

Procurement Document

Within the meaning of section 28 (1) (b) of the Public Procurement Act No. 134/2016 Sb.,
as amended

(“the Procurement Document” or “PD”)

Concerning the public contract

Awarded under s. 60 *et seq.* of the Public Procurement Act No. 134/2016 Sb.,
as amended

(“the Act” or “the Public Procurement Act”)

entitled:

CU RECTORATE – CENTRAL LIBRARY – SYSTEM FOR THE SUPPORT OF ACADEMIC WRITING AND CHECKING OF ORIGINALITY OF ACADEMIC THESES



Contracting Entity:

CHARLES UNIVERSITY

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

Registration No.: 00216208, Tax Registration No.: CZ00216208

Within the meaning of section 4 (1) (e) of the Act

Contents

1	Identification of the contracting entity and the public contract	Chyba! Záložka není definována.
2	Procurement conditions and annexes to the public contract	3
3	Reasoning for, process, and timing of the negotiated procedure with prior publication ...	4
4	Subject matter and classification of performance of the public contract	5
5	Time and site of performance of the public contract	6
6	Requirements for proving qualifications of the supplier	7
7	Commercial terms and payment conditions	Chyba! Záložka není definována.
8	Request to submit and contents of request to participate, indicative tender, and final tender of the supplier	8
9	Mode, place, and time limits for submitting requests to participate/indicative tenders/final tenders	11
10	Mode of evaluation of tenders and evaluation criteria	12
11	Explanation of the Procurement Document	16
12	Contracting conditions	16
13	Reservation to change the obligation	18
14	Additional conditions applicable to the public contract	19

1 Identification of the contracting entity and the public contract

1.1 Identification of the contracting entity

Name of the contracting entity:	Charles University, Rectorate
Contracting unit:	Central Library
Registered Office:	Ovocný trh 560/5, 113 36 Praha 1
Registration No.:	00216208

1.2 Identification of the public contract

Public contract title:	CU Rectorate – Central Library – System for the Support of Academic Writing and Checking of Originality of Academic Theses
Mode of public contract:	Above-threshold public contract
Type of public contract:	Public service contract
Type of procurement procedure:	Negotiated procedure with prior publication

Address of the public contract:	
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1.3 Processing of personal data

Information on the processing of personal data by Charles University as the contracting entity in this public procurement is available at <https://www.cuni.cz/UK-9443.html>.

2 Procurement conditions and annexes to the public contract

2.1 Procurement conditions

This Procurement Document and the annexes to it provide all the procurement conditions. The contracting entity points out that this Procurement Document is an aggregate of its special requirements, where the rights and obligations of the contracting entity and the supplier in the procurement procedure are governed also by the relevant provisions of the Public Procurement Act.

2.2 Preliminary market consultations

For the purposes of the preparation of the procurement conditions for this public contract, the contracting entity had preliminary market consultations within the meaning of section 33 of the Public Procurement Act (“the **Consultations**”). The course of (and the related resource materials for) the Consultations together with additional information on the subject matter is summarised in the Annex No. 8 to this PD.

2.3 Annexes

- Annex No. 1 – Specification and scope of the performance of the public contract
- Annex No. 2 – Minimum technical requirements for the system
- Annex No. 3 – Minimum commercial terms and payment conditions
- Annex No. 4 – Functional parameters of the system offered
- Annex No. 5 – Supplier’s request to participate form
- Annex No. 6 – Supplier’s indicative tender form
- Annex No. 7 – Supplier’s final tender form
- Annex No. 8 – Summary of the course of preliminary market consultations
- Annex No. 9 – Sample text for testing
- Annex No. 10 – Template for affirmation on the code of ethics of the service manufacturer

3 Reasoning for, process, and timing of the negotiated procedure with prior publication

3.1 Reasoning for the use of negotiated procedure with prior publication

The contracting entity is awarding the public contract in a negotiated procedure with prior publication on the grounds under section 60 (1) (c) of the Public Procurement Act. The public contract cannot be awarded without prior negotiation due to special circumstances arising from the nature and complexity of the conditions related to the subject matter of this public contract. The contracting entity stated the result to be achieved through performance of the public contract, but is unable to define exactly how the result will be achieved.

Due to objective reasons the contracting entity is at this point unable to define the exact technical conditions and legal and financial requirements for the performance of the public contract to enable the drafting of an exhaustive Procurement Document. This is why the public contract is being awarded in a negotiated procedure with prior publication, with the objective of finding a solution capable of meeting the needs of the contracting entity and to specify the subject matter of the public contract in the necessary level of detail.

The specification of the subject matter will form part of the draft implementation contract; the wording of the implementation contract will be subject to negotiation on the indicative tenders and will be finalised based on the results of the negotiation.

3.2 Process and timing of the negotiated procedure with prior publication

A negotiated procedure with prior publication is carried out in two phases – the qualification phase and the tender phase. The contracting entity may negotiate with the suppliers in the tender phase.

In the first, qualification phase the suppliers submit requests to participate and prove their qualifications in particular under Articles 6 and 8.1 of this PD.

The time limit for submitting the request to participate is now stated on the contracting entity's profile (see the address of public contract in Article 1.2 of this PD) in the section "Identification of the public contract".

After the expiration of the deadline for submitting requests to participate, the contracting entity will evaluate whether the participants who duly submitted requests to participate comply with the qualification requirements in the procurement procedure. The contracting entity will exclude those participants who fail to prove the qualifications stated in Article 6 of this PD.

After the qualifications have been evaluated, the contracting entity will send to all participants who duly proved their qualifications the request to submit indicative tenders. Indicative tenders in this second (tender) phase may be submitted only by those suppliers who have been requested by the contracting entity to submit indicative tenders for the public contract. The contracting entity will not reduce the number of participants who will be requested to submit the indicative tenders.

Estimated time for sending the requests to submit indicative tenders: *June 2021.*

Estimated deadline for submitting indicative tenders: *July 2021.*

The contracting entity reserves the right not to negotiate on the indicative tenders and to award the public contract based on indicative tenders in accordance with section 61 (8) of the Public Procurement Act. The contracting entity will do so only if the content of the indicative tenders, or more precisely the most advantageous one, will clearly show, contrary to the current assumption of the contracting entity, that it is not necessary to negotiate any further, because the conception and the needs of the contracting entity are met in full.

If the contracting entity does not use its right to award the public contract on the basis of indicative tenders, it will send the participants who submitted indicative tenders an invitation to negotiate on indicative tenders. The contracting entity will negotiate with the participants of the procurement procedure on the indicative tenders received, with the objective of improving the indicative tenders in favour of the contracting entity.

During the negotiation on indicative tenders, the number of participants will not be reduced under section 112 of the Public Procurement Act. The contracting entity expects that the negotiation on indicative tenders will be carried out in one or more rounds. The contracting entity reserves the right to negotiate with participants separately or jointly, in person in Prague at the address of its registered office or remotely. The subject matter, mode, and detailed rules of the negotiation on indicative tenders including the mode of its termination will be described by the contracting entity in the invitation to negotiate on indicative tenders.

Estimated end of negotiations with participants in the procurement procedure: *July 2021.*

After termination of the negotiations on indicative tenders, the contracting entity will request participants to submit final tenders reflecting the changes and adjustments to the indicative tenders agreed upon during the negotiations.

Expected date when requests for the submission of final tenders will be sent: *August 2021.*

Expected deadline for submitting final tenders: *September 2021.*

After expiration of the deadline for submitting the final tenders, these will be assessed and evaluated, and based on this assessment and evaluation the supplier will be selected to whom the contract will be awarded by the contracting entity.

Estimated time of completion of the procurement procedure (contract creation): *October 2021.*

4 Subject matter and classification of performance of the public contract

4.1 Subject matter of performance of the public contract

The subject matter of this public contract is the granting of a licence and right to use the service, and deployment and operation of the service, whose functionalities will support instruction and the development of academic integrity competencies, including checking the originality of theses for students and employees of Charles University in the form of hosted SaaS (Software as a Service).

A more detailed specification of the subject of the performance of the contract is specified in Annex No. 1 (Specification and scope of the performance of the public) and Annex No. 2 (Minimum technical requirements for the system) to this PD.

Annex No. 2 (Minimum technical requirements for the system) also defines the requirements for the subject of the performance of a public contract which constitute the minimum technical specifications within the meaning of section 61 (4) of the Public Procurement Act, and which cannot be changed during the procurement procedure and cannot and will not be the subject of negotiation on the indicative tenders.

The contracting entity is entitled to change other procurement conditions beyond the framework of minimum technical specifications using the procedure under section 61 (10) of the Public Procurement Act or to add additional conditions in the course of negotiations on indicative tenders. However, the contracting entity also reserves the right not to change the other procurement conditions during the negotiations on indicative tenders.

4.2 Classification of the subject of the performance of the public contract

The subject of the performance of the public contract falls under the following “CPV codes”:

- 48190000-6 Package of programmes for the field of education

4.3 A visit to the site of the performance

With respect to the character of the required performance of the public contract, the contracting entity will not organise a visit to the site of performance.

4.4 Cooperation in financial control

When performing this public contract the suppliers must note that under section 2 (e) of Act No. 320/2001 Sb., on Financial Control in Public Administration, as amended, the selected supplier will be a person obliged to co-act during the exercise of a financial control. This obligation applies also to those parts of tenders, contracts, and related documents which are subject to protection under special legal regulations (e.g., as trade secrets, classified information) providing that the requirements imposed by legal regulations (e.g., Act No. 255/2012 Sb. on Control /Rules of Control Procedure/, as amended) are met. The suppliers note that a similar obligation must also be imposed on subcontractors in their contracts.

5 Time and site of performance of the public contract

5.1 Time of the performance of the public contract

The time of the performance of the public contract depends on the time when the contract will be created and will become effective. Specific time limits for the performance of the public contract are stipulated in Annex No. 1 to this PD (Specification and scope of the public contract performance).

Expected time when performance will start: November 2021.

5.2 Site of performance of the public contract

The site of performance of the public contract is the address of the registered office of the contracting entity.

6 Requirements for proving qualifications of the supplier

6.1 Requirements for qualifications of the supplier

Under section 73 *et seq.* of the Public Procurement Act a supplier who proves to have the qualifications required in Article 4 of the Annex No. 5 to this PD (Supplier's request to participate form) is qualified to perform this public contract.

6.2 Documents required to prove qualifications of the supplier

The supplier proves its qualifications by submitting a completed Annex No. 5 to this PD (Supplier's request to participate form). The contracting entity does not require any other documents to prove the qualifications within the framework of the request to participate.

Alternatively, the supplier may prove that it has (a certain type of) qualification by submitting the following:

- a) European Single Procurement Document under section 87 of the Public Procurement Act;
- b) A copy of an entry in the list of approved economic operators under section 226 *et seq.* of the Public Procurement Act; or
- c) A certificate issued by an approved system of certified economic operators under section 233 *et seq.* of the Public Procurement Act.

The contracting entity will require the selected supplier to submit originals or authenticated copies of the documents proving qualifications under sections 74 to 79 of the Public Procurement Act before it enters into the contract with the selected supplier (see article 12 of this PD).

6.3 Proving qualifications by other persons

If the supplier itself does not comply with the required qualifications it may:

- a) Submit a joint request to participate (tender) and prove a certain part of the qualifications jointly with another supplier under the conditions stated in section 82 of the Public Procurement Act;
- b) Prove a certain part of the qualifications via other persons (subcontractors) under the conditions stated in section 83 of the Public Procurement Act.

7 Commercial terms and payment conditions

The contracting entity defined the basic commercial terms and payment conditions applicable to this public tender in Annex No. 3 (Minimum commercial terms and payment conditions).

The contracting entity states that Annex No. 3 (Minimum commercial terms and payment conditions) presents the minimum and binding conditions and requirements on the basis of which the supplier will prepare and submit its draft implementation contract ("**implementation contract**") forming part of the indicative tender. This draft implementation

contract must fully respect these minimum conditions. The implementation contract must cover the entire subject of the performance of the public contract and must simultaneously respect all other requirements stated by the contracting entity in this Procurement Document and in other annexes to it.

The draft implementation contract must not contain any clauses referring to general terms and conditions or other commercial terms of the supplier or other documents that will not form part of the implementation contract or that may in the future be unilaterally changed by the supplier (i.e., without consultation with the contracting entity). All essential conditions must be explicitly stated in the text of the implementation contract; other relevant documents (SLA, etc.) will also form integral parts of the implementation contract.

The draft implementation contract must contain all conditions under which the supplier offers to perform the public contract as stated in the supplier's tender and must at the same time comply with the provisions of generally binding legal regulations which apply to the performance of this public contract, primarily Act No. 89/2012 Sb., the Civil Code, as amended.

The contracting entity explicitly informs the suppliers that based on the results of the negotiations with the suppliers it reserves the right to amend the basic commercial terms and payment conditions before sending the request to submit final tender, and the suppliers will be obliged to accept the changes and to incorporate them in an appropriate manner and in the required scope in the final implementation contract which will form part of the final tender of the supplier.

8 Request to submit and contents of request to participate, indicative tender, and final tender of the supplier
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8.1 Requests to submit and contents of request to participate (qualification phase)

In order to be able to submit a request to participate in this procurement procedure, the supplier must be first registered in E-ZAK electronic tool (see Article 9 of this PD).

Each supplier may submit only one request to participate in this procurement procedure. A supplier who has submitted a request to participate in the procurement procedure must not at the same time be a person used in the same procurement procedure by another supplier to prove qualifications. A joint request to participate submitted by multiple suppliers is deemed to be a request to participate of one participant.

The request to participate must be prepared in full in the Czech language. If any of the certificates or documents in the tender are submitted in another language they must be submitted together with a translation into the Czech language, with the exception of education certificates in the Latin language. The translations do not need to be certified. If the contracting entity has any doubt concerning the correctness of the translation, it may request submission of a certified translation of the document into the Czech language by a translator from the register of sworn experts and translators.

The contracting entity recommends that the supplier's request to participate entered in the appropriate form in the E-ZAK electronic tool contain the following documents:

- a) A completed Annex No. 5 to this PD (Supplier's request to participate form) in a machine-readable format (i.e., not a scan or picture), the most appropriate are .pdf or .doc(x);
- b) Any other documents required in this PD or in the annexes thereto (in particular documents arising from submission of a joint request to participate or from proving a part of the qualifications via another person).

A supplier must submit the request to participate electronically through the E-ZAK electronic tool (see article 9 of this PD).

8.2 Requests to submit indicative tender and final tender (tender phase)

The contracting entity explicitly states that within this Article 8.2 of the PD, the term "tender" means both the indicative and the final tender, unless explicitly stated otherwise.

A tender may be submitted only by a supplier who was requested by the contracting entity to do so.

Each supplier may submit only one tender in this procurement procedure. A joint tender may be submitted only by those participants who have jointly submitted their request to participate. A submission of joint tender by participants who submitted separate requests to participate is excluded under section 61 (6) of the Public Procurement Act.

A joint tender submitted by multiple suppliers is deemed to be the tender of a single participant. A supplier who submitted a tender in the procurement procedure must not be at the same time a person via which another supplier proves its qualifications in the same procurement procedure. The contracting entity will exclude a participant of the procurement procedure who submitted multiple tenders individually or jointly with other suppliers or who submitted a tender and at the same time is a person via which another participant in the same procurement procedure proved its qualifications.

In the case of joint participation of suppliers ("**the partnership**") the tender must state who is the "managing partner" who will be authorised by the remaining suppliers ("**the partners**") to act (including day-to-day communication) on behalf of the partnership. In the case of joint participation of suppliers, a copy of the partnership agreement (agreement on an association/consortium) constituting the joint participation of the suppliers in the procurement procedure must form part of the tender. Also in the case of joint participation of suppliers, the contracting entity requires that all suppliers submitting a joint tender be jointly and severally liable over the entire period of performance of the public contract as well as over the period of duration of other obligations arising from the public contract. The suppliers must prove this fact to the contracting entity in the tender.

The tender must be prepared in full in the Czech language. If any of the certificates or documents in the tender are submitted in another language they must be submitted together with a translation into the Czech language. The translations do not need to be certified. If the contracting entity has any doubt concerning correctness of the translation, it may request submission of a certified translation of the document into the Czech language by a translator from the register of sworn experts and translators.

The contracting entity does not allow variant tenders within the meaning of section 102 of the Public Procurement Act.

8.3 Requirements for the content of indicative tender

The contracting entity recommends that the **indicative tender** of the supplier entered in the appropriate form in the E-ZAK electronic tool contain the following documents:

- a) Completed Annex No. 6 to this PD (Supplier's indicative tender form) in a machine-readable format (i.e., not a scan or picture), the most appropriate are .pdf or .doc(x);
- b) A draft implementation contract prepared by the supplier under Article 7 of this PD;
- c) Optionally (not as a mandatory requirement) an offer of additional performance (or services/applications/modules/extensions of the system offered or of the number of users or documents) under Article 13 of this PD. A price list (catalogue) of such additional services will form part of this document;
- d) Additional documents to be specified in the request to submit indicative tender.

A supplier must submit the indicative tender electronically through the E-ZAK electronic tool (see Article 9 of this PD).

8.4 Requirements for the content of final tender

The contracting entity recommends that the **final tender** of the supplier entered in the appropriate form in the E-ZAK electronic tool contain the following documents:

- a) Completed Annex No. 7 to this PD (Supplier's final tender form) in a machine-readable format (i.e., not a scan or picture), the most appropriate are .pdf or .doc(x);
- b) A draft implementation contract prepared by the supplier under Article 7 of this PD amended based on the negotiation on the indicative tenders;
- c) Optionally (not as a mandatory requirement) an offer of additional performance (or services/applications/modules/extensions of the system offered or of the number of users or documents) under Article 13 of this PD. A price list (catalogue) of such additional services amended based on the negotiations on indicative tenders will form part of this document;
- d) Additional documents to be specified in the request to submit final tender.

A supplier must submit the final tender electronically through the E-ZAK electronic tool (see Article 9 of this PD).

8.5 Requests to determine the price

For the purposes of this PD and submitting the tender, the price means the price for the entire subject of the performance of the public contract stated in Article 4.1 of this PD, in Annex No. 1 to this PD (Specification and scope of the public contract performance), and in Annex No. 2 to this PD (Minimum technical requirements for the system).

The supplier will state the price in Annex No. 6 to this PD (Supplier's indicative tender form) and later also on the basis of negotiations on the indicative tenders in Annex No. 7 to this PD (Supplier's final tender form) when submitting the final tender via the E-ZAK electronic tool.

The price must be set as the maximum admissible price which cannot be exceeded or changed unless it is explicitly stated in this Procurement Document or in the annexes to it. The price must cover all the costs of the supplier necessary for due and timely performance of the contract. The price reflects the estimated development of prices until the end of the validity of the contract' it also contains the estimated development of exchange rates of Czech crown to foreign currencies until the end of the validity of the contract.

9 Mode, place, and time limits for submitting requests to participate/indicative tenders/final tenders

9.1 Mode and place for submitting requests to participate, indicative tenders, and final tenders

The contracting entity enables the submission of the request to participate, indicative tender, and final tender solely via the E-ZAK electronic tool available at https://zakazky.cuni.cz/profile_display_2.html.

The suppliers can find detailed instructions on how to submit a request to participate, indicative tender, and final tender via the electronic tool in the user manual (*Uživatelská příručka pro dodavatele*) available at <https://zakazky.cuni.cz/data/manual/EZAK-Manual-Dodavatele.pdf>.

The request to participate, indicative tender, and final tender will be uploaded by the supplier in electronic format into the electronic tender form, created in the attested electronic tool E-ZAK, which guarantees compliance with all the conditions of safety and confidentiality of uploaded data, and makes it impossible to access the requests to participate/tenders by the contracting entity before expiration of the stipulated time limit for making them accessible based on the applicable protocol.

The supplier will upload in the electronic tool as attachments all the documents which form part of the request to participate, indicative tender, and final tender of the supplier as listed in Article 8 of this PD.

The PC system requirements for submitting tenders and electronic signature in the E-ZAK application are available at <http://www.ezak.cz/faq/pozadavky-na-system>.

9.2 Deadline for submitting requests to participate/indicative tenders/final tenders

The deadline for submitting requests to participate is stated in the profile of the contracting entity (see the address of the public contract in Article 1.2 of this PD) in the section entitled "*identification of the public contract*".

The deadlines for submitting indicative and final tenders will be gradually published in the same location.

9.3 Opening of requests to participate/indicative tenders/final tenders

Opening of requests to participate, indicative tenders and final tenders in electronic format is closed to public, therefore the suppliers who submitted a tender in the procurement procedure cannot participate in the opening.

10 Mode of evaluation of tenders and evaluation criteria

The basic evaluation criterion for awarding the public contract is the economic advantageousness of the tender.

Tenders will be evaluated based on the evaluation criteria below, to which the stated percentage weights are assigned:

	Evaluation criterion	Weight %
1.	Price (in CZK excluding VAT)	20%
2.	Quality of academic text originality check	50%
3.	Functional parameters of the system offered	30%

10.1 Price (in CZK excluding VAT)

In this evaluation criterion, the total price in CZK excluding VAT per 12 months over the first four years of service operation will be evaluated. This price must include all costs and fees for use of the system.

Item	Amount in CZK excluding VAT	Amount in CZK including VAT
Price for every 12 months over the first four years of operation	[to be filled in by the supplier]	[to be filled in by the supplier]

The tender with the lowest price will receive the best evaluation. Such tender will be assigned 100 points, where more than one tender may be assigned 100 points simultaneously. Other tenders will be assigned a number of points rounded to two decimal places calculated as a multiple of 100 and the ratio of the lowest price and the price of the tender being evaluated.

Expressed as a formula:

Number of points assigned to price = (the lowest price / the price) × 100

The contracting entity explicitly states that the highest admissible total price in this evaluation criterion is CZK 2,000,000 excluding VAT for 12 months of service usage over the first four years of service usage, i.e., a total of CZK 8,000,000 excluding VAT for the first four years of service usage. A supplier offering a higher price will be excluded from the procurement procedure.

10.2 Quality of academic text originality check

Within this evaluation criterion the accuracy of the text originality check of the system offered will be assessed, i.e., not only the number of identified matches between the tested text and other texts but also the relevance of identified matches and exclusion of undesirable matches in accordance with the minimum technical requirements for the system as stated in Annex No. 2 to this Procurement Document. For this purpose the contracting entity will carry out testing of the system offered on a set of test documents created by the contracting entity, based on a

preliminary access to the system being offered, which the supplier will be obliged to provide to the contracting entity for this purpose.

Organisation and process of testing

A supplier will provide the contracting entity with a test access to its system for testing of the prepared set of documents in the phase of submission of an indicative tender within the procurement procedure for this public contract. The supplier will provide access to the system in the completed Annex No. 6 to this PD - Supplier's indicative tender form. The access must be provided to the full version of the system offered by the supplier.

The contracting entity will organise testing of all systems offered in one day within the evaluation of the final tenders. All suppliers submitting a final tender for this public contract will be invited to be present during the testing. The date of testing will be stated in the request to submit final tenders.

Testing of the systems will be carried out live during a videoconference in the MS Teams application and all suppliers who submitted final tenders will be allowed to participate. An audio-visual recording of the testing will be created which is intended for the documentation of this public tender and will not be published by the contracting entity. By submitting a tender for this public contract the supplier grants consent to the processing of personal data and recording the meeting in accordance with section 211 of the Public Procurement Act.

Only the test of systems will be carried out and recorded within the videoconference. The result of the evaluation (evaluation in points assigned) will be described in detail in the report on the evaluation of tenders which will form an annex to the notice of the selection of the supplier within the meaning of section 123 of the Public Procurement Act and will be prepared in accordance with section 119 (2) of the Public Procurement Act. The result of testing, i.e., the thesis originality check report for all systems tested, will form part of the report on the evaluation of tenders.

Structure and content of the test documents

A set of test documents will consist of paragraphs of texts typical for the academic environment. The set may include academic papers, bachelor's theses, also from higher education institutions other than CU, printed monographs, websites, Wikipedia, licensed electronic information sources – scientific journals available at CU (see the register of CU electronic information sources at <https://ezdroje.cuni.cz/?lang=en>), etc. The documents will be in PDF/A and docx format. A total of three documents will be created, each will consist of 15 numbered paragraphs of 50 to 150 words. The paragraphs will be either in the Czech language or in the English language. A sample text for testing, which will not be used in the evaluation, forms Annex No. 9 to this PD.

Each test document will consist of paragraphs of text and will contain:

- **3 paragraphs from theses defended at a Czech higher education institutions between 2006 and 2020;**
- **3 paragraphs taken from the open internet;**
- **3 paragraphs from commercial licenced databases of scientific journals available at CU (see <https://ezdroje.cuni.cz/?lang=en>);**
- **3 paragraphs from printed publications published in 2019;**
- **3 paragraphs of newly drafted text which will be original, created by the contracting entity.**

When preparing the test document, the contracting entity registers the origin of all paragraphs. If the system finds a match of a paragraph in another document than the one registered by the contracting entity, such a match will be assessed by the contracting entity and if it proves to be a correctly identified match it will be accepted as full match.

In the report on the evaluation of tenders, specifically in the part dealing with the results of thesis originality testing, the supplier will receive the assessment of testing including the information on the origin of individual paragraphs.

All test texts will be created in advance before the beginning of systems testing.

A set of three test documents will be created by a member of the academic staff of Charles University who will at the same time be a member of the evaluation commission, who is impartial, and who is not in conflict of interest in this public contract.

Test texts will be stored in an encrypted repository and only specific members of the working group who are impartial and are not in conflict of interest in this public contract will have access to them.

Assignment of points

- ***Paragraphs from theses defended at a Czech higher education institution between 2006 and 2020***

The contracting entity will assign in the evaluation of the supplier's system within this public contract (+1) subpoint for every paragraph of the test document taken from theses defended at a Czech higher education institution between 2006 and 2020 where the system identifies a full match, i.e., the whole paragraph is found and identified with reference to the document where it is possible to verify this match.

- ***Paragraphs taken from the open internet***

The contracting entity will assign in the evaluation of the supplier's system within this public contract (+1) subpoint for every paragraph of the test document taken (copied from the internet) where the system identifies a full match, i.e., the whole paragraph is found and identified with reference to the document where it is possible to verify this match.

- **Paragraphs from commercial licenced databases of scientific journals available at CU (see the register of electronic information sources of CU <http://pez.cuni.cz/>)**

The contracting entity will assign in the evaluation of the supplier's system within this public contract (+1) subpoint for every paragraph of test document taken (copied from the internet) where the system identifies a full match, i.e., the whole paragraph is found and identified with reference to the document where it is possible to verify this match.

- **Paragraphs from printed publications published in 2019**

The contracting entity will assign in the evaluation of the supplier's system within this public contract (+1) subpoint for every paragraph of test document taken (copied from a book) where the system identifies a full match, i.e., the whole paragraph is found and identified with reference to the document where it is possible to verify this match.

- **Paragraphs of newly drafted text which is original and was created by the contracting entity**

The contracting entity will assign in the evaluation of the supplier's system within this public contract (-1) subpoint for a false match, i.e., a match identified for an original paragraph that was not taken/copied, where the system identified a false match of more than 50%.

In this way, the supplier's system may score within this criterion evaluation a maximum of 45 subpoints.

In this criterion the best evaluated tender will be the tender achieving the highest number of subpoints in total for all tested texts. Such tender will be assigned 100 points, where more than one tender may be assigned 100 points simultaneously. Other tenders will be assigned a number of points rounded to two decimal places calculated as a multiple of 100 and the ratio of the achieved points for identified matches of the tender being evaluated and of the best evaluated tender.

Expressed as a formula:

Number of points assigned = (number of subpoints of the evaluated tender / number of subpoints of the best evaluated tender) × 100

10.3 Functional parameters of the system offered

Within this evaluation criterion the current functional parameters of the system offered by the supplier will be evaluated. For the purposes of evaluation of this criterion the supplier will fill in Annex No. 4 to this PD (Functional parameters of the system offered).

The contracting entity will, within this partial evaluation criterion, assess such parameters of the system offered which have provable influence on the quality of performance offered which the contracting entity at the same time considers to be the most desirable and useful for its purposes.

The best evaluated tender will be the tender which will be assigned the highest number of subpoints within the completed Annex No. 4 to this PD (Functional parameters of the system offered). Such tender will score 100 points. Other tenders will be assigned a number of points

calculated as a multiple of 100 and the ratio of the number of subpoints of the tender being evaluated and the most advantageous tender.

Expressed as a formula:

Number of points assigned = (number of subpoints of the evaluated tender / number of subpoints of the best evaluated tender) × 100

10.4 Overall evaluation of tenders

The overall evaluation of the tenders will be carried out as follows. Individual numbers of points scored in the partial evaluation criteria of each individual tender will be multiplied by the weight of the relevant evaluation criterion stated in the table above. Values obtained in this way rounded to two decimal places will be added for each tender and the ranking of success of suppliers will be determined so that the most successful tender will be the tender scoring the highest number of points, meaning that it is economically the most advantageous. If the tenders of two or more suppliers score an identical total number of points, the most successful tender will be the tender obtaining the highest number of points in criterion no. 2 (Testing of the prepared set of academic theses). If an identical number of points is scored by multiple tenders also in the evaluation criterion no. 2, the most successful tender will be the one scoring the highest number of points in criterion no. 3 (Functional parameters of the system offered). If even the criterion no. 3 fails to decide the most advantageous tender, the most advantageous tender will be selected by drawing lots.

11 Explanation of the Procurement Document

In accordance with section 98 of the Public Procurement Act, a supplier is entitled to request an explanation of this Procurement Document including its annexes. Under section 98 (3) in conjunction with section 54 (5) of the Public Procurement Act the request for explanation of the procurement conditions must be delivered to the contracting entity no later than 7 working days before the expiration of the deadline for submitting tenders. Under section 211 (3) of the Public Procurement Act, the request for explanation of the procurement conditions must be delivered electronically.

The contracting entity prefers that the request for explanation of the procurement conditions be sent via E-ZAK electronic tool, available at the following address: https://zakazky.cuni.cz/profile_display 2.html. The supplier may also send the request for explanation of the procurement conditions by data box to ID piyj9b4 or by email to ukn@cuni.cz.

The contracting entity will provide a precise explanation of the Procurement Document (including the exact wording of the request) within the time limit under section 98 of the Public Procurement Act by publication on the contracting entity's profile (see the address of the public contract in Article 1.2 of the PD). The contracting entity may provide an explanation of the Procurement Document to the suppliers also without previous request.

12 Contracting conditions

12.1 Requirements of the contracting entity

The contracting entity states that before entering into a contract it will require the selected supplier to submit the following documents:

- a) A list of subcontractors, including specification of which part of the contract will be performed by each subcontractor or a statement from the supplier that the public contract will not be performed via subcontractors (under section 105 (3) of the Public Procurement Act);
- b) Originals or authenticated copies of documents proving the supplier's qualification unless the contracting entity has already received such documents (under section 122 (3) (a) of the Public Procurement Act), including the following:
 - A statement of criminal records relating to the supplier and all members of its governing body (section 74 (1) (a) of the Public Procurement Act);
 - A confirmation from the relevant Tax Office (section 74 (1) (b) of the Public Procurement Act);
 - A confirmation from the relevant district social security administration (section 74 (1) (d) of the Public Procurement Act);
 - A copy of the entry in the Commercial Register / a written affirmation in case the supplier is not registered in the Commercial Register (section 74 (1) (e) of the Public Procurement Act);
 - Subcontractors' obligations, subcontractors' qualification documents, partnership agreement, and other documents anticipated in sections 82 and 83 of the Public Procurement Act, if applicable in the case of the selected supplier;
- c) Information and documents concerning the beneficial owner under section 122 (5) of the Public Procurement Act, unless the contracting entity obtains this information using the procedure under section 122 (4) of the Public Procurement Act.
- d) A statement of the manufacturer (or its local representation) of the device offered or a link to the manufacturer's website proving the below mentioned or any other document proving that in the manufacturing of the supplied device, international conventions on human rights, social, and worker's rights are not breached, in accordance with Annex X to the Directive 2014/24/EU of the European Parliament and the Council of 26 February 2014 (see <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0024&from=EN>) and that it has a code of ethics covering throughout its supply chain as a minimum the following points:

- Prohibition of child labour;
- Prohibition of forced labour;
- Prohibition of discrimination on the grounds of race, national, ethnic or tribal origin, gender, religion or ideology, disability, age, pregnancy or motherhood, family status, sexual orientation, sexual identity, political or personal opinions;
- Prohibition of harassment, bullying at work, and any other offensive or disrespectful behaviour;
- An obligation to pay at least the statutory minimum wage, an obligation to comply with statutory working hours;
- Occupational health and safety;
- Right to organise in trade unions.

The supplier may use the affirmation provided in Annex No. 10 to this Procurement Document to comply with this requirement.

12.2 Form of compliance with the contracting entity's requirements

The contracting entity states that it is bound by section 211 (3) of the Public Procurement Act requiring electronic communication to be used between the contracting entity and the supplier for all submitted documents. If the Act or the contracting entity requires in the procurement conditions that the selected supplier submit original documents which exist only in paper form, it is expected that they would be converted into electronic form.

The contracting entity further states that the contract will be entered into electronically, i.e., in electronic form with electronic signatures of persons authorised to represent the contracting entity and the supplier.

12.3 Grounds for excluding the selected supplier from participation in the procurement procedure

Failure to fulfil this duty will be deemed a failure to cooperate in entering into the contract within the meaning of section 122 (7) of the Public Procurement Act. If the selected supplier is excluded on the above grounds, the contracting entity will proceed in accordance with section 125 of the Public Procurement Act.

If the contracting entity finds out that the grounds for excluding under section 48 (8) or under section 48 (9) of the Public Procurement Act are applicable to the selected supplier, such supplier will be excluded from the procurement procedure. In such case the contracting entity will send, without undue delay, a notice to the supplier informing about the exclusion and providing reasoning.

13 Reservation to change the obligation

If in the course of the performance of the implementation contract an extraordinary requirement arises on the part of the contracting entity for purchase of other (additional) services to those explicitly stated in this Procurement Document (i.e., the services specified in the final tender of the supplier under article 8.4 (c) of this PD), the contracting entity is entitled

to also use these other services not specified in this Procurement Document. Such other services mean an extension of the system offered with new applications (if the supplier has such applications available or is planning to develop them at the time of submission of the final tender) or an increase to the maximum number of users or documents.

In such case the selected supplier submits to the contracting entity a price quote for the given service in the form of a current price list (catalogue) providing regular prices at the given place and time. The prices in the price list may be increased compared to the prices in the final tender in a similar way as the price for system operation (i.e., after 4 years there may be a maximum of 5% increase of the original price provided in the price list for the previous calendar year). The prices for such additional services are always subject to previous written consent by the contracting entity.

In no case will the price for these additional services exceed 30% of the price stated under Article 10.1 of this Procurement Document.

The contracting entity will in such extraordinary case always proceed in accordance with the Public Procurement Act. The contracting entity is under no obligation to accept the offer of such additional services and their prices.

14 Additional conditions applicable to the public contract

14.1 Verification of information provided by the supplier

The contracting entity reserves the right to verify the information provided by the supplier with third parties and the supplier is obliged to cooperate fully to this end.

14.2 Exceptionally low price

The contracting entity reserves the right to assess during the procurement procedure whether the price offered by a supplier shows any signs of being an exceptionally low price.

14.3 Suppliers' expenses related to participation in the procurement procedure

The supplier is not entitled to be reimbursed for the expenses related to its participation in this procurement procedure. The supplier is not entitled to monetary compensation including a compensation for loss of profits if the contracting entity uses its rights stated above in this article.

14.4 Delivery of documents via electronic tool

All acts of the contracting entity within this procurement procedure will be carried out using the E-ZAK electronic tool, which simultaneously serves as the contracting entity's profile. All documents delivered via the E-ZAK electronic tool are considered delivered on the day of their delivery to the user account of the document addressee in the tool. The document is considered delivered even in the case that it was not read by the addressee or if the addressee was not notified of the delivery of the document to the user account by an email message.

14.5 Responsible public procurement

Charles University applies responsible public procurement in accordance with the Strategy of Responsible Public Procurement at CU and its internal regulations. Public contracts awarded by Charles University therefore emphasise the composition of the supply chain and the conditions in it, focusing on compliance with dignified working conditions, implementation of socially responsible public procurement, and a preference of environmentally friendly solutions. These principles are applied in a reasonable and transparent way while respecting the principles of equal treatment, avoiding discrimination against suppliers, and respecting the principles of suitability, economy and efficiency.

In this particular public contract the contracting entity has identified and takes into account in the procurement conditions the principles of “worker’s and human rights” and “ethical purchasing” in the requirement to submit the code of ethics of the manufacturer (see Annex No. 10 to this PD) in order to ensure that the applicable labour law and human rights regulations are followed within the entire supply chain.

The selected supplier submits the signed affirmation on the code of ethics before signing the contract.

Aspects of socially responsible public procurement are taken into account in Annex No. 3 “Minimum commercial terms and payment conditions”.