

STÁTNÍ TISKÁRNA CENIN, státní podnik

Prague 1, Růžová 6, No. 943, Zip Code: 110 00, Czech Republic

Represented by: Tomáš Hebelka, MSc, Chief Executive Officer

(hereinafter referred to as the "contracting authority")

Prague, dated 5. 3. 2018

EXPLANATION OF THE TENDER DOCUMENTATION

The contracting authority of the above-threshold public contract „**CToP line for production of printing plates and film exposure**“ awarded in open procedure pursuant to Sec. 56 of the Act No. 134/2016 Coll., on Public Procurement, as amended (hereinafter referred to as the „act“), hereby **announces an explanation of the tender documentation** pursuant to Sec. 98 of the Act.

Question No. 1:

As we are a foreign contractor, we take the following paragraph into consideration:

9.1.1.2 Demonstration of fulfillment of the basic qualification by a supplier established outside the Czech Republic (foreign contractor)

The Contractor proves that he fulfills the basic eligibility conditions in relation to the Czech Republic by submitting:

- a) confirmation by the relevant Czech tax authority in relation to § 74 para. b) of the Act,
- b) a written declaration in relation to the excise duty in relation to § 74 para. b) of the Act,
- c) a written declaration of honor in relation to § 74 para. c) of the Act,
- d) confirmation of the relevant Czech District Social Security Administration in relation to Section 74, Para. d) of the Act,
- e) Extract from the Czech Business Register, or by submitting a written Declaration of honor in case it is not registered in the Commercial Register in relation to Section 74, Para. e) of the Act.

The Contractor proves that he fulfills the basic eligibility conditions in relation to the country of his registered office by submitting, in

However, the content is contradictory. As we are a foreign entity, we do not have business established in the Czech Republic, therefore no social security to be paid, taxes, VAT etc.etc. Of course we will join confirmation proving this in XXXXXXXX.

Could you confirm that this is correct and sufficient?

Answer to the question No. 1:

The contracting authority hereby states that the clause 9.1.1.2 of the tender documentation derives directly from the act, in particular the Sec. 74(1) and Sec. 75(1) of the act.

As it is correctly stated in the tender documentation a foreign supplier shall be obliged to submit particular documents in relation to the country of his registered office **as well as to the Czech Republic.**

Please find attached the contact information which might be useful for foreign entities:

- **Rejstřík trestů** (Czech Criminal Register)
Address: Soudní 1 14066 Praha 4 Czech Republic
<http://portal.justice.cz/justice2/Soud/soud.aspx?o=203&j=213&k=2027>,
Phone: +420 244 006 111,
Fax: + 420 244 006 260,
Email: rejstrik@rejtr.justice.cz
- **Finanční úřad pro Prahu 1** (Tax Authority for Prague 1)
Address: Štěpánská 28, 112 33 Praha 1
<http://urad-praha.cz/financni-urad-praha-1-uzemni-pracoviste>,
Phone: +420 224 04 3160, Mrs. Kralova,
Fax: + 420 224 043 198,
Email: podatelna2001@fs.mfcr.cz
- **Pražská správa sociálního zabezpečení, územní pracoviště pro Prahu 8** (Prague Social Security Office, local office Prague 8),
Address: Trojská 1997/13a, 182 00 Praha 8,
<http://www.cssz.cz/cz/kontakty/krajska-a-okresni-pracoviste/praha/prazska-sprava-socialniho-zabezpeceni.htm>,
Phone: +420 283 104 111,
Fax: +420 283 104 262,
Email: posta.xa@cssz.cz.

Please be aware that for the purposes of bid submitting in accordance with the provisions of Section 86 (2) of the act the supplier may substitute for the submission of qualification documents by a Declaration of honour (Annex 5 to the tender documentation) or a single European Certificate for Public Contracts pursuant to Section 87 of the act.

Then only the selected participant is obliged, in accordance with the provisions of Section 122 (3) of the act, to submit originals or officially certified copies of his qualifications before signing the contract if they have not already been submitted in the tender procedure.

Question No. 2:

For the following point 9.3

We think the extract from the register of commerce shall be sufficient.

9.3 Submitting proof of compliance with the capacity requirement through another entity

The tenderer may prove compliance with certain parts of the economic capacity, technical capacity or professional capacity requirements (except for the criterion under Section 77(1) of the Act - Commercial Register) specified by the contracting authority through other entities.

In such a case, the contractor shall submit the following documents to the contracting authority:

- a) documentary proof of compliance with the professional capacity requirement pursuant to Section 77(1) of the Act (Commercial Register) through another entity,

Answer to the question No. 2:

The contracting authority states that in case the supplier proves a compliance with the capacity requirement **through another entity** then all the documents stated in clause 9.3 of the tender documentation shall be submitted.

Please be aware that for the purposes of bid submitting in accordance with the provisions of Section 86 (2) of the act the supplier may substitute for the submission of qualification documents by a Declaration of honour (Annex 5 to the tender documentation) or a single European Certificate for Public Contracts pursuant to Section 87 of the act.

Then only the selected participant is obliged, in accordance with the provisions of Section 122 (3) of the act, to submit originals or officially certified copies of his qualifications before signing the contract if they have not already been submitted in the tender procedure.

Question No. 3:

For the following point 15.7. It is not clear what to do. On the register of commerce the shares are mentioned. Could you confirm that this is sufficient.

15.7 In line with Section 48(9) of the Act the contracting authority is obligated to expel the selected contractor if the contracting authority establishes the existence of the expulsion reasons under Section 48(7) of the Act; this means that the selected supplier which is a public limited company or a company with legal form similar to a public limited company has issued shares other than book-registered shares. A selected supplier established abroad which is a joint-stock company or has a legal form similar to a public joint-stock company, the contracting authority shall request to submit, within a reasonable time, a written Declaration of honor of which persons are owners of shares whose aggregate nominal value exceeds 10% of the subscriber's share capital management, indicating the source from which the shareholder share data is based; this application is considered as a request under Section 46 of the Act.

Answer to the question No. 3:

This phase of tender procedure shall be executed with a selected supplier only. A participant shall not be obliged to state a list of given persons within the bid.

Nevertheless as stated in the tender documentation, in case the selected supplier is established abroad and has a joint-stock company or has a legal form similar to a public joint-stock company, the **contracting authority shall request** to submit, within a reasonable time, a written Declaration of honour of which persons are owners of shares whose aggregate nominal value exceeds 10% of the subscriber's share capital management, indicating the source from which the shareholder share data is based.

In case the information of all the persons, who are owners of shares whose aggregate nominal value exceeds 10% of the subscriber's share capital management, derives from register of commerce, then this document may be stated as the source from which the shareholder share data is based, as aforementioned.

Question No. 4:

For the following the point, 16.3., not clear what to deliver. On the attached register of commerce administration, board and people having signing capability were mentioned. Can you confirm that this is the extract of the register of commerce is correct.

16.3 Where data on a real owner of the selected contractor, who is a legal person, cannot be established by the procedure pursuant to Section 122(4) of this Act, the contracting authority shall send a notice pursuant to Section 122(5) of the Act to the selected contractor to submit a copy of an entry in records similar to the records of real owners data or:

- a) to notify identification data of all persons that are its real owners, and
- b) submit documents that demonstrate the relation of all persons under paragraph a) to the contractor; such documents include, but are not limited to:
 1. a copy of an entry in the Commercial Register or other similar records,
 2. a list of shareholders,
 3. a decision made by the governing body regarding payment of a share in profit,
 4. a memorandum of association, a letter of formation or articles of association.

All documents must be submitted by the Contractor in the language required by the contracting authority pursuant to Article 18 of this TD.

Failure to present the above information or documents to prove the actual owner will constitute grounds for exclusion of the selected tenderer from their further participation

Answer to the question No. 4:

This phase of tender procedure shall be executed with a selected supplier only. A participant shall not be obliged to state real owners within the bid.

Nevertheless the real owners shall be identified by the selected supplier in accordance with the definition stated in the Sec. 4(4) of the act No. 253/2008 Coll., on selected measures against legitimization of proceeds of crime and financing of terrorism, as amended, and the supplier shall bear the responsibility for stating the correct real owners.

Further on the selected contractor shall submit documents that demonstrate the relation of such persons to the contractor. It may be a register of commerce or some other documents.



STÁTNÍ TISKÁRNA CENIN

státní podnik (23)

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Head of Procurement
on behalf of the contracting authority
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