in the form of an affidavit of basic eligibility - see Tender Form),
- b) demonstrates professional competence in accordance with Section 77(1) of the Act, i.e.
  - submit an extract from the Commercial Register or other similar register if another legal regulation requires entry in such a register.

The supplier need not provide the document referred to in point (b) if the legislation of the country of establishment does not require a similar professional capacity. In this case, the supplier shall indicate this fact in the Tender Form.

### 10.1 GENERAL REQUIREMENTS FOR PROOF OF QUALIFICATION UNDER THE LAW

#### 10.1.1 Proof of qualification by other persons

The supplier may demonstrate economic qualification, technical qualification or professional competence, except for the criterion under Article 77(1) of the Act required by the contracting authority, through other persons. In such a case, the supplier must provide the contracting authority with:

- a) documents proving that another person has fulfilled the professional competence pursuant to Section 77(1) of the Act,

- b) documents proving that the missing part of the qualification is met by another person,
- c) evidence that another person has fulfilled the basic competency pursuant to Section 74 of the Act; and
- d) a contract or a certificate of its existence signed by another person, the content of which is an undertaking by another person to provide the performance intended for the performance of the public contract or to provide goods 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 has demonstrated qualification as a supplier.

Where the supplier demonstrates qualification through another person and provides documents under Section 79(2)(a), (b) or (d) of the Act relating to such person, the contract or the confirmation of its existence under Section 83(1)(d) must imply an undertaking that the other person will carry out the works or services to which the criterion of qualification being demonstrated relates.

The requirement under Section 83(d) shall be deemed to be met if the content of the contract or the confirmation of its existence implies an obligation of another person to perform the public contract jointly and severally with the supplier; this shall not apply if the contract or the confirmation of its existence must meet the requirements of Section 83(2) of the Act.

#### **10.1.2 Joint demonstration of qualifications**

In the case of joint participation of suppliers in the procurement procedure, each supplier shall demonstrate the basic competence pursuant to Section 74 of the Act and professional competence pursuant to Section 77(1) of the Act separately.

In the case of joint participation of suppliers in the procurement procedure, they shall prove their technical qualification pursuant to Section 79 of the Act jointly or through other persons.

#### **10.1.3 Proving qualifications obtained abroad**

If the qualification was obtained abroad, it shall be proved by documents issued in accordance with the legal system of the country in which it was obtained, to the extent required by the contracting authority.

If the required document is not issued under the applicable law, it may be replaced by an affidavit.

#### **10.1.4 List of qualified suppliers**

If the supplier submits to the contracting authority an extract from the list of qualified suppliers, this extract replaces the document proving (a) professional competence pursuant to Section 77 of the Act to the extent that the information in the extract from the list of qualified suppliers demonstrates compliance with the professional competence criteria, and (b) basic competence pursuant to Section 74 of the Act.

The contracting authority is obliged to accept an extract from the list of qualified suppliers if the extract from the list of qualified suppliers is not older than 3 months on the last date on which the basic competence or professional competence is to be demonstrated. The contracting authority need not accept an extract from the list of qualified suppliers on which the initiation of the procedure pursuant to Article 231(4) of the Act is indicated.

As well as the extract from the list of qualified suppliers, a supplier may prove his qualifications by means of a certificate from another Member State in which the supplier is established, which is equivalent to the extract from the list of qualified suppliers.

#### **10.1.5 Certified Supplier System**

A valid certificate issued under an approved Certified Supplier Scheme pursuant to Section 233 et seq. of the Act may be used to prove qualification in the tender procedure. The supplier shall be deemed to be qualified to the extent indicated on the certificate.

The contracting authority does not dispute the information given in the certificate without specific reasons. Before the conclusion of the contract, the supplier who has demonstrated his qualification by means of a certificate may be required to submit the documents referred to in Article 74(1)(b) to (d) of the Act.

As well as a certificate, a supplier may prove qualification by a certificate originating from another Member State in which the supplier is established, which is equivalent to a certificate issued under the certified supplier scheme.

#### **10.1.6 Evidence of qualification**

The documents proving basic eligibility pursuant to Section 74 of the Act must prove that the required eligibility criterion was met no later than 3 months before the date of opening of the tendering procedure.

Where the law or the contracting authority requires the submission of an affidavit of the supplier's fulfilment of the qualification as part of the demonstration of qualification, such affidavit must contain the statutory and contracting authority-required information on the fulfilment of the qualification requirements.

If the law or the contracting authority requires the submission of a document under the legal system of the Czech Republic, the supplier may submit a similar document under the legal system of the state in which the document is issued; this document shall be submitted with a translation into the Czech language. If the contracting authority has

doubts as to the accuracy of the translation, it may request the submission of an officially certified translation of the document into the Czech language by an interpreter registered in the list of experts and interpreters. Documents in the Slovak language and documents of education in the Latin language shall be submitted without translation. If the required document is not issued under the relevant legal regulations, it may be replaced by an affidavit.

#### 10.1.7 Changes in the supplier's qualifications

If, after the submission of the documents or declaration of qualification, the tenderer's qualifications change during the procurement procedure, the tenderer must notify the contracting authority of the change within 5 working days and submit new documents or declaration of qualification within 10 working days of notification of the change; the contracting authority may extend or waive these time limits. The obligation under the first sentence shall not arise where the tenderer's qualifications are changed in such a way that

- (a) the qualification conditions are still met,
- (b) the criteria for reducing the number of tenderers or tenders have not been affected; and
- (c) the tender evaluation criteria have not been affected.

The contracting authority may exclude a tenderer if it proves that the tenderer has failed to comply with the above obligation.

### 10.2 PROOF OF QUALIFICATION IN THE TENDER

For the purpose of proving the fulfilment of the qualification, the tenderer shall submit in the tender documents proving the fulfilment of the qualification in plain copies and may replace them:

- (a) an affidavit,
- (b) the Single European Procurement Certificate within the meaning of Section 87 of the Act,
- c) by reference to the corresponding information held in the public administration information system (Act No 365/2000 Coll., on public administration information systems and on amendments to certain other acts, as amended) or in a similar system held in another Member State which allows unrestricted remote access. Such a link must contain the Internet address and the details for logging in and retrieving the requested information, if such details are necessary.

In case of proving qualification by affidavit according to point a) of this article and for indicating the internet address according to paragraph c) of this article in the tender, the contracting authority allows the participants to use Annex No. 1 of this tender documentation - Tender Form.

The contracting authority may request the submission of originals or certified copies of the qualification documents during the procurement procedure.

**Before concluding the contract, the contracting authority shall always request the selected supplier to submit the documents of qualification it has requested, if it does not already have them, including the documents pursuant to Section 83(1) of the Act.**

In accordance with Section 122(8) of the Act, the contracting authority shall exclude the selected tenderer who fails to submit these documents.

### 11. REQUIREMENTS FOR THE PREPARATION OF THE TENDER PRICE, METHOD OF EVALUATION OF TENDERS

The basic evaluation criterion is the economic viability of the tender. **The economic advantage of the tenders will be evaluated according to the lowest tender price in CZK excluding VAT.**

The order of the tenders will be determined according to the amount of the tender price in CZK excluding VAT indicated in the Tender Form, from the lowest to the highest. **The tender with the lowest tender price in CZK excluding VAT will be evaluated as the most economically advantageous.**

The tenderer shall set the tender price in absolute amount in Czech crowns (CZK).

The tender price will be set as the maximum allowable and not to be exceeded and must include all costs necessary for the proper performance of the subject of performance, including all related costs (i.e. in particular the cost of acquisition of the goods, the cost of transporting the goods to the place of performance including any costs of handling mechanisms, the cost of insuring the goods, security of the goods until handover and acceptance, taxes and charges associated with the delivery of the goods and the cost of accompanying documentation). The tenderer must also include in the tender price all risks, profits and financial effects (including inflation) throughout the period of performance of the tender.

The tender price shall be completed by the tenderer in the following breakdown in the Tender Form:

- tender price in CZK without VAT,
- VAT rate in % and VAT amount in CZK,
- tender price in CZK including VAT.

A foreign participant, or a non-VAT payer, shall only quote the price excluding VAT.

The Participant is not entitled to make the data proposed by him subject to evaluation conditional. Conditionality or the indication of several different values may be grounds for elimination of the tender and exclusion of the tenderer from the tender procedure.

## 12. SECURITY REQUIREMENTS

The contracting authority does not require the provision of a security to ensure the fulfilment of the obligations arising from the participation of the supplier in the procurement procedure.

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

The Procuring Entity provides the suppliers with a sample Tender Form containing the pre-filled requirements of the Procuring Entity, which are used as a condition for the participation of the suppliers in the tender procedure, as Annex 1 to this Tender Documentation.

Suppliers shall demonstrate compliance with all the requirements of the Contracting Authority, i.e. requirements for the subject of performance, for the demonstration of qualification or for the submission of data critical for evaluation, **by submitting a completed Tender Form, a completed Annex No.1 to the Purchase Contract, technical documentation pursuant to Article 4, fourth sentence of this tender documentation, or other documents.**

**The tender must be prepared in the Czech language** - with the exception of documents pursuant to Section 45(3) of the Act in Slovak or Latin and documents relating to the description of the goods (technical documentation of the goods pursuant to Article 4 of this tender documentation) in a language other than Czech. **Suppliers may also submit a tender in English - for this purpose the contracting authority also provides the tender documentation in English.**

**The tender can only be submitted in electronic form via the E-ZAK electronic tool** available at: [https://zakazky.cuni.cz/profile\\_display\\_7.html](https://zakazky.cuni.cz/profile_display_7.html).

Suppliers can find detailed instructions for submitting a tender via the electronic tool in the 'Supplier User Guide', available at: <https://zakazky.cuni.cz/manual.html>.

The browser and system settings test can be found at: [https://zakazky.cuni.cz/test\\_index.html](https://zakazky.cuni.cz/test_index.html).

The tender will be submitted by the supplier in electronic form in an electronic tender sheet, created in the certified electronic tool E-ZAK, which guarantees compliance with all conditions of security and confidentiality of the data entered, including absolute inaccessibility of tenders on the part of the contracting authority before the expiry of the deadline for their protocol access. The supplier shall insert as annexes in the electronic tool all documents required by the contracting authority to be submitted as part of the tender. The size of a single file shall not exceed 50 MB. The contracting authority shall not be responsible for technical conditions on the part 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 deadline for submission of tenders (submission of the tender means the final submission of the tender to the electronic tool after uploading all attachments).

The contracting authority does not accept variations of tenders.

In the event of a change in the information provided in the tender until the time of conclusion of the contract with the selected tenderer, the relevant tenderer is obliged to inform the contracting authority of this change in writing without delay.

The tender will not contain any overwriting or corrections which could mislead the tenderer.

A supplier may submit only one tender. A supplier who has submitted a tender in a procurement procedure may not be the person through whom another supplier demonstrates qualification in the same procurement procedure. The contracting authority shall exclude, within the meaning of Article 107(5) of the Act, a tenderer who has submitted multiple tenders, either individually or jointly with other suppliers, or who has submitted a tender and is at the same time the person through whom another tenderer in the same procurement procedure demonstrates qualification.

In the event that the subject of performance is to be performed jointly by several suppliers, they are obliged to submit to the contracting authority a contract containing an undertaking that all such suppliers will be jointly and severally liable to the contracting authority and to third parties in respect of 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 from the public contract, in accordance with Section 103(1)(f), semicolon sentence.

In the event of a change in the information provided in the tender until the time of conclusion of the contract with the selected tenderer, the relevant tenderer is obliged to inform the contracting authority of this change in writing without delay.

#### **14. COMMUNICATION BETWEEN THE CONTRACTING AUTHORITY AND THE SUPPLIER, CLARIFICATION, AMENDMENT OR SUPPLEMENT TO THE TENDER DOCUMENTATION**

**All communication regarding the essential elements of the tender procedure with the contracting authority shall be exclusively in writing in Czech or English, in electronic form.**

A request for clarification of the tender documentation may be delivered to the contracting authority exclusively in electronic form no later than 7 working days before the deadline for submission of tenders, namely:

- electronically via the E-ZAK electronic tool;
- electronically by e-mail at: jitka.jankolova@lf1.cuni.cz or
- via data box (ID: pij9b4 **with the indication "1. LF UK VZ"** in the subject line).

The contracting authority prefers the method of communication via the electronic tool E-ZAK.

The contracting authority shall publish an explanation of the tender documentation on the contracting authority's profile at least **4 working days** before the deadline for submission of tenders. The contracting authority may provide an explanation of the tender documentation without a prior request from the supplier.

The terms and conditions contained in the tender documentation may be amended or supplemented by the contracting authority before the deadline for submission of tenders. The amended or supplemented tender documentation shall be published or notified to suppliers in the same way as the amended or supplemented tender. If the nature of the amendment or modification of the tender documentation so requires, the contracting authority shall at the same time extend the time limit for the submission of tenders accordingly. In the case of such an amendment or supplement to the tender documentation which may extend the range of possible tenderers, the contracting authority shall extend the time limit so that it is at least the full original length from the time of dispatch of the amendment or supplement to the tender documentation.

#### **15. INSPECTION OF THE PLACE OF FILLING**

Due to the nature of the subject matter of the public contract, no inspection of the place of performance of the public contract will be carried out.

#### **16. DEADLINE FOR SUBMISSION OF TENDERS, OPENING OF TENDERS**

The deadline for submission of tenders is **03.12.2024 until 10:00 a.m.** The deadline for submission of tenders **is also indicated on the profile of the contracting authority at the address of the public contract** (see Article 1 of this Tender Notice) **in the section 'Information on the public contract'.**

**The tenderer shall submit the tender in accordance with Section 107 of the Act, in electronic form via an electronic tool - see Article 13 of this tender documentation.**

If a tender is not delivered to the contracting authority within the time limit or in the manner specified in these tender documents, it shall not be deemed to have been submitted and shall not be considered during the tendering procedure.

If the deadline for submission of tenders is extended, e.g. due to an amendment or completion of the tender documentation, information about this fact will be published on the contracting authority's profile. For this reason, the contracting authority strongly recommends that suppliers keep track of the status of the tender procedure on the contracting authority's profile or any newly published documents (explanations of the tender documentation) on the contracting authority's profile.

Opening of the tender in electronic form means making its contents available to the contracting authority. Tenders in electronic form shall be opened by the contracting authority after the deadline for the submission of tenders. When opening all tenders, the contracting authority shall check that each tender has been received within the time limit and has not been tampered with before opening.

The contracting authority does not allow the public to be present at the opening of tenders, so even suppliers who have submitted a tender cannot participate.



## **17. TENDER PERIOD**

The contracting authority does not set a time limit.

## **18. OTHER CONDITIONS AND REQUIREMENTS OF THE CONTRACTING AUTHORITY**

### **18.1 Declaration of no conflict of interest**

Participants must prove the absence of a conflict of interest within the meaning of Section 4b of Act No. 159/2006 Coll., on Conflicts of Interest, as amended.

An Affidavit of tender and No Conflict of Interest is included in the Tender Form.

### **18.2 Requirements under the International Sanctions Implementation Act**

The contracting authority is prohibited from awarding a public contract to a supplier if this is contrary to international sanctions. More information on the international sanctions adopted can be found on the website of the Financial and Analytical Office and on the websites of the European Council and the Council of the EU.

For this reason, the contracting authority requires the supplier to declare in its tender that it is not a supplier subject to international sanctions and that it is not aware that any of its subcontractors through whom it will perform the contract or part of it will be subject to international sanctions.

The template of the affidavit is included in the Tender Form, i.e. for the preparation of the affidavit in the tender, the Supplier shall only fill in the Tender Form, which is Annex No. 1 to this tender (Tender Form), truthfully.

In accordance with Section 48a(2)(b) of the Act, the contracting authority shall exclude the selected supplier subject to international sanctions from the procurement procedure or, pursuant to Section 48a(3)(b) of the Act, shall require the selected supplier to replace its subcontractor subject to international sanctions.

### **18.3 Requirement to indicate beneficial owners and use of subcontractors**

The contracting authority shall require tenderers to specify in their tender the parts of the contract which they intend to subcontract to one or more subcontractors and to provide the identification details of each subcontractor. The subcontractor is not entitled to entrust another entity with the execution of the part of the contract to which it is assigned, and the tenderer must oblige the subcontractor to do so in the context of their contractual relationship.

The required information on the subcontracting system (identification data of subcontractors known to the tenderer as of the date of submission of the tender and their beneficial owners within the meaning of Section 2(c) of Act No. 37/2021 Coll., on the registration of beneficial owners, as amended) shall be entered by the tenderer in the Tender Form.

The tenderer shall also indicate in the Tender Form its beneficial owners within the meaning of Section 2 (e) of Act No. 37/2021 Coll., on the registration of beneficial owners, or a reference to an extract from the register of beneficial owners.

### **18.4 Consent to the handling and processing of personal data**

The participants give their consent to the handling and processing of 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 Coll., on the processing of personal data, for any control of the data provided by the participant in the affidavits, for a minimum of 10 years from the date of granting this consent, or for a minimum period for which the contracting authority is obliged to archive the documents in accordance with the concluded contract. The consent is given in the Tender Form.

### **Other conditions and reserved rights of the contracting authority**

- a) Participants shall bear their own costs associated with participation in the procurement procedure.
- b) Participants are obliged to refrain from any actions that could undermine the transparent and non-discriminatory conduct of the procurement procedure, in particular actions that could result in distortion of competition between the participants in the procurement.
- c) The contracting authority reserves the right to make changes to the terms and conditions.
- d) In accordance with Section 53(5) of the Act, the contracting authority reserves the possibility to deliver the following documents by publishing them on the contracting authority's profile:
  - o Notice of exclusion of a tenderer;
  - o Notification of the selection of the supplier.

Notices shall be deemed to have been delivered to all participants at the moment of their publication on the contracting authority's profile.



- e) The contracting authority reserves the right to apply during the procurement procedure the rules applicable to the institute of exceptionally low tender price pursuant to Section 113 of the Act, which the contracting authority is not obliged to apply pursuant to Section 53 of the Act.
- f) Before making a decision on the selection of a supplier, the contracting authority reserves the right to verify the information and data contained in the tender of the participant with third parties and the participant is obliged to 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) In the event of a change in the contractual obligation and termination of the contractual obligation, the contracting authority reserves the right to proceed in accordance with Sections 222 and 223 of the Act.
- i) The contracting authority informs the supplier that it is an obliged entity within the meaning of Act No. 106/1999 Coll., on free access to information, as amended, and is obliged to provide information in accordance with this Act. The contracting authority's obligation to provide information applies in full to this public contract.
- j) The contracting authority informs the contractor that according to § 219 of the Act, it will publish the contract and any amendments thereto in the Register of Contracts pursuant to the Act on the Register of Contracts, or also on the profile of the contracting authority.
- k) The contracting authority informs the contractor that pursuant to Section 2(e) and Section 13 of Act No. 320/2001 Coll., on financial control in public administration, as amended, the selected contractor (and its possible subcontractors) will be obliged to cooperate in the performance of financial control. This obligation shall also apply to those parts of the tender, contract and related documents which are subject to protection under special legislation (e.g. as trade secrets, classified information), provided that the requirements imposed by the legislation pursuant to Act No 255/2012 Coll., on control (Control Regulations), as amended, are met. The selected contractor will also be obliged to contractually oblige its subcontractors, if any, to this obligation. The selected contractor will also be obliged to provide all authorities authorised to carry out controls/audits (the grant provider, the relevant Managing Authority of the Operational Programme, the Ministry of Finance, the financial administration authorities, the Supreme Audit Office, the European Commission and the European Court of Auditors, and any other authorities authorised to carry out controls) with all information and documents relating to the contractor's and subcontractor's activities related to the implementation of the contract.

## 19. ATTACHMENTS

Attachment No. 1 - Tender Form - **the Contracting Authority requires the completed Tender Form to be submitted as part of tender**

Attachment No. 2 - Draft Purchase Contract - **the contracting authority does not require the draft purchase contract to be submitted as part of the tender, it requires only the completed Attachment No. 1 of the Purchase Contract (Technical Specification of the Subject of Performance) to be submitted in the tender.**

In Prague on 14.11.2024

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