

Tender documentation

pursuant to Section 36 of Act no. 134/2016 Sb., on Public Procurement, as amended (“**Tender documentation**”)

regarding the public tender being awarded

pursuant to Section 60 Paragraph 1 letters c) and d) of Act no. 134/2016 Sb., on Public Procurement, as amended (the “**PPA**”)

RUK SBZ – NOVÉ VARHANY PRO VELKOU AULU KAROLINA (RUK SBZ - NEW ORGAN FOR THE GREAT HALL OF CAROLINUM)



Contracting authority:

CHARLES UNIVERSITY

with registered seat at Ovocný trh 560/5, 116 36 Prague 1

ID No.: 00216208, Tax ID: CZ00216208

pursuant to Section 4 Paragraph 1 letters e) PPA

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1. Identification of the contracting authority

| | |
|---------------------------------------|---|
| Contracting authority: | Charles University, Rectorate |
| Procurement department: | Administration of buildings and facilities |
| Registered seat: | Ovocný trh 560/5, 116 36 Prague 1 |
| ID No.: | 00216208 |
| Tax ID: | CZ00216208 |
| Profile of the contracting authority: | https://zakazky.cuni.cz/ |
| Type of the contracting authority: | public contracting authority |

2. Identification and contact details of the contracting authority's representative

| | |
|--|--|
| Representative of the Contracting authority: | HAVEL & PARTNERS s.r.o., advokátní kancelář |
| Registered seat: | Na Florenci 2116/15, 110 00 Prague 1 |
| ID No.: | 26454807 |
| Tax ID: | CZ26454807 |
| Represented by: | Mgr. Adéla Havlová, LL.M., executive director and attorney-at-law |
| Contact person: | JUDr. Csaba Csorba, attorney-at-law |
| E-mail: | csaba.csorba@havelpartners.cz |
| Mobile phone: | +420 731 539 270 |

3. Process of the negotiated procedure with prior publication

The contracting authority is awarding this public procurement in a negotiated procedure with prior publication pursuant to Section 60 Paragraph 1 letters c) and d) of the PPA. The negotiated procedure with prior publication takes place in two phases - the qualification phase and the tender phase. Within the tender phase, the contracting authority may negotiate with the economic operators.

In the first phase, the **qualification phase**, the economic operators submit a request to participate and demonstrate the fulfilment of qualifications in particular according to Articles 10 to 12 of this Tender documentation.

After assessing the qualifications, the contracting authority will send an invitation to submit preliminary bids to all economic operators who have fulfilled the qualifications.

The preliminary bids in this second phase, the **tender phase**, may be submitted only by an economic operator who has been invited by the contracting authority to submit a preliminary bid for the public procurement. The contracting authority will not reduce the number of economic operators who will be invited to submit a preliminary bid.

The contracting authority reserves the right to not negotiate and award the public procurement on the basis of a preliminary bid in accordance with the provisions of Section 61 Paragraph 8 of the PPA. The contracting authority will only proceed in such a way that from the content of the preliminary bids, or rather the most favourable of them, it will be apparent that despite the present presumption of the contracting authority there is no need to further negotiate, as the ideas and needs of the contracting authority are fully met.

In case the contracting authority does not exercise its right to award the public procurement on the basis of the preliminary bids, the contracting authority shall send an invitation to **negotiate the preliminary bids** to the economic operators who submitted a preliminary bid. On the basis of the received

preliminary bids, the contracting authority will negotiate with the economic operators possible improvements of the preliminary bids in favour of the contracting authority.

During the negotiations on the preliminary bids, the number of economic operators will not be reduced according to the provisions of Section 112 of the PPA. The contracting authority assumes that the negotiations on the preliminary bids will take place over one or multiple rounds. The contracting authority reserves the right to negotiate with the economic operators separately or jointly, in person in Prague at the address of the contracting authority's registered seat or distantly.¹ The subject-matter, the manner and the detailed rules of the negotiations on the preliminary bids, including the means for terminating them, shall be described by the contracting authority in the invitation to the negotiation of the preliminary bids.

After the conclusion of the preliminary bids, the contracting authority shall invite the economic operators to submit their **final bids** reflecting the agreed changes and adjustments to the preliminary bids.

The contracting authority clearly indicates below in the title of each article whether the article applies to the qualification or the tender phase of the procurement procedure or, where applicable, to common provisions.

4. Subject-matter of the public procurement (*common provision*)

The subject-matter of the public procurement is the dismantling of the existing organ, production of a new organ, its installation and commissioning, including audio tests, or respectively training of staff, all in the Grand Hall of the Carolinum, the historical seat of Charles University.

Further specification of the subject-matter of this public procurement is contained in the annexes to the binding draft of the contract, which is Annex No. 3 to this Tender documentation.

The contracting authority defines the subject of the public procurement with the following CPV codes:

37311300-4 Organ

5. Requirements for the execution of the public procurement – minimal technical requirements (*common provision*)

In Annex No. 5 to this Tender documentation, the contracting authority defined the requirements for the performance of the public procurement, which constitute the minimal technical requirements within the meaning of Section 61 Paragraph 4 of the PPA. The minimal technical specifications are unchangeable during the procurement procedure and cannot be a subject of the negotiations on the preliminary bids.

Other terms and conditions beyond the minimal technical requirements may be modified by the contracting authority in accordance with Section 61 Paragraph 10 of the PPA or may be added in the negotiation on the preliminary bids. However, the contracting authority reserves the right not to change these conditions in the negotiation on the preliminary bids.

¹ The manner of negotiating within the negotiated procedure with prior publication was consulted with the economic operators within the Consultation, where they confirmed the possibility of in-person and distance negotiations.

6. Estimated value of the public procurement (*common provision*)

CZK 20,000,000 (in words: twenty million Czech crowns) excluding VAT.² The contracting authority is entitled to set a maximum admissible price in the contract notice to submit tenders. The maximum admissible price will be at least CZK 20,000,000 (in words: twenty million Czech crowns) excluding VAT (this shall be a maximum price, the economic operators can, of course, offer a lower price).

7. Duration of the execution of the public procurement (*common provision*)

The expected duration of the execution of the public procurement is maximum 24 months (in words: twenty-four) from the effective date of the contract.³

8. Site of performance of the public procurement and visit to the site of performance (*common provision*)

8.1 Site of performance of the public procurement

The site for the performance of the public procurement is the Carolinum's Great Hall, Ovocný trh no. 541, 116 36 Staré Město, Prague 1 ("Great Hall").

8.2 Visit to the site of performance

A visit to the site of performance for the purpose of submitting requests to participate in the procurement procedure and proof of fulfilment of the qualifications is not necessary and will not be organized by the contracting authority.

The contracting authority will organize a visit to the site of performance jointly for economic operators only during the period of submission of the preliminary bids. The visit to the site of performance shall be attended by the representatives of the economic operators who show an interest in such visit.

During the visit, the premises of the Great Hall and the access to this building will be presented by the representatives of the contracting authority.

The contracting authority will not allow economic operators to ask questions about the content of the tender conditions during the visit to the site of performance of the public procurement. If they are interested in asking questions, they must proceed in accordance with Article 23 of this Tender documentation.

² The estimated value of the public procurement was consulted with the economic operators within the Consultation, in which they unanimously confirmed the amount of the estimated value of the public procurement.

³ The duration of the performance of the public procurement was consulted with the economic operators within the Consultation, in which they in principle confirmed the duration for fulfilment of the contract provided certain conditions are fulfilled. A specific duration shall be offered by the economic operators.

The visit to the site of performance will take place at 3 independent times, which will be specified in the invitation to submit the preliminary bids.

The visit to the site of performance will take place in the Great Hall at Ovocný trh no. 541, 116 36 Prague 1 - Staré Město.

9. Invitation to submit a request to participate in the negotiated procedure with prior publication (*qualification phase*)

The notice of the initiation of the procurement procedure published in accordance with Section 212 of the PPA is at the same time an invitation to submit a request to participate in the negotiated procedure with prior publication and proof of fulfilment of the qualifications.

10. Conditions of qualification (*qualification phase*)

10.1 General rules on proof of qualification

The economic operator shall prove the qualification in accordance with Sections 74 to 88 of the PPA and in conjunction with Section 45 of the PPA to the extent specified in the following paragraphs of this Article 10.

The contracting authority points out that qualification documents are to be submitted in electronic form in connection with Article 25 of this Tender documentation.

In the request to participate, the economic operator may present the qualification documents in plain copy or, unless otherwise specified, replace the presentation of such documents with an affidavit or a European Single Procurement Document. **Prior to executing the contract hereunder, the contracting authority shall require that the selected economic operator submit originals or notarized copies of documents demonstrating the economic operator's qualification, if they have not already been submitted in the procurement procedure (or unless otherwise provided by the PPA).**

Documents demonstrating basic qualifications and an extract from the Commercial Register or other similar records shall prove that the required qualification criteria are fulfilled no later than 3 months before the start of the procurement procedure.

A foreign economic operator proves the fulfilment of a qualification in accordance with Section 81 of the PPA by documents issued under the law of the country in which it was acquired to the extent required by the contracting authority. An extract from the Criminal Records Register in the Czech Republic is issued by the Criminal Register. A confirmation of tax arrears of foreign economic operators in the Czech Republic is issued by the Financial Office for Prague 1, and a confirmation of insurance arrears and social security penalties and a contribution to the state employment policy for foreign economic operators in the Czech Republic is issued by the Prague Social Security Administration.

The economic operator may demonstrate certain parts of their economic qualification or technical qualification through other persons or entities. Pursuant to Section 83 Paragraph 1 of the PPA, the economic operator shall in such cases be required to provide the contracting authority with the following documentation:

- a) documentation demonstrating fulfilment of the professional qualification pursuant to Section 77 Paragraph 1 of the PPA by another person or entity,

- b) documentation demonstrating fulfilment of the missing part of the qualification by another person or entity,
- c) documentation demonstrating fulfilment of the basic qualification pursuant to Section 74 of the PPA by another person or entity, and
- d) a commitment certified by such other person or entity in writing to provide the performance intended for fulfilling the public procurement or to provide assets or rights which the economic operator will be authorized to utilize during execution of the public procurement, at least in the extent to which such other person demonstrated its qualification on behalf of the economic operator. At the same time, according to the provisions of Section 83 Paragraph 2 of the PPA, if the economic operator proves its qualification through another person or entity and submits documents in accordance with Section 79 Paragraph 2 letter b) or d) of the PPA related to such person or entity, the commitment in writing made by such person or entity shall also include that such person or entity shall perform those services that are directly related to the qualification criterion it demonstrated.

In the case of joint participation of the economic operators, each must prove separately the basic qualification and professional qualification according to Section 77 Paragraph 1 of the PPA. Other qualification conditions must be proved by all such jointly participating economic operators together.

In order to simplify the preparation of the requests to participate, the contracting authority provides the economic operators with a draft of an affidavit.

The economic operators can use it to prove their basic and professional qualifications as well as the fulfilment of the economic qualification and the technical qualification requirements.

The draft is attached as Annex No. 4 to this Tender documentation.

10.2 Basic qualification

The economic operator shall prove its qualification in the range of Section 74 Paragraphs 1 and 3 of the PPA. The economic operator shall prove the fulfilment of the conditions of the basic qualification in relation to the Czech Republic by submitting the documents pursuant to Section 75 Paragraph 1 of the PPA.

For the purposes of the request to participate, these documents may be replaced by the affidavit. The draft is attached as Annex No. 4 to this Tender documentation.

10.3 Professional qualification

The economic operator shall prove its professional qualification in relation to the Czech Republic by submitting documents according to Section 77 Paragraph 1 of the PPA, i.e. the economic operator proves its professional qualification by submitting an extract from the Commercial Register or similar registry, if another legal regulation requires such registration.

For the purposes of the request to participate, these documents may be replaced by the affidavit. The draft is attached as Annex No. 4 to this Tender documentation.

10.4 Economic qualification

The contracting authority requires proof of economic qualification in accordance with the first sentence of Paragraph 1 Section 78 of the PPA. In particular, the contracting authority requires that the minimum

turnover achieved by the economic operator be at least CZK 15 million and / or EUR 585 thousand in each of the 3 immediately preceding financial years – accounting periods.⁴

The economic operator shall prove the turnover by submitting its profit and loss statement for the three immediately preceding financial years – accounting periods or by a similar document pursuant to the law of the country of its registered office; where the economic operator came into existence later, it is sufficient if it submits documents on the required amount of its turnover for all financial years – accounting periods since its creation. For the purposes of the request to participate, these documents may be replaced by the affidavit.

For the exclusion of any doubt the contracting authority expressly states in accordance with Section 84 of the PPA that the required turnover must be achieved by the economic operator itself or by one member of a joint venture or one subcontractor – other person or entity; the aggregation of the turnover of several economic operators / other persons in order to achieve the required minimum value is not permitted.

10.5 Technical qualification

List of significant supplies

The economic operator shall present a list of significant supplies that it has realized during the last 8 years before the initiation of the procurement procedure in accordance with Section 79 Paragraph 2 letter b) of the PPA, including:

- i. the identification data of the contracting authority,
- ii. the name of the significant supply,
- iii. the material description of the content of the significant supply, which will allow for the assessment of the requirements of the contracting authority set out below, and this in the minimum range: number of manuals, the total number of organ stops / number of speaking stops, the layout and placement of the organ stops, the tracker action type, the stop action type, the type of windchests, the information whether the organ is equipped with an electronic memory equipment and of what type / brand it is and the type of organ temperature,
- iv. duration of the significant supply (MM/YY-MM/YY),
- v. the price of the significant supply in CZK without VAT,
- vi. contact details (at least a phone number or e-mail address) of the contact person of the contracting authority to verify the accuracy of the provided data and information.

The contracting authority will request a statement of at least 2 significant supplies⁵ that consisted of the supply of a new organ and organ case and the construction of this organ, of which

⁴ If the economic operator's turnover is denominated in a currency other than CZK or EUR, the decisive conversion will be the exchange rate to EUR, according to the central bank of the economic operator's country of residence (as at the date of the request for participation).

⁵ The requirements of the technical qualification were consulted with the economic operators within the Consultation, where they confirmed, with up to 2 exceptions, the requirements intended by the contracting authority.

- a) at least one supply should consist of the supply of one organ equipped with a mechanical key action and with a mechanical, electric or combined stop action and with slider chests with two or more manuals and a pedal with no less than 15 speaking stops,
- b) and at least one supply should consist of the supply of one organ with an combined or electric key action and with a mechanical, electric or combined stop action complemented with an electronic memory equipment of the type Setzer and with slider chests with two or more manuals and a pedal and with a minimum of 22 speaking stops.

The economic operator shall demonstrate compliance with these requirements by filling in the list of significant supplies. The form of this list is part of the draft of the affidavit, which is included in Annex No. 4 to this Tender documentation.

The contracting authority reserves the right to verify the correctness and accuracy of the data on the implementation of the significant supplies stated in the affidavit of the economic operator (see Annex No. 4 to this Tender documentation).

The delivery time for a significant supply over the last 8 years is considered to have been met if the supplies meeting the definition of a significant supply were completed within the required range.

As proof of fulfilment of the qualification criterion for the requirement to submit significant supplies, the economic operator may even use supplies it has provided:

- a) with another economic operator to the extent that itself participated in the performance of the supplies, or
- b) as a subcontractor to the extent that it participated in the performance of the subsupplies.

11. Conditions for the content and the submission of the request to participate (*qualification phase*)

The submission of a request to participate in this procurement procedure is possible only after registration of the economic operator in the electronic tool E-ZAK.

The economic operator may submit only one request to participate in the procurement procedure. The economic operator who has submitted a request to participate in the procurement procedure may not simultaneously be the person through whom another economic operator submits the qualification in the same procurement procedure.

A joint request to participate jointly submitted by multiple economic operators is deemed to be one economic operator's request.

The request to participate is considered to be filled in and submitted using the relevant form in the contracting authority's electronic tool.

The economic operator shall attach to this request to participate:

- a) documents proving fulfilment of the basic and professional qualifications and of the economic and technical qualifications (see Annex No. 4 to this Tender documentation);
- b) any other documents required by this Tender documentation (in particular documents resulting from the submission of a joint request to participate or from the proof of a part of the qualification by another person).

The economic operator submits a request to participate solely in electronic form through the electronic tool E-ZAK (see Article 25 of this Tender documentation). The tender rules under

Article 14 of this Tender documentation (joint participation, signatures, language) also apply to the submission of requests to participate.

12. Time limit and place for submitting a request to participate (qualification phase)

The time limit for submitting a request to participate starts on the day following the day the notice of the opening of the procurement procedure is sent pursuant to Section 212 of the PPA.

The time limit to submit a request to participate: by July 11th 2019 10:00

The economic operator is obliged to deliver the request to participate in electronic form exclusively through the electronic tool E-ZAK pursuant to Article 25 of this Tender documentation.

The request to participate must be submitted no later than by the end of the time limit for submitting the request to participate as set out above.

A request to participate that is not delivered to the contracting authority within the time limit or that is delivered in a way other than through E-ZAK shall not be considered as submitted and shall not be taken into consideration during the procurement procedure.

13. Business conditions (tender phase)

The binding terms and conditions are defined in the draft of the contract, which forms Annex No. 3 to this Tender documentation.

The binding nature of the contract (as well as other parts of the tender terms) may be changed by the contracting authority during the tender procedure.

The contracting authority does not require the submission of a signed binding draft of the contract within the preliminary bid, but it does require that the economic operator submit the completed annexes to the binding draft of the contract.

At the same time, the contracting authority states that, even in the final bid, it does not require the submission of a signed binding draft of the contract, but it will require only the annexes to the draft of the contract that have changed in relation to the preliminary bid following negotiations with the contracting authority (these requirements may also be subject to changes by the contracting authority).

The selected economic operator will be obliged to conclude the contract without the possibility of alterations or amendments (except for the adaptation of the identification data in the legal form of the selected economic operator) compared to the last binding version provided by the contracting authority or the results of the negotiations if the changes or additions were agreed with the contracting authority during the negotiations.

14. Conditions and requirements for processing and submitting a bid (tender phase)

The contracting authority explicitly states that where this Tender documentation refers to a "bid", it means both the preliminary bid and the final bid, unless expressly stated otherwise.

The bid can only be submitted by an economic operator who has been invited by the contracting authority to submit the preliminary bid.

Each economic operator may submit only one bid in this procurement procedure. A joint bid can only be submitted by those economic operators who have already submitted their request to participate together. Submission of a joint bid by economic operators who have submitted separate requests to participate is excluded under Section 61 Paragraph 6 of the PPA.

A joint bid submitted jointly by multiple economic operators is considered to be a bid of one economic operator. An economic operator who has submitted a bid in the procurement procedure may not simultaneously be the person through whom another economic operator demonstrates the qualification in the same procurement procedure. The contracting authority shall exclude an economic operator who has submitted multiple bids individually or jointly with other economic operators or has submitted a bid and is at the same time the person through whom another economic operator in the procurement procedure has demonstrated the qualification in the same procurement procedure.

The preliminary bid submitted by the economic operator must be in electronic form and must include at least:

- a) a cover sheet of the preliminary bid (including any annexes) (according to Annex No. 1 of this Tender documentation);
- b) supplemented annexes to the binding draft of the contract (according to Annex No. 3 of the Tender documentation);
- c) any other documents, at the discretion of the economic operator, for which there was no space in the preceding parts of the bid.

The final bid submitted by the economic operator must be in electronic form and must include at least:

- a) a cover sheet of the bid (including any annexes) (according to Annex No. 2 of this Tender documentation);
- b) supplemented annexes to the binding draft of the contract (according to Annex No. 3 of the Tender documentation), if they have been supplemented or modified as a result of negotiations with the contracting authority;
- c) any other documents, at the discretion of the economic operator, for which there was no space in the preceding parts of the bid.

The bid must contain the identification of the supplier according to the cover sheet of the preliminary bid (Annex No. 1 of the Tender documentation), respectively the cover sheet of the final bid (Annex No. 2 of the Tender documentation).

In the case of a joint venture of economic operators (hereinafter referred to as the "company"), the "lead partner" will be appointed by the other economic operators ("companions") to act (including ordinary communications) and represent the company. In the case of a joint participation of economic operators, a copy of the company contract (association / consortium) establishing the joint participation of the economic operators in the procurement procedure will be included in the bid. **In the case of the joint**

participation of suppliers, the contracting authority requires that all economic operators submitting the joint bid be jointly and severally responsible for the entire duration of the public procurement and for the duration of the other obligations arising from the public procurement, which will be demonstrated in the bid.

The economic operator shall submit the bid for the public procurement in electronic form, in its entirety in the Czech language or in its entirety in the English language (with the exception of professional names and data).

If some of the documents in the bid are submitted in another language, they must be submitted with a translation into Czech language or English language, with the exception of Slovak language documents and education documents in Latin language. Translations of documents do not need to be officially verified. If the contracting authority has doubts regarding the correctness of the translation, it may require the submission of a certified translation of the document into the Czech language or English language made by a court-appointed translator registered in the list of court appointed experts and interpreters and translators.

The contracting authority points out that the bid (or its parts) may not be signed by an electronic signature due to the submission of the tender through the electronic tool, since the identity of the economic operator is already verified as part of the E-ZAK electronic registration.

The contracting authority does not allow the submission of multiple tender options within the meaning of Section 102 of the Act.

15. Subcontracting (*tender phase*)

The contracting authority permits the performance of the public procurement through subcontractors, in which case the economic operator:

- a) indicates any part or parts of the public procurement that it intends to subcontract, **or**
- b) includes a list of subcontractors, where they are known to the economic operator, and indicates (materially and financially defined) which parts of the public procurement will be subcontracted to each of these subcontractors.

The possibility of changing the subcontractors is governed by the draft of the contract that is contained in Annex No. 3 to this Tender documentation.

16. Time limit for submitting bids (*tender phase*)

The time limit for submitting the preliminary bids will be set out in the invitation to submit preliminary bids; in relation to the final bids, this will be adjusted in the invitation to submit bids.

17. Means of submitting bids (*tender phase*)

Bids may only be submitted electronically through the electronic tool E-ZAK pursuant to Article 25 of this tender document.

A bid which is not delivered to the contracting authority within the time limit for submitting the preliminary bids or the final bids or which is submitted by the economic operator in a way other than by means of the electronic tool under Article 25 of this Tender documentation shall not be considered as submitted, and it shall not be taken into consideration during the procurement procedure.

18. Opening the bids (*tender phase*)

The opening of the bids will not take place in public given their electronic form.

19. Requirements for processing the total tender price (*tender phase*)

The total tender price shall be entered in the cover sheet of the bid (a draft of which shall form Annex No. 1 of the Tender documentation for the preliminary bid and Annex No. 2 of the Tender documentation for the final bid).

20. Evaluation criteria for bids (*tender phase*)

20.1 Evaluation criteria

An economic operator's bids will be evaluated on the basis of its economic advantageousness in accordance with Sections 114 and 115 of the PPA.

The bids shall be evaluated on the basis of their economic advantageousness according to the most favourable price-quality ratio, which will be based on the following criteria and weights which represent a share in the individual evaluation criteria for the overall evaluation:

| | Evaluation criterion | Weight |
|---|--|--------|
| A | Total tender price | 25% |
| B | Price of regulation and tuning for the warranty period (cost per 1 trip) | 5% |
| C | Warranty period in months | 10% |
| D | Compatibility of the architectural and aesthetic representation of the organ cabinet with the interior of the Great Hall | 10% |
| E | Ergonomic rendering of the table | 10% |
| F | Arrangement of the organ | 20% |
| G | Consistency of the offered music concept with the contracting authority's requirements on the organ | 10% |
| H | Technical solution | 10% |

To evaluate the bids according to the individual evaluation criteria, a scoring scale will be used ranging from 0 to 100 (criteria (a) to (c)), respectively 0, 25, 50, 75 to 100 (criteria d) to h)). Each bid will be assigned a point value within each evaluation criterion that reflects the success of the tender in question within the given evaluation criteria, as described below.

20.2 Total tender price

Under this sub-criterion, total tender price will be evaluated, which will be on the cover sheet of the bid (the draft of which shall form Annex No. 1 of the Tender documentation for the preliminary bid and Annex No. 2 of the Tender documentation for the final bid).

The most advantageous bid, i.e. the bid with the lowest total tender price in CZK without VAT, will be awarded 100 points. Other bids will be awarded a point value according to the following formula:

$$\frac{\text{the lowest tender price in CZK excluding VAT}}{\text{rated tender price in CZK excluding VAT}} \times 100$$

The number of points obtained, on the basis of the formula above, will be multiplied by a coefficient of 0.25 and then mathematically rounded to two decimal places.

20.3 Price of regulation and tuning for the warranty period (cost per 1 trip)

Under this sub-criterion, the price of regulation and tuning for the warranty period - cost per 1 trip will be evaluated, which will be included in the cover sheet of the bid (the draft of which shall form Annex No. 1 of the Tender documentation for the preliminary bid and Annex No. 2 of the Tender documentation for the final bid). This price must cover all costs of the economic operator, including travel, subsistence, accommodation and related costs.

The most advantageous bid, i.e. the bid with the lowest price of regulation and tuning for the warranty period - cost per 1 trip, will be awarded 100 points. Other bids will be awarded a point value according to the following formula:

$$\frac{\text{the lowest tender price per 1 trip in CZK excluding VAT}}{\text{rated tender price per 1 trip in CZK excluding VAT}} \times 100$$

The number of points obtained, on the basis of the above formula, will be multiplied by a coefficient of 0.05 and then mathematically rounded to two decimal places.

20.4 Warranty period in months

Under this sub-criterion the warranty period of the new organ offered by the economic operator will be evaluated, which will be included in the cover sheet of the bid (the draft of which shall form Annex No. 1 of the Tender documentation for the preliminary bid and Annex No. 2 of the Tender documentation for the final bid).

The contracting authority points out that the warranty period for the purposes of both the preliminary bid and the final bid can only be set between 8 and 15 years (96 to 180 months). **An economic operator that will offer a shorter warranty period than 8 years (96 months) will be excluded from further participation in the tender procedure.** An economic operator that will offer a longer warranty period than 15 years (180 months) will be rated by the number of points corresponding to 15 years (180 months) of the warranty.

The most advantageous bid, i.e. the bid with the longest warranty period in months, will be awarded 100 points. Other bids will be awarded a point value according to the following formula:

the length of the warranty period in months

x100

the longest warranty period in months

The number of points obtained on the basis of the above formula will be multiplied by a coefficient of 0.10 and then mathematically rounded to two decimal places.

20.5 Uncountable evaluation criteria

Uncountable evaluation criteria will be evaluated as follows (except for Article 20.5.5 letter c)) in all the partial criteria and sub-criteria:

| Level of tender | Number of points |
|--|------------------|
| The tender is in line with the preferences of the contracting authority set out in the framework of the partial evaluation criterion in an exceptional way; the solution offered from the available solutions (in all bids) absolutely excels | 100 |
| The tender is more than average in line with the preferences of the contracting authority set out in the framework of the partial evaluation criterion; the solution offered from the available solutions (in all bids) excels, but it does not reach excellent levels | 75 |
| The tender is average in line with the preferences of the contracting authority set out in the framework of the partial evaluation criterion; the solution offered from the available solutions (in all bids) does not stand out | 50 |
| The tender partly responds in line with the preferences of the contracting authority set out in the framework of the partial evaluation criterion, but does not reach the average level | 25 |
| The tender meets the terms of the Tender documentation, but does not at all match the preferences set by the contracting authority within the given partial evaluation criterion or corresponds to these preferences of the contracting authority to a negligible extent | 0 |

20.5.1. Compatibility of the architectural and aesthetic representation of the organ cabinet with the interior of the Great Hall

The contracting authority shall evaluate within this partial evaluation criterion the compatibility of the architectural and aesthetic representation of the organ cabinet with the interior of the Great Hall.

The bid that will offer a more consistent architectural and artistic solution leaflet of the organ and visually appealing parts of the instrument with contemporary architectural and artistic form arising from the time of the last reconstruction of the organ by architect Jaroslav Fragner after World War II will be evaluated better.

In this context, the contracting authority does not require a historicizing style of the new organ; on the contrary, the contracting authority prefers a modern rendition that will develop the current form of the Great Hall, which contains architectural and visual elements from the Gothic period (the Gothic side portal, the Gothic bay of the Great Hall with the original university chapel) through the Renaissance decoration (tombstone) to the sculptural and artisanal decoration of the middle of the 20th century. A

design that respects the applied architectural features and visual details of previous centuries and further develops them by current means of expression will be evaluated best.

The points shall be allocated according to the procedure in Article 20.5 above, then multiplied by a coefficient of 0.10 and then mathematically rounded to two decimal places.

The contracting authority specifies that the subject-matter of the evaluation shall form Annex No. 1 of the draft of the contract fulfilled by the economic operator in the extent specified in the annex. Text and images above the allowable range will not be considered.

20.5.2. Ergonomic rendering of the table

The contracting authority shall evaluate within this partial evaluation criterion the ergonomic rendering of the table in terms of whether the tenders offer a clean design, ergonomic processing, and a clear, logical and intuitive layout of controls (control of registers, connectors, auxiliary devices, storage devices, etc.).

The bid that will offer a more user-friendly, technical, more logical and user-intuitive arrangement of controls, i.e. from an ergonomic point of view better fitting dimensions and shapes while respecting the player's reach, will be evaluated better.

The points shall be allocated according to the procedure in Article 20.5 above, then multiplied by a coefficient of 0.10 and then mathematically rounded to two decimal places.

The contracting authority specifies that the subject-matter of the evaluation shall form Annex No. 2 of the draft of the contract fulfilled by the economic operator in the extent specified in the annex. Text and images above the allowable range will not be considered.

20.5.3. Arrangement of the organ

The contracting authority shall evaluate within this partial evaluation criterion the arrangement of the organ according to the sub-criteria below, each sub-criterion having a sub-weight of 25%.

- a) processing - the bids that will offer a more comprehensive disposition of the organ with a compact set-up of a group of organ stops of the same sound character (Principals, Flutes, Strings) in all positions will be evaluated better,
- b) accompanying voices - the bids that will offer from the point of view of the offered disposition of the organ a sufficient number of accompanying voices in distinct colour, power and tuning (both technically and by voice) in the basic position, with regard to the accompanying function of the organ that the contracting authority prefers for ceremonial occasions, will be evaluated better,
- c) organ stops - the bids that will offer from the point of view of the offered disposition of the organ a sufficient number of solo stops and reed stops, with regard to the fact that the contracting authority prefers the interpretation option of organ literature, will be evaluated better,
- d) the dynamics - the bids that will offer to achieve a flow of dynamics that is as smooth as possible - from the finest pianissimo to fortissimo - will be evaluated better.

The points shall be allocated according to the procedure in Article 20.5 above, then multiplied by a coefficient of 0.25 and then mathematically rounded to two decimal places. These sub-points are then summed up and multiplied by a coefficient of 0.20 with respect to the weighting of this partial evaluation criterion. The number is then mathematically rounded to two decimal places.

The contracting authority specifies that the subject-matter of the evaluation shall form Annex No. 3 of the draft of the contract fulfilled by the economic operator in the extent specified in the annex. Text and images above the allowable range will not be considered.

20.5.4. Consistency of the offered music concept with the contracting authority's requirements on the organ

The contracting authority shall evaluate within this partial evaluation criterion the consistency of the offered music concept with the economic operator's requirements on the organ described in Annex No. 5 to this Tender documentation.

The bid that will offer the most unique instrument in terms of style and at the same time according to the interests and needs of the contracting authority through this particularity will allow the widest possible concert use will be evaluated better. It is therefore in the contracting authority's interest to acquire a distinctive stylistic instrument that will allow the widest possible concert utilization from the point of view of individual musical styles.

The points shall be allocated according to the procedure in Article 20.5 above, then multiplied by a coefficient of 0.10 and then mathematically rounded to two decimal places.

The contracting authority specifies that the subject-matter of the evaluation shall form Annex No. 4 of the draft of the contract fulfilled by the economic operator in the extent specified in the annex. Text and images above the allowable range will not be considered.

20.5.5. Technical solution

The contracting authority shall evaluate within this partial evaluation criterion the technical solution of the organ. The technical solution of organ will be evaluated according to the sub-criterion below, each sub-criterion having a sub-weight of 25%.

- a) the positioning of machines, operating positions and servicing points - the bids that will offer an easy access (both manual and technical) to operating and servicing points that will make the servicing and tuning of the instrument easy - will be evaluated better,
- b) the interconnection of the mobile console - the bids that will offer the best possible communication between the mobile console and the organ, taking into account the technologies used, and the bids that will be able to reduce as much as possible the susceptibility to failure in communication at concerts and other occasions when the organ is used, will be evaluated better,
- c) controlling the opening of the tone valve - the bids that will make it possible for the organist to control the opening of the tone valve while playing (sensitive action) will be evaluated better - the contracting authority will allocate 100 points for meeting this requirement and 0 points for failure to comply,
- d) transport - better evaluation will be given to tenders offering an easier transportation of the mobile console, i.e. transport requiring the minimum possible extent of technology and the least effort of the organ users or the staff of the contracting authority, even in view of the possibility of overcoming 1 step in the Great Hall, will be evaluated better.

The points shall be allocated according to the procedure in Article 20.5 above (except sub-criterion c), then multiplied by a coefficient of 0.25 and then mathematically rounded to two decimal places. These sub-points are then summed up and multiplied by a coefficient of 0.10 with respect to the weighting of this partial evaluation criterion. The number is then mathematically rounded to two decimal places.

The contracting authority specifies that the subject-matter of the evaluation shall form Annex No. 5 of the draft of the contract fulfilled by the economic operator in the extent specified in the annex. Text and images above the allowable range will not be considered.

20.6 Total evaluation

The point values assigned and calculated in the manner set out above will then be added up. The bids will be ranked from the highest number of points (the most advantageous tender) to the lowest.

In the event that two or more bids receive the same number of points in the first place of the total evaluation, the bid with the lowest total tender price in CZK excluding VAT will be selected as the most advantageous.

21. Conditions for the conclusion of a contract (*common provision*)

The economic operator will be required to provide all the documents and particulars provided for in Section 122 Paragraph 3 of the PPA to the extent specified in this Tender documentation before concluding a contract.

The economic operator shall be required to submit i) the originals or certified copies of documents attesting to its qualification documents, ii) proof of insurance within the meaning of the draft of the contract, iii) in the event that Annexes No. 1 to 5 of the draft of the contract were submitted in the bid in the English language, the translation of these annexes into the Czech language (simple translation; in the case of doubt as to the correctness or accuracy of the translation an officially certified translation can be required) if the selected economic operator has not already submitted them in the procurement procedure or if they have not already been made available to the contracting authority otherwise.

In the case of an economic operator who is a legal entity, the contracting authority will find information about its real owner under Act No. 253/2008 Sb., on Selected Measures against Legitimation of Proceeds of Crime and Financing of Terrorism, as amended ("the real owner"), from the record of the real owner's data.

If the data on the real owners cannot be determined by this procedure, the contracting authority shall invite the economic operator in accordance with Section 122 Paragraph 5 of the PPA to submit an extract from the register, similar to records of the real owners, or to communicate the identification data of all persons who are its real owners, and the submission of documents showing the relationship of these persons to the selected economic operator.

The contracting authority points out that it is bound by Section 211 Paragraph 3 of the PPA stipulating the obligation of written electronic communication between the contracting authority and the economic operator, which applies to all submitted documents, including documents submitted by a selected economic operator on the basis of a notice to Section 122 Paragraph 3 and 5 of the PPA. In cases where the law (for example, Section 122 Paragraph 3 letter a) of the PPA) or the contracting authority in the tender specifications requires the submission of original documents, and these are only in paper form, the selected economic operator shall convert these documents into electronic form within an authorized conversion procedure.

The contract will be concluded electronically, i.e. in electronic form with electronic signatures of the persons authorized by the contracting authority and the economic operator.

22. Availability of Tender documentation (*common provision*)

In accordance with Section 96 Paragraph 1 of the PPA, the contracting authority published the Tender documentation on the contracting authority's profile as of the date of publication of the contract notice in the Tenders Electronic Daily. The contracting authority does not provide the Tender documentation

or its parts in any other way. The invitation to submit a bid is not published on the profile of the contracting authority according to Section 96 Paragraph 1 of the PPA.

23. Explanation, supplementation or alteration of Tender documentation (common provision)

The contracting authority may explain the Tender documentation in accordance with Section 98 of the PPA. The economic operator is entitled to ask the contracting authority for an explanation of the Tender documentation. The contracting authority requests that any request of economic operators for explanation of the Tender documentation must be sent by the electronic tool in accordance with Article 25 below, or an electronic data box or e-mail mentioned in Article 2 of the Tender documentation.

The contracting authority may alter the Tender documentation before the expiration of the time limit for submitting bids in accordance with Section 99 of the PPA.

24. Additional information and exclusion of the contracting authority (common provision)

The contracting authority draws attention to the fact that this Tender documentation is a summary of its specific requirements, while the **rights and obligations of the contracting authority and the economic operator in connection with the procurement procedure are further regulated in the relevant provisions of the PPA.**

The contracting authority also explicitly states that, in order to prepare the terms and conditions for this public procurement, the contracting authority conducted preliminary market consultations within the meaning of Section 33 of the PPA ("**Consultation**"). The Consultations were held on the basis of a written notice from the selected entities on the relevant market and on the basis of the prior information notice for publication in the Tenders Electronic Daily and the Official Journal of the European Union, ev. no. VVZ Z2018-030862.

A summary of the progress (and materials) of the Consultation, together with other information about the subject-matter and the course of the Consultation, is contained in Annex No. 6 to this Tender documentation.

The contracting authority reserves the right to cancel this procurement procedure in accordance with the PPA.

The confidentiality of the tenders and the completeness of the data contained therein must not be affected during communication between the contracting authority and the economic operators. The contracting authority must not be allowed access to the content of tenders before the end of the time limit for their submission.

Written communication between the contracting authority and the economic operator must take place electronically.

The economic operator shall not be entitled to claim the costs of his participation in the procurement procedure.

The contracting authority shall amend or supplement the terms and conditions of the Tender documentation, in particular the technical conditions, except for the minimal technical requirements according to Annex No. 5 of this Tender documentation, during the negotiations. Such an amendment or addition of the terms and conditions of the Tender documentation must be notified in written form by the contracting authority to the economic operators. The contracting authority shall allow the economic

operators reasonable time to adjust the preliminary bid. The amended terms of reference must continue to satisfy the conditions for the use of the negotiated procedure with prior publication.

25. Electronic communication (*common provision*)

All acts under this procurement procedure, as well as all communication between the contracting authority and the economic operator (excluding any negotiated procedure within the negotiated procedure with prior publication, which will be properly documented, or respectively recorded), shall best take place electronically through the electronic tool E-ZAK. All documents sent through the electronic tool E-ZAK are deemed to be duly delivered on the day of their delivery to the user account of the addressee of the document in the electronic tool E-ZAK. The delivery of the document or message does not affect whether the document or message has been read by the addressee, or whether the electronic tool E-ZAK has sent the addressee a warning on the contact e-mail address that a new message has been delivered to his user account or not.

In the procurement procedure, the economic operator is always responsible for proper and timely familiarization with the documents sent by the contracting authority through the electronic tool E-ZAK as well as for the correctness of the contact details of the economic operator.

The contracting authority points out that within the meaning of the above requests to participate, preliminary bids and final bids can only be submitted in electronic form through the electronic tool E-ZAK.

The electronic tool E-ZAK fulfils the requirements of Section 213 of the Act and requirements for the making of records pursuant to Section 8 of Decree No. 329/2006 Sb., which sets out more detailed requirements for electronic means, electronic tools and electronic procurement procedures (see <https://www.ezak.cz/zaruky-a-certifikaty>), which are available at https://zakazky.cuni.cz/profile_display_2.html.

Detailed instructions for submitting a tender through an electronic tool can be found in the "User's Guide for economic operator", available at <https://zakazky.cuni.cz/data/manual/EZAK-Manual-Dodavatele.pdf>.

The economic operator submits to the contracting authority the data and documents by means of an electronic tool in the Czech or English language specified in the following points:

1. The request to participate / bids will be submitted by the economic operator in electronic form to the electronic tender sheet which will be created in the certified electronic tool E-ZAK. E-ZAK guarantees the fulfilment of all conditions of security and confidentiality of the inserted data, including absolute inaccessibility on the part of the contracting authority before the expiry of the time limit for their protocol accessibility.
2. The economic operator inserts into the electronic tool as an attachment all the documents to be included in the economic operator's bid and which are listed in this Tender documentation.

System requirements for PC for submission tenders and electronic signature in the E-ZAK application can be found at <http://www.ezak.cz/faq/pozadavky-na-system>.

26. List of Annexes

| | |
|-------------|------------------------------------|
| Annex No. 1 | Cover sheet of the preliminary bid |
| Annex No. 2 | Cover sheet of the final bid |

| | |
|-------------|--|
| Annex No. 3 | Draft of the contract |
| Annex No. 4 | Draft of Affidavit proving the fulfilment of the basic qualification and professional qualification and proving the fulfilment of the economic and technical qualification |
| Annex No. 5 | Minimum technical requirements |
| Annex No. 6 | Summary of the progress of the Consultation |

Annex No. 1

Draft of Cover sheet of the preliminary bid

Registration No. of public procurement in the Tenders Electronic Daily: Z2019-019439

| Cover sheet of preliminary bid | |
|--|---|
| Public procurement | |
| Name | “RUK SBZ – NOVÉ VARHANY PRO VELKOU AULU KAROLINA” (RUK SBZ – NEW ORGAN FOR THE GREAT HALL OF CAROLINUM) |
| Basic identification data | |
| Contracting authority: | |
| Name: | Charles University |
| Registered seat: | Ovocný trh 560/5, 116 36 Prague 1 |
| ID No. (for an entity with registered seat in the Czech Republic): | 002 16 208 |
| The person representing the contracting authority: | [...] |
| Economic operator: ⁶ | |
| Company name / name, surname: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Registered seat: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Legal form: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Telephone number/e-mail : | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| ID No.: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Tax ID: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Person authorized to represent: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Telephone number: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |

⁶ The identification data shall be completed by the economic operator according to the fact whether the economic operator is a natural or legal person, an economic operator submitting a separate request for participation or an economic operator submitting a joint application for participation.

| | |
|---|--|
| E-mail: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Total tender price in CZK without VAT: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Price of regulation and tuning for the warranty period (cost per 1 trip) in CZK without VAT: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Warranty period in months (minimum of 8 years, i.e. 96 months, and maximum of 15 years, i.e. 180 months): | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| By submitting a preliminary bid, the accuracy of the above data is confirmed. | |

Annex No. 2

Draft of Cover sheet of the final bid

Registration No. of public procurement in the Tenders Electronic Daily: Z2019-019439

| | |
|--|--|
| Cover sheet of tender | |
| Public procurement | |
| Name | “RUK SBZ – NOVÉ VARHANY PRO VELKOU AULU KAROLINA” (RUK SBZ – NEW ORGAN FOR THE GREAT HALL OF CAROLINUM) |
| Basic identification data | |
| Contracting authority: | |
| Name: | Charles University |
| Registered seat: | Ovocný trh 560/5, 116 36 Prague 1 |
| ID No. (for an entity with registered seat in the Czech Republic): | 002 16 208 |
| The person representing the contracting authority: | [...] |
| Economic operator:⁷ | |
| Company name / name, surname: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Registered seat: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Legal form: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Telephone number/e-mail : | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| ID No.: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Tax ID: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Person authorized to represent: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Telephone number: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |

⁷ The identification data shall be completed by the economic operator according to the fact whether the economic operator is a natural or legal person, an economic operator submitting a separate request for participation or an economic operator submitting a joint application for participation.

| | |
|---|--|
| E-mail: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Total tender price in CZK without VAT: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Price of regulation and tuning for the warranty period (cost per 1 trip) in CZK without VAT: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Warranty period in months (minimum of 8 years, i.e. 96 months, and maximum of 15 years, i.e. 180 months): | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| By submitting a tender, the accuracy of the above data is confirmed. | |

Annex No. 3
Draft of the Contract
Separate document

Annex No. 4

**Draft of Affidavit proving the fulfilment of the basic qualification and professional qualification
and proving the fulfilment of the economic and technical qualification**

AFFIDAVIT OF ECONOMIC OPERATOR

on fulfilment of the qualifications

pursuant to § 73 et seq. of Act No. 134/2016 Sb., on Public Procurement (the “Act” or the “PPA”),
for a public procurement

**“RUK SBZ – NOVÉ VARHANY PRO VELKOU AULU KAROLINA” (RUK SBZ – NEW ORGAN
FOR THE GREAT HALL OF CAROLINUM)**

Declaring economic operator:

| | |
|--|--|
| Name: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Registered seat: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| ID No. (for those with a registered office in the Czech Republic): | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| Acting / represented by: | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |

(further as “economic operator”)

The economic operator hereby declares, for the purposes of the aforementioned public procurement, that it fulfils the basic qualifications in the scope of Section 74⁸ of the Act, i.e.:

- was not convicted by final judgement in the country of its registered seat of a crime specified in Annex No. 3 to the Act or another similar crime pursuant to the law of the country of its registered office in the past five years preceding the commencement of the procurement procedure; expunged convictions are disregarded⁹;
- has no outstanding tax arrears registered in tax records in the Czech Republic or in the country of its registered office;
- has no outstanding arrears in respect of payments and penalties of public health insurance in the Czech Republic or in the country of its registered office;
- has no outstanding arrears in respect of payments and penalties of social security contributions and contributions to the national employment policy in the Czech Republic or in the country of its registered office;
- is not in liquidation and has not been declared insolvent, in respect of which the receivership has been imposed under another legal regulation or in a similar situation pursuant to the law of the country of its registered office.

⁸ Documents pursuant to Section 75 of the PPA shall be provided before signing the contract.

⁹ If the economic operator is a legal person, all members of the governing body of the economic operator shall also meet this condition within the meaning of Section 74 Paragraph 2 of the Act.

The economic operator further declares that it fulfils the professional qualifications in the scope of Section 77 Paragraph 1 of the Act¹⁰, i.e.:

- is registered in the Commercial Register or other similar records, if another legal regulation requires such registration.

The economic operator declares that it fulfils the contracting authority's requirements for the minimum turnover achieved by the economic operator of at least CZK 15 million and / or EUR 585 thousand in each of the 3 immediately preceding financial years in accordance with the first sentence of Section 78 Paragraph 1 of the PPA.¹¹

The economic operator also further declares that he fulfils the technical qualifications determined by the contracting authority in the scope of Section 79 Paragraph 2 letter b) of the Act, that he realized during the last 8 years before the start of this procurement procedure at least 2 significant supplies that consisted of the supply of a new organ and an organ case and the construction of this organ, of which:

- a) at least one supply should consist of the supply of one organ equipped with a mechanical key action and with a mechanical, electric or combined stop action and with slider chests with two or more manuals and a pedal with no less than 15 speaking stops,
- b) and at least one supply should consist of the supply of one organ with an combined or electric key action and with a mechanical, electric or combined stop action complemented with an electronic memory equipment of the type Setzer and with slider chests with two or more manuals and a pedal and with a minimum of 22 speaking stops.

| The identification data of the contracting authority | The name of the significant supply | Material description of the content of the significant supply including the indication of the following items - range: number of manuals, the total number of organ stops / number of speaking stops, the layout and placement of the organ stops, the tracker action type, the stop action type, the type of windchests, the information | Duration of significant supply (MM/RR-MM/RR) | The price of significant supply in CZK without VAT | Contact details of the contact person of the contracting authority |
|--|------------------------------------|---|--|--|--|
|--|------------------------------------|---|--|--|--|

¹⁰ Documents pursuant to Section 77 of the PPA shall be provided before signing the contract.

¹¹ The economic operator shall provide documents pursuant to Section 78 of the PPA before signing the contract.

| | | | | | |
|--|--|---|--|--|--|
| | | whether the organ is equipped with an electronic memory equipment and of what type / brand it is and the type of organ temperature | | | |
| [TO BE COMPLETED BY THE ECONOMIC OPERATOR] | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |
| [TO BE COMPLETED BY THE ECONOMIC OPERATOR] | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] | [TO BE COMPLETED BY THE ECONOMIC OPERATOR] |

The economic operator makes this affidavit on the basis of his serious and free will and is aware of all consequences resulting from the submission of untrue data.

In date

Annex No. 5
Minimal technical requirements

The type of the musical instrument:

- *only a pipe organ will be accepted*

Dimensions of the instrument:

- *two manuals and a pedal*
- *a minimum amount of 22 speaking stops (transmissions and extensions are not counted)*
- *at least one reed stop in each machine (in the organ manual and in the pedalu)*

Tracker:

- *stop action – electric*

Organ console:

- *the distance and the tone division of keyboards and of the pedalboard in accordance with the standard BDO 2000*
- *the minimum keyboard compass C – g''', the minimum pedal compass C – f*
- *the electronic memory equipment of standard manufacturing provenance and standard control method*
- *the height-adjustable bench*

Mobile console

- *the mobile console can be placed in the front part of the Great Hall for concert purposes*
- *it has the same and complete equipment like the organ console (except for the audio-visual equipment)*

Annex No. 6

Summary of progress of the Consultation

In order to prepare the terms and conditions for this public procurement, the contracting authority conducted preliminary market consultations within the meaning of Section 33 of the PPA. The preliminary market consultation ("Consultation") for the public procurement was held on the basis of a written invitation of the contracting authority to selected entities on the relevant market, respectively the interest of selected suppliers on the basis of the prior information notice for publication in the Tenders Electronic Daily and the Official Journal of the European Union Z2018-030862.

| |
|--|
| List of the economic operators in the PMC to a public procurement named - "RUK SBZ – NOVÉ VARHANY PRO VELKOU AULU KAROLINA" (RUK SBZ – NEW ORGAN FOR THE GREAT HALL OF CAROLINUM) |
| Alexander Schuke Orgelbau GmbH ID No.: HR B 164326 B with registered seat at Otto-Lilienthal-Straße 33, 14542 Werder, Germany |
| A. Q. Attentus Qualitatis s.r.o. ID No.: 277 07 911 with registered seat at Tišnovská 266, Lomnice 679 23 |
| CASAVANT FRERES L.P. ID No.: 334 101 076 with registered seat at 900, rue Girouard Est, Saint-Hyacinthe, Québec, Canada J2S 2Y2 |
| Johannes Klais Orgelbau GmbH ID No.: AG Bonn, HRB 597 with registered seat at Kölnstrasse 148, D-53111 Bonn, Germany |
| Orgelbau Vleugels GmbH ID No.: AG Mannheim HRB 460024 with registered seat at Rote Au 43, D-74736 Herdheim, Germany |
| Orgelbau Kögler ID No.: FN 78833g with registered seat at Stiftstrasse 5, A-4490 St. Florian, Austria |
| Robert Ponča ID No.: 68326971 with registered seat at Bruntálská 14, 794 01 Krnov |
| Varhanářská dílna Kánský - Brachtl (approached, however, without any written response) ID No.: 46139982 with registered seat at Krásné Loučky 194, 794 01 Krnov |
| Vladimír Šlajch (approached, however, without any written response) ID No.: 41865847 with registered seat at Školská 687/13, 110 00 Prague 1 – Nové Město |
| Werkstätte für Orgelbau Mühleisen GmbH ID No.: AG Stuttgart HRB 251803 with registered seat at Ostertagstrasse 20, d-71229 Leonberg, Germany |

The contracting authority defined the subject-matter of the Consultation as the following questions, to which the economic operators responded as follows:

1. Do you consider the subject-matter of the public contract as defined in Annexes 2, 3 and 4 of the invitation to participate in a preliminary market consultation understandable and sufficient to submit a bid? Do you have any objections regarding the subject-matter of the public contract and the requirements of the contracting authority?

The economic operators confirmed the clarity and sufficiency of the specification of the subject of the public procurement. The contracting authority did not make any specific adjustments to the Tender documentation in response to their response.

2. The contracting authority is considering the requirement, within the technical qualification criteria, to provide a list of at least 2 supplies fulfilled during the last 8 years, while
 - (i) at least 1 supply should consist of the supply of one organ equipped with a mechanical action and with a stop action and with slider chests with two manuals and a pedal with no less than 15 speaking stops,
 - (ii) and at least one supply should consist of the supply of one organ with a purely mechanical tracker for playing and with a mechanical tracker with stop action complemented with the electronic memory equipment of the type Setzer and with slider chests with two or more manuals and a pedal and with a minimum of 20 speaking stops.

Do you consider these requirements adequate and reasonable?

The economic operators have confirmed the adequacy and objectivity of the contracting authority's requirements, with the exception of the economic operators according to the second and seventh items in the table above. The contracting authority did not make any specific adjustments to the Tender documentation in response to their response.

3. Can you propose the optimal location of the new organ in the Great Hall of the historical seat of Charles University – Carolinum, with the aim of minimizing the necessary construction works and with respect to the restriction of the possible location in the front section of the Great Hall and in the chapel (further details are provided in Annex 4 of the invitation to participate in a preliminary market consultation)?

The economic operators identified the back wall of the Great Hall and the space between the balconies as a suitable location. However the contracting authority states in this context that placing on the back wall would be highly problematic in terms of conservation of monuments and would therefore not be accepted.

4. The contracting authority aims to minimize the time of delivery of the project (that means for the proposition of the new organ and its location, manufacturing of a completely new organ, disassembly of the existing organ, supply, installation and commissioning of the new organ, incl. audio tests, respectively training the operator), so that the new organ would be put into operation by January / February 2021 at the latest. What term of delivery do you consider optimal, reasonably minimal and reasonably maximal?

The economic operators fully confirmed the delivery term, assuming the contract would be signed between 12/2018 and 03/2019. The contracting authority did not make any specific adjustments to the Tender documentation in response to their response.

5. The contracting authority aims to minimize the time period for which the operation of the Great Hall of the historical seat of Charles University – Carolinum will be restricted due to the disassembly and the assembly of the organs. What time restriction do you consider optimal, reasonably minimal and reasonably maximal?

The economic operators in this context gave very different responses because they did not interpret the time restriction in a uniform manner (some of the economic operators count on the total limitation of using the Great Hall, but some also indicated partial limitation of use). The contracting authority did not make any specific adjustments to the Tender documentation in response to their response, but decided to set the time limit for the operation as a mandatory requirement.

6. The contracting authority is considering to evaluate i) the bid price, ii) the time of delivery, iii) the extent of restriction of the operation of the Great Hall of the historical seat of Charles University – Carolinum, iv) harmony reached between the musical conception and the requirements of the contracting authority for the organ, (v) the placement of the organ and the technical solution of the offered contract performance, (vi) the layout and the placement of the organ, (vii) the harmony between

the architectural composition and the aesthetic design of the organ case that should be brought into accord with the interior of the Great Assembly Hall and viii) experience with the supply of similar organs. Are there any other suitable evaluation criteria? Can you describe any risks regarding the application of the above mentioned evaluation criteria?

The economic operators validated the suitability of these evaluation criteria. The economic operators also suggest other possible evaluation criteria (e.g. number of employees), but the contracting authority decided not to work them in to the Tender documentation. The contracting authority did not make any specific adjustments to the Tender documentation in response to their response.

7. The contracting authority will require the economic operator to enter into liability insurance for the performance of the public contract including the assembly work of the organ for at least CZK 10 mil. / EUR 390 thousand. Do you consider such a requirement to be adequate?

The economic operators confirmed this claim as reasonable and some of them even proposed an increase in the claim limit. The contracting authority did not make any specific adjustments to the Tender documentation in response to their response.

8. The legislation of the Czech Republic requires the electronic submission of a tender for which it is necessary to have an electronic signature. The electronic signature can be issued by Czech or foreign authorities (their list can be found on <http://euts1.3xasecurity.com/tools/index.jsp>). Do you have an electronic signature? If not, do you perceive its acquisition as restrictive for submitting a bid?

The vast majority of the economic operators confirmed that they do not have an electronic signature, but they do not perceive its establishment as problematic.

9. The estimated value of the public contract is CZK 20 million (approximately EUR 780 thousand) excluding VAT. Do you consider the estimated value as sufficient?

The economic operators confirmed this request as reasonable. The contracting authority did not make any specific adjustments to the Tender documentation in response to their response.

10. The contracting authority shall require the following within the preliminary bids:

- a suggestion as to the placement of the organ,
- a description of the artistic concept of the organ,
- the layout together with the placement of the organ; the amount of pipes for each single organ stop; sound characteristics of the organ stop,
- the total amount of organ stops/the number of speaking stops,
- a description of the tracker action and the stop action,
- a description of the windchest,
- a description of the organ temperature,
- a simplified technical drawing of the organ machine (distribution and placement of the individual organ machines, the placement of the organ console, etc.), and
- a simplified drawing of the organ case including its integration within the interior of the Great Hall.

Are these requirements sufficient for the proper assessment of the proposed organs by the contracting authority?

The economic operators confirmed this request as reasonable. The contracting authority did not make any specific adjustments to the Tender documentation in response to their response.

11. The public contract will be awarded in a negotiated tender procedure with prior publication. The language of the negotiations will be Czech and/or English. The negotiations shall take place during November or December 2018. Do you consider this acceptable?

The economic operators have identified in-person and distance negotiations as acceptable alternatives, some of whom prefer in-person. The contracting authority did not make any specific adjustments to the Tender documentation in response to their response.

DOCUMENTS AND BACKGROUND INFORMATION AVAILABLE TO THE ECONOMIC OPERATORS FOR THE PRELIMINARY CONSULTATION

Specification of the new organ (for the Consultation):

Location:

The new pipe organ will sound the Great Assembly Hall of Karolinum. The orientation dimensions of the Great Assembly Hall are: the length 36.5 m; the width 12.6 m; the height 10.7 m. From the acoustic point of view there is a significant shaped acoustic plate hanging from the reinforced concrete ceiling of the Great Assembly Hall. The Great Assembly Hall is equipped with the microclimate regulation.

Placement of the Organ:

As for acoustics, the current organ is situated in an unsuitable place in the area behind the balcony and, basically, it has to be mentioned that the sound of the existing organ enters the area of the Great Assembly Hall only indirectly. It is the intention of the contracting authority that a masterful instrument should be built, which in an optimum way will respect the historical interiors, both visually and musically. With regard to the placement of the organ in the building that is under a preservation order as a registered national cultural monument, the contracting authority prefers the least possible intervention into the building construction.

As for the placement of the new instrument, the contracting authority prefers the room on the first balcony, furthermore the area behind the first balcony (where the current organ is situated). The balcony is situated on the left side of the Great Assembly Hall 15 m distant from the front part of the hall and at the height of 6 m from the hall ground. If necessary the balcony can be placed a bit forward, approximately 1 m compared to its current placement, so that the compactness of the precious railings does not get damaged. The room behind the first balcony, where the current organ is placed, is 6.1 m wide, 9 m deep and 4.3 m high. The floor level in this room is by 62 cm higher than the balcony floor and there are three steps between them. For accurate dimensions see the attached drawing documentation.

The contracting authority is aware of technical, constructional, acoustic and other difficulties, and therefore the contracting authority is ready to accept an alternative placement of a part of the instrument or of the whole instrument as described below:

- a) On the second (II.) balcony (together with the first (I.) balcony) and in the connecting room
- b) The walls between the I. balcony and the II. balcony
- c) The back wall of the Great Assembly Hall
- d) Another suitable placement; however, the placement of the organ in the front part of the Great Assembly Hall or in the area of the chapel is deemed unsuitable

A footnote: The front case part of the old organ placed on the I. balcony and the current organ machine from the year 1969 standing in a room linked with the balcony will be dismantled in an expert manner, all its parts will be put in boxes prepared for this purpose and subsequently placed into the designated depository.

Purpose and Frequency of Use of the Organ:

- The musical accompaniment of ceremonial events, especially of those organized by the academic community that are held in the Great Assembly Hall of Karolinum
- The organ will be used for concert events
- The expected frequency of use of the instrument is five times a week; approximately 40 hours in a week

Technical Specification of the Organ:

The kind of a musical instrument:

- Only a pipe organ will be accepted

Musical conception of the instrument:

- A modern instrument, built in and for 21st century
- As for style – there is no clearly defined type of organ, however, no historicist copy is deemed suitable

Organ case:

- modern design
- the organ will be supplied including the potential surface treatment, polychromy and decoration

Dimensions of the instrument:

- two manuals and a pedal, (for guidance only - the organ is expected to have around 25 organ stops)
- proposition of dimensions, disposition of organ stops and of other equipment are solely left up to the individual bidder
- both transmission and extension are allowed
- the disposition must be well considered, it must be generous as for use of colours, proportionate to the size of the room and adequate for the expected use of the organ;

Windchests of the organ:

- the contracting authority prefers the use of slider chests; however, the contracting authority may also accept windchests of other construction that are suitable for the chosen conception and for the instrument arrangement
- the selection of materials and the construction solution must take in consideration the specific operation of the Great Assembly Hall.

Tracker:

- tracker action (Tontraktur) – the contracting authority prefers the mechanical tracker, however, also a combined tracker action or a purely electric action depending on the placement and the construction solution of the pipe organ
- stop action - electric

Organ console:

- the contracting authority requires that the organ console is situated in a way that the playing organist has a clear view of what is happening in the area of the Great Assembly Hall; in accordance with the technical solution either the direct visual contact should be enabled, or any other suitable solution using the current possibilities of audio-visual technology is acceptable
- electronic memory equipment of the type „Setzer“, of standard manufacturing provenance and control method
- the organ console – the purity of processing, the use of the console must be logical and ergonomic
- the solution of the usual comfort and the equipment of the organ player (audio and video transmission from the Great Assembly Hall, lighting, thermal comfort etc.) is the part of the equipment of the organ console

Mobile console:

- depends on the placement of the organ
- is placed and used for concert purposes in the Great Hall
- has the same and complete equipment like the organ console (keydesk)
- has a connection with the organ – we prefer the least invasive way of link with regard to the building value as a cultural monument
- a suitable cover that protects the organ console from damaging when it is moved into a depository forms also a part of the supply
- should be transportable by the usual staff of the Great Assembly Hall

Temperature, tuning:

- equal temperature/based on the offered concept
- tuning a' ca. 440 at 17 °C
- we presume the possibility to reach harmony with the present-day musical instruments – both string and wind ones

Other equipment:

- with regard to the determination of the instrument the swell box is strongly preferred

Specification of the Existing Organ (for the Consultation):

PLACEMENT:

The organ case made during the baroque period is placed on the first balcony on the left side of the Great Assembly Hall of the Karolinum building. The organ machine is placed separately in the side room behind the first balcony.

TECHNICAL DESCRIPTION:

The organ case is a torso of the old baroque case, it consists of the front case part of the organ case that is equipped with the original tin pipes of the organ Principal 4' in five fields, altogether 31 pipes (5 – 5 – 11 – 5 – 5). The organ case does not have the rear parts and it serves as a coulisse hiding a view of the organ machine.

The organ machine was manufactured by the Czech company Organa Kutná Hora in the year 1968 as a work with the product number (opus) 1672. The organ has two manuals, a pedalboard and 30 stops in total, out of which there are 28 speaking stops.

Both the manual machines are placed in the front part, the first manual (I.) separately standing without a case of its own (with the external dimensions ca. 330 x 247 cm), second manual (II.) is placed in the swell box (with the external dimensions being ca. 305 x 258 cm), the pedal is placed in the rear part (with the external dimensions 305 x 174 cm).

The windchest system consists of cone valve chests, the tracker is electro-pneumatic. The electric console (keyboard) dates from the year 1997 and is placed in the room behind the second balcony.

The blower is placed in the cover box, bellows and air ducts are placed under the individual windchests.

Stop list:

| | | |
|-------------------------------|---------------------------------|--|
| Main organ, C-a''', 58 keys | Swell, C-a''', 58 keys | Pedal, C-g', 32 keys |
| | | |
| Covered pommer (bombard) 16' | Holzgedackt 8' | Sub Bourdon (Subbass) 16' |
| Principal 8' | Cone Gamba 8' (Spitzgambe) | Bourdon 16' |
| Wooden flute 8' (Holzflöte) | Vox angelica 8'+4' | Italian principle 8' |
| Salicional 8' | Principal 4' | Koppel flute 8' (Koppelflöte) |
| Octave 4' | Fipple flute 4' (Schnabelflöte) | Hohl flute (Hole flute) 4' (Hohlflöte) |
| Spitzflöte 4' (pointed flute) | Rohr flute 2 2/3' (Rohrnasat) | Mixture 2 2/3', 4x |
| Gemsquinte 2 2/3' (Gemsquint) | Night horn 2' (Nachthorn) | Bassoon (Fagot) 16' |
| Feldpipe 2' (Feldflöte) | Sufflet 1' (Sifflöte) | Trumpet 8' (TRSM z I.M) |
| Mixture 1 1/3', 5-6x | Tertian 2/5'+1/3', 2x (Terzian) | Regal 4' (TRSM z II.M) |
| Harmonic trumpet 8' | Sharp (acuta) 1/3', 4x | |
| | Vox humana 8' | |
| | | |
| II/I 16', 8', 4' | II/II 16', 4' | I/P 8', II/P 8', 4' |
| | Tremolo II.man. | |

Fixed combinations: Tutti; Free combinations: A, B, C, D, E

Pistons: Reed pipes off, crescendo off, all stops off, octave couplers off

Crescendo roller, swell box pedal

Specification of the premises of the Great Hall including a panoramic video) (for the purposes of the Consultation – see the profile of the contracting authority)