

# STÁTNÍ TISKÁRNA CENIN, státní podnik

with its registered office at Prague 1, Růžová 6, House No. 943, Postal Code 110 00  
registered in the Commercial Register administered by the Municipal Court in Prague,  
section ALX, file 296

Represented by  
**Tomáš Hebelka, MSc,**  
Chief Executive Officer



## TENDER DOCUMENTATION

(hereinafter "TD")

for the purpose of processing tenders for supply contract to be awarded in over-threshold regime in an open procedure pursuant to Sec. 56 of Act No. 134/2016 Coll., on public procurement, as amended (hereinafter referred to as the "Act"<sup>1</sup>)

### Cutting label production line with banding

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<sup>1</sup> Please find the English version of the Act under this link: [http://www.portal-vz.cz/getmedia/ac061a0a-d8c1-4ff1-b8d2-691aa89269b1/Zakon-c-134\\_2016-Sb-o-zadavani-verejnych-zakazek.pdf](http://www.portal-vz.cz/getmedia/ac061a0a-d8c1-4ff1-b8d2-691aa89269b1/Zakon-c-134_2016-Sb-o-zadavani-verejnych-zakazek.pdf) Please note that unfortunately it is not the final version of the Act, which has been amended afterwards.

## 1. IDENTIFICATION DATA OF THE CONTRACTING AUTHORITY

<b>Contracting Authority:</b>	<b>STÁTNÍ TISKÁRNA CENIN, státní podnik</b>
Registered office:	Prague 1, Růžová 6, House No. 943, 110 00, Czech Republic
Business ID:	00001279
Statutory body:	Tomáš Hebelka, MSc, Chief Executive Officer
Contact person:	Mgr. Zuzana Šenoldová
e-mail:	<a href="mailto:senoldova.zuzana@stc.cz">senoldova.zuzana@stc.cz</a>
Data box identifier:	hqe39ah
Contracting Authority 's profile / electronic tool:	<a href="https://mfcr.ezak.cz/profile_display_53.html">https://mfcr.ezak.cz/profile_display_53.html</a>

(hereinafter the “**Contracting Authority**” or the “**Buyer**”)

### 1. COMMENCEMENT OF THE TENDER PROCEDURE

This tender procedure begins in accordance with Sec. 56 (1) of the Act upon sending of the Notice of the Tender Procedure Commencement to the Official Public Procurement Journal in accordance with the Sec. 212 of the Act.

### 2. SUBJECT OF THE PUBLIC PROCUREMENT

**2.1.** The subject matter of this public contract is the Contractor's obligation to supply **1 piece of a Cutting label production line with banding**, including all other related accessories and equipment, manufactured under applicable EU directives and regulations related to the subject of the Draft Purchase Contract and in line with the technical specifications attached to Draft Purchase Contract as Annex No. 1, which is an integral part of the Draft Purchase Contract (hereafter referred to as the "Device").

**2.2.** The subject of this public contract includes the:

- a) transportation and moving of the Device to the determined Buyer's facility and place of installation, including liability insurance which provides cover for damage to the device, with a compensation limit as determined in the tender documentation for the Tender Procedure, DAP Praha (Incoterms® 2020),
- b) installation and commissioning of the Device, including 30 calendar days of its trial operation,
- c) training of specified Buyer's employees in the Device operation and maintenance for at least 5 persons (hereinafter referred to as the "operator training"), conducted at the Buyer's facility for a minimum of 5 business days (8 hours per day, 60 minutes per hour),
- d) handover of certificates and documents relating to the use of the Device, as specified in **Annex No. 2** which is an integral part of the Draft Purchase Contract (in particular, operating and maintenance instructions, technical documentation in the Czech language).

**2.3.** The subject of this public contract also includes the handover of a list of all installed

computers, including the basic parameters, and software, which is part of the delivery hereunder, including identification numbers and software license numbers. The above list must contain a specific information whether the OEM (Original Equipment Manufacturer) version is used or not. If this SW identification is missing, it is understood that this is not an OEM version.

- 2.4. At the same time, the Contractor shall grant the Buyer an unlimited, non-exclusive, and transferable for any resale of the Device, right to use the computer programmes specified in the subject of this Contract in the scope and for the purpose specified herein (manufacture of travel documents, i.e. laser, ink and electronic personalisation of the pages of travel documents). The Buyer is entitled to use all supplied software products provided that the Seller's copyrights are respected. However, the Buyer is not entitled to interfere with and modify the functions of the computer programmes in any way.
- 2.5. A detailed technical specification outlined by the Contracting Authority and further definition of the subject of performance of this public contract is provided in Annex 1 hereof and is binding for Contractors in a full extent.
- 2.6. In accordance with the Sec. 36 (4) of the Act the Contracting Authority states that no part of the tender documentation has been drafted by a person other than the Contracting Authority.

### 3. CLASSIFICATION OF THE SUBJECT OF THE PUBLIC CONTRACT

CPV code	Subject of the public contract
42800000-4	Machinery for paper or paperboard production

### 4. ESTIMATED VALUE OF THE PUBLIC CONTRACT

The estimated value of this public contract is **11 000 000 CZK excluding VAT**.

### 5. REQUIREMENTS FOR VARIANT SOLUTIONS

The Contracting Authority does not permit variants pursuant to Sec. 102 (1) of the Act.

### 6. REQUIREMENTS FOR THE SINGLE FORM OF PRESENTING THE TENDER PRICE

- 6.1. In its tender, the tender participant (hereinafter referred to as the "participant") shall determine the tender price in its tender in EUR excl. VAT, specifically **in Art. V (2) of the Draft Purchase Contract (Annex 1 to this TD)**, in the structure required in the draft contract (commonly hereinafter referred to as the "**Total Tender price**").
- 6.2. The tender price shall be specified as the maximum acceptable price, including any and all costs to be incurred by the Contractor in association with performance of the subject of the public contract (and customs duties as long as the subject of performance is liable to customs duty in the Czech Republic).
- 6.3. The Contracting Authority requests that the participants would round their tender price to max. two decimal places.
- 6.4. The participant is not entitled to make the offered tender price conditional to an additional condition.

- 6.5. The tender price, or any portion thereof, indicated in the tender as provided for under the present TD, shall be a positive number; the Contracting Authority does not permit a zero price.
- 6.6. The participant is responsible for the correctness of the VAT rate and size determination, as well as any other fees and taxes, in accordance with regulations in force.
- 6.7. The participant shall fill the tender price in the relevant part of the Draft Contracts (Annex 1 to this TD).

## 7. PLACE OF PERFORMANCE OF THE PUBLIC CONTRACT

The place of performance is at the following address: **Production plant III - Na Vápence 14, 130 00 Prague 3, Czech Republic.**

## 8. PERIOD OF PERFORMANCE OF THE PUBLIC CONTRACT

- 8.1. Estimated time frame for Draft Contracts conclusion: **without any undue delay after selection of the Contractor, preliminary in December 2020**
- 8.2. Period of Performance:

**Delivery of Device: within 24 weeks of the effective date of the Purchase Contract (binding delivery terms are determined in Art. IV of the Draft Purchase Contract).**

## 9. QUALIFICATION REQUIREMENTS

### 9.1. Compliance with the qualification requirements

- a) The Contractor is required to prove its qualifications at the latest by the tender submission deadline.
- b) The qualification requirements are deemed to be met by a Contractor that demonstrates compliance with:
- the basic capacity within the meaning of Sec. 74 and Sec. 75 of the Act,
  - the professional capacity according to Sec. 77 of the Act,
  - the technical qualification requirement according to Sec. 79 of the Act.

**In accordance with the provision of Sec. 86(2) of the Act, for purpose of tender submitting, the Contractor may substitute the submission of the documents regarding the basic capacity in pursuant to Sec. 74 of the Act with a statutory declaration. The Contractor may use the sample affidavit stated in Annex 3 to this TD (Affidavit on compliance with the basic capacity).**

**The Contractor is required to submit documents regarding the professional capacity pursuant to Sec. 77 of the Act and the technical qualification pursuant to Sec. 79 of the Act in compliance with the requirements stated in this TD.**

Pursuant to the provisions of Sec. 87 of the Act the Contractor may also prove compliance with the qualification requirements by submission of the unified European certificate of compliance for public procurement purposes.

Pursuant to the provision of Sec. 122 (3) of the Act, the selected Contractor (i.e. the winner) shall submit the electronic originals or electronic notarised copies of the documents prior to signing the contract, unless they have been submitted in the tender procedure.

The means of proof for basic capacity pursuant to Sec. 74 of the Act and professional capacity pursuant to Sec. 77 (1) of the Act must show compliance with the required qualification criterion at the latest 3 months BEFORE THE DATE THE TENDER PROCEDURE IS COMMENCED.

## 9.2. Basic Capacity

9.2.1. A Contractor shall not be considered qualified if:

- a) **In the country of their registered seat**, they have been convicted of the criminal offence specified in Annex 3 to the Act or an equivalent criminal offence under the legal system of the country of their registered seat during the last 5 years before the date on which the tender is commenced; any quashed convictions shall be disregarded; for legal entities, this requirement shall be met by both the legal entity and each and every member of the statutory body. If a member of the statutory body of the Contractor is a legal entity, then the legal entity and each member of its statutory body, including the person representing the legal entity in the statutory body of the Contractor, must comply with this requirement.

Where the tender or request for participation is being submitted by a branch of a foreign legal entity, then the legal entity and the manager of the branch of the foreign legal entity must also comply with this requirement.

If the tender or request for participation is being submitted by a branch of a Czech legal entity, then in addition to the aforementioned statutory bodies, the manager of the Czech branch must also comply with this requirement.

- b) The Contractor owes any due unpaid tax arrears either **in the Czech Republic or in the country of the Contractor's seat**,
- c) The Contractor owes any unpaid arrears for public health insurance premiums or penalties **either in the Czech Republic or in the country of the Contractor's seat**,
- d) The Contractor owes any unpaid arrears for premiums or penalties for social security and contributions to state employment policy **either in the Czech Republic or in the country of the Contractor's seat**,

- e) The Contractor is in liquidation, and decision has been issued declaring the Contractor to be insolvent, forced administration has been imposed on the Contractor pursuant to different legislation or in a similar situation **under the laws of the country of the Contractor's registered seat.**

**9.2.2. Proof of fulfilment of the basic capacity by a Contractor with its seat in the Czech Republic**

The Contractor shall demonstrate compliance with the basic capacity **in relation to the Czech Republic** as the country of their registered office by submitting:

- a) an extract from the Criminal Register regarding the 9.2.1 (a) of this TD,
- b) a certificate issued by the competent tax authority regarding the 9.2.1 (b) of this TD,
- c) a written sworn statement on excise tax regarding the 9.2.1 (b) of this TD,
- d) a written sworn statement regarding the 9.2.1 (c) of this TD,
- e) a certificate issued by the applicable regional Social Security office regarding the 9.2.1 (d) of this TD,
- f) an excerpt from the Commercial Registry or a written sworn statement providing that the participant is not recorded in the registry, regarding the 9.2.1 (e) of this TD.

**9.2.3. Proof of fulfilment of the basic capacity by a Contractor with its seat outside of the Czech Republic (foreign Contractor)**

The Contractor shall demonstrate compliance with basic capacity **in relation to the Czech Republic** by submitting:

- a) a certificate issued by the competent Czech tax authority regarding the 9.2.1 (b) of this TD,
- b) a written sworn statement on excise regarding the 9.2.1 (b) of this TD,
- c) a written sworn statement regarding the 9.2.1 (c) of this TD,
- d) certificate issued by the applicable Czech Social Security Administration regarding the 9.2.1 (d) of this TD.

The Contractor shall prove fulfilment of the conditions for capacity **in relation to the country of the Contractor's registered seat** by submitting, in accordance with:

- a) the 9.2.1 (a) of this TD,
- b) the 9.2.1 (b) of this TD,
- c) the 9.2.1 (c) of this TD;
- d) the 9.2.1 (d) of this TD,
- e) the 9.2.1 (e) of this TD; whereas

the Contractor shall be required to prove basic capacity requirements **in relation to the country of the Contractor's registered seat** in

accordance with the Sec. 81 of the Act by submitting documents issued in accordance with the laws of the country where they were obtained, to the extent required by the Contracting Authority.

If the required document is not issued under the applicable law of said country, then in accordance with the provisions of Sec. 45 (3) of the Act it may be substituted by **a written affidavit**.

The Contractor shall provide all documents in required language stated in **Art.16.2 of this TD**.

### **9.3. Professional capacity**

Compliance with the professional capacity pursuant to the provision of Sec. 77 (1) of the Act shall be proved by the Contractor submitting **a copy of an excerpt from the Commercial Register** or similar records, if registration in such records is required by a different legal regulation.

### **9.4. Technical qualification**

In accordance with the provision under Sec. 79 (2) (b) of the Act, the Contractor shall submit **a list of minimum 4 major supplies** completed by the Contractor during the **last 3 years before the commencement of the procurement procedure**, including the prices and periods of performance of the services and the client's identification data.

- **As a major supply, the Contracting Authority considers such a supply whose subject matter is similar to the subject matter of this public contract, that means a delivery of a cutting label production line with banding.**

The list of major supplies submitted by the Contractor shall contain data relevant for proving the required qualification fulfilment, at least the following details:

- a) name of the contractor who provided the performance,
- b) name of the client the contract was performed for,
- c) period of performance,
- d) scope of performance,
- e) financial volume for the performance,
- f) client's contact person with whom the information may be verified (name, business telephone number and email, in compliance with the applicable personal data protection laws in the country of the Contractor).

The Contractor is entitled to use a pattern attached in Annex 4 hereof for proving fulfilment of the technical qualification.

### **9.5. Demonstrating qualification requirements obtained abroad**

**Where the required qualification both of a Contractor with a registered seat in the Czech Republic and of a foreign Contractor has been obtained abroad, the compliance with Sec. 81 of the Act shall be demonstrated by submitting the documents issued under the legal system of the country where it was obtained, in the scope required by the Contracting Authority .**

If the required document is not issued under the applicable law of said country, then in accordance with the provisions of Sec. 45 (3) of the Act it may be substituted by a **written affidavit**. This applies if the required document does not have its equivalent in the jurisdiction where the qualification was obtained (i.e. the required document does not exist in the foreign legislative system) and also if the foreign legislation does not require compliance which the Contracting Authority requires to be proved by the respective document submission. In the latter case the Contractor provides an affidavit stating non-existence of the obligation, compliance with which the Contracting Authority requires to be proved.

#### **9.6. Submitting proof of compliance with the qualification requirement through another entity**

If the Contractor is unable to prove compliance with a certain part of the qualification requirements in the full scope it may provide the missing proof by means of another entity.

In such a case, the Contractor shall submit the following documents to the Contracting Authority:

- a) documentary proof of compliance with the professional capacity pursuant to Sec. 77 (1) of the Act (Commercial Register) through another entity,
- b) documents proving compliance with the missing part of the qualification requirements through another entity,
- c) documentary proof of compliance by (that) other entity with the full capacity pursuant to Sec. 74 (1) of the Act,
- d) written undertaking by the other entity to provide the services and supplies required for the performance of the public contract or to provide any items or rights at the disposal of the Contractor when the latter performs the contract, at least within the scope the other entity has proved compliance with the qualification requirements on behalf of the Contractor.

It is presumed that the requirement set out in paragraph (d) above is met if the written commitment of another person contains joint and several liability of such person and the Contractor for the performance of the public contract. Where, however, the Contractor proves qualification through the other person and submits documents pursuant to Sec. 79 (2) (a) (b) or (d) (*if required*) relating to such person, the document under paragraph (d) above shall contain a commitment that the other person shall carry out the works or services to which the qualification criterion in question relates.

#### **9.7. Proving compliance with the qualification requirements for joint tenders**

Where the subject of the public contract is to be performed by several Contractors acting in concert pursuant to Sec. 82 of the Act, and the Contractors submit or wish to submit a joint tender to that end, each of them shall prove compliance with the basic capacity in accordance with Sec. 74 (1) of the Act and with the professional capacity in accordance with Sec. 77 (1) of the Act (i.e. extract from the Commercial Register, if the applicable foreign legislation so requires), separately and in full.

Where the subject of the public contract is to be performed by several Contractors

acting in concert pursuant to Sec. 82 of the Act, they shall submit to the Contracting Authority, along with the means of proof showing their compliance with the qualification requirements, an agreement containing the undertaking of all of the Contractors to be jointly and severally liable to the Contracting Authority and to third parties in respect of any legal relationships in connection with the contract during the entire term of performance thereof, as well as throughout the existence of any other obligations ensuing from the public contract.

#### **9.8. Requirement to specify subcontractors**

In accordance with the provision of Sec. 105 (1) of the Act, the Contracting Authority demands that the participants specify in their tenders any parts of the public contract they intend to assign to one or more subcontractors.

In their tender, the participant shall present a list of subcontractors along with information on the parts of this public contract that will be implemented by each of the subcontractors, specifying the type of supplies, services or construction works and the share (%) of such supplies, services and works in the financial amount dedicated to the public contract (Annex 5 to this TD). In case the Contractor replaces a subcontractor originally specified in the tender during the performance of the contract, the replacement shall be subject to approval by the Contracting Authority.

If the participant does not want to subcontract any part of the public procurement project, they are liable to submit an affidavit stating this as part of their tender (Annex 5 to this TD).

#### **9.9. Each participant may submit one tender under the tender procedure only.**

A Contractor that submits their tender in the tender procedure shall not, at the same time, be an entity through which another Contractor proves its qualification under the same part of the tender procedure.

The Contracting Authority shall exclude a participant who has submitted several tenders either separately or jointly with other participants or has submitted a tender and at the same is used as an entity through which another participant proves their qualification under the same part of the tender procedure.

### **10. EVALUATION CRITERIA, METHOD OF EVALUATION**

#### **10.1. Evaluation Criteria**

In accordance with Sec. 114 (1) of the Act, the basic evaluation criterion for the award of this public contract is the economic advantageousness of the tender.

**10.2.** The Contracting Authority sets out the following evaluation criterion based on which the economic advantageousness of tenders will be assessed:

Name of the Evaluation criterion		Weight in %
A	Total Tender price in EUR excl. VAT	100 %

### 10.3. Method of evaluation

The tenders shall be ordered depending on their Total Tender Price in EUR excl. VAT. The most successful tender shall be the one with the lowest Total Tender Price.

The contractor is not entitled to set further conditions regarding the proposed values (data) that are subject to evaluation. If additional conditions are set or several different alternatives are used for the values that are subject to evaluation, this may be a reason for exclusion the relevant tender and the contractor from the award procedure. A similar procedure will be applied by the Contracting Authority if any value that is subject to evaluation is specified in a different quantity or form than as required by the Contracting Authority.

## 11. GENERAL BUSINESS CONDITIONS AND TERMS OF PAYMENT

- 11.1. The payment and business terms and conditions are specified in the binding Draft Purchase Contract (Annex 1 to the TD)
- 11.2. The Draft Contracts is binding upon the participant. The participant is only allowed to complete the Draft Contracts with information marked as incomplete  or amend data where it explicitly required.
- 11.3. The participant shall submit the Draft Contract as a part of its tender in a simple copy including the Annexes.
- 11.4. In case of a joint tender, all participants shall be stated in the Draft Contract.

## 12. PUBLICATION OF THE TD

Pursuant to Sec. 96 (1) of the Act, the Contracting Authority shall publish the full TD, as well as any potential clarification thereof, amendments and additional information, at its Contracting Authority profile / electronic instrument [https://mfcr.ezak.cz/profile\\_display\\_53.html](https://mfcr.ezak.cz/profile_display_53.html).

## 13. REQUEST FOR CLARIFICATION OF THE TENDER DOCUMENTATION, COMMUNICATION IN THE COURSE OF THE TENDER PROCEEDING

- 13.1. Pursuant to Sec. 98 (3) of the Act, the Contractor is entitled to request from the Contracting Authority clarification hereof via the data box of the Contracting Authority, electronically by e-mail to: [senoldova.zuzana@stc.cz](mailto:senoldova.zuzana@stc.cz) or via electronic instrument.
- 13.2. The Contracting Authority shall publish the written clarification hereof including the accurate wording of the inquiry without the inquiring Contractor's identification but with potential related documents within 3 business days from receipt of the Contractor's inquiry, at the Contracting Authority's profile / electronic instrument.
- 13.3. The Contracting Authority may also provide written clarification of this TD to the participants without a prior request.

- 13.4. To comply with the principle of equal treatment of all participants, the potential clarifications, amendments or additional information to the tender documentation may not be provided by phone. **The Contractor is therefore recommended to periodically monitor the Contracting Authority 's profile / electronic instrument [https://mfcr.ezak.cz/profile\\_display\\_53.html](https://mfcr.ezak.cz/profile_display_53.html).**
- 13.5. The Contracting Authority hereby emphasises that in compliance with Sec. 4 (1) of the Decree No. 260/2016 Coll., on specification of more detailed conditions concerning electronic instruments, electronic acts in public procurement processes and conformity certification, in communication by means of an **electronic instrument** a document shall be deemed delivered **already at the moment of receipt of the data message at the electronic address of the data message addressee in the electronic instrument.**
- 13.6. The Contracting Authority further emphasises that in compliance with Sec. 211 (6) of the Act, in communication by means of a **data box** a document shall be deemed **delivered at the moment of its delivery to the data box of the addressee.**

#### 14. OTHER TENDER CONDITIONS OF THE CONTRACTING AUTHORITY

14.1. This TD is binding for Contractors.

##### 14.2. Description of technical solution, technical documentation

In accordance with the Sec. 37(1)(b) of the Act the Contracting Authority requires the participant's tender to include the **machine layout and footprint** and the **technical machine description** regarding the offered technical solution, which shall be in accordance with all requirements of the Contracting Authority in this public contract, as a part of determined technical conditions of participation.

**Documents submitted in accordance with this subparagraph hereof shall create a part of Annex 1b of the Draft Purchase Contract.**

##### 14.3. Register of VAT Payers

In the tender, the participant **who is a domestic VAT payer (in the Czech Republic)** shall include an extract from the Register of VAT Payers - the participant (this applies to domestic VAT payers only) is required to provide the number of their bank account maintained by a payment service provider and submit proof that they have not been identified as an unreliable VAT payer pursuant to Section 106a of the Act No. 235/2004 Coll. on value added tax, as amended. The participant shall document the aforementioned information by an extract/printscreens from the database published by the tax administrator in a manner that allows remote access, the so-called "Register of VAT Payers".

The participant, **who is not a domestic VAT payer (in the Czech Republic)**, shall include in the tender a plain copy of a written affidavit on a bank account and a written affidavit in a plain copy stating that the participant is a reliable VAT payer analogically to Section 106a of the Act No. 235/2004 Coll., on value added tax, as amended. The participant shall use the sample solemn declaration provided in Annex 6 to this TD.

#### 14.4. Legal form

In accordance with Sec. 48(9) of the Act, the Contracting Authority is required to exclude the participant from the tender procedure if the Contracting Authority finds out that the exclusion conditions as defined under Sec. 48(7) of the Act apply to the participant, **i.e. the selected participant is a joint stock company or has a legal form similar to that of a joint stock company and has not issued book-entered shares only.**

### 15. CONDITIONS FOR CONTRACT CONCLUSION (*applies for the winner of the procedure*)

#### 15.1. Test of samples

In accordance with Sec. 104 (b) of the Act, before signing the contract, the Contracting Authority requests from the selected supplier successful test result of the samples, i.e. the device testing as a condition for contract conclusion. Further details regarding the scope of requirements (hereinafter „device testing“) are stated in Annex 7 hereof.

If the device testing does not meet the requirements of the Contracting Authority, then the selected supplier shall be excluded from the tender in compliance with Sec. 122 (7) of the Act.

#### 15.2. Actual Owners

If details regarding the actual owner of a selected Contractor (i.e. the winner) who is a legal entity cannot be determined in the manner according to Sec. 122(4) of the Act, the Contracting Authority in the demand according to the provisions of Sec. 122(5) of the Act shall call upon the selected Contractor to submit an excerpt from records or similar records with details about the actual owners, or:

- a) For revelation of identification details of all persons who are the actual owners, and
- b) For submission of documents showing the relationship of all the persons under (a) to the Contractor; these documents include, but are not limited to:
  1. extract from the Commercial Register or an equivalent register,
  2. list of shareholders,
  3. decisions of the statutory body regarding the payment of a share of the profit,
  4. memorandum of association, deed of foundation or articles of association.

Any and all documents shall be submitted by the Contractor in the language required by the Contracting Authority in this TD.

#### 15.3. Originals or certified copies of the documents submitted as proof of compliance with the qualification requirements

In accordance with the provision of Sec. 122(3)(a) of the Act, the selected Contractor shall, prior to entering into the contract, submit the originals or certified copies of the documents they submitted as proof of compliance with the

qualification requirements unless the same have already been submitted as part of their tender.

**In compliance with regulation stated in the Sec. 211 of the Act, the selected supplier shall submit qualification documents which have been either issued as electronic originals, or they have to be converted from paper originals to electronic originals by a state authority, i.e. no scanned copies are unfortunately allowed.**

**Regarding obtaining individual documents to prove fulfilment of basic capacity, find further information in Annex 8 hereof.**

#### **15.4. Insurance Contract**

In accordance with Sec. 104 (a) of the Act, before signing the Draft Contracts, the selected Contractor (i.e. the winner) is required to submit a plain copy of insurance contracts with the subject of third-party damage liability insurance of the Contractor with the minimum in the amount of the value of the subject of performance of the contract (i.e the purchase price according to Article V paragraph 2 of the draft the Purchase Contract). An equivalent document for proof of this requirement is also a simple copy of the insurance certificates or a simple copy of the confirmation of insurance contracts issued by the insurer.

#### **15.5. Bank account**

In accordance with Section 104(e) of the Act, before signing the contract, the selected Contractor is required to submit a plain copy of a confirmation of the bank that the bank account stated by the selected Contractor belongs to the selected Contractor.

### **16. TENDER SUBMISSION CONDITIONS**

**16.1.** The Contracting Authority does not require the participant to ensure that all the documents or declarations have been signed by the statutory body of the participant or person authorised to act on behalf of or for the participant. The participant by submission of the tender through an electronic instrument confirms that the tender has been submitted by the person authorised to undertake such acts and by submission of the tender the participant at the same time also agrees with the tender conditions stipulated by the Contracting Authority and the law.

**16.2.** The tender shall be submitted in the **Czech or English language, or its combination.** Should any part of the tender be in a language other than the Czech or English, it must be translated (plain translation) into the Czech or English language. Documents in Slovak and proof of completed education in Latin shall be submitted by the Contractor without a translation into the Czech or English language.

**16.3.** Each tender submitted must contain all the documents required by the Act and the Contracting Authority, including required proofs and information.

### **17. FORMAL REQUIREMENTS FOR PROCESSING OF THE TENDER, SUBMISSION OF THE TENDER**

**17.1.** The deadline for the tender submission shall end **on 9. 12. 2020 at 9:00 AM.**

**17.2.** The Contractor shall prepare the tender **in electronic form.**

**17.3. Submitting tenders in electronic form:**

- The tender shall be submitted through the E-ZAK electronic instrument available at: [https://mfcr.ezak.cz/profile\\_display\\_53.html](https://mfcr.ezak.cz/profile_display_53.html).
- All parts of the tender must be legible. No part of the tender may contain crossed-out words or transcriptions which could be misleading for the Contracting Authority.
- **In order to submit the tender, the applicant must register in the electronic instrument (respectively its connected supplier databases “CDD” or “FEN”).**
- **Further details for registration in FEN and verifying identity is available at:** <https://sites.google.com/fen.cz/napovedafen/> **English version:** <https://sites.google.com/fen.cz/napovedafen-en>

**Before you start the registration process, please make sure you have:**

- a document proving the subjectivity of the organization (e.g. an extract from the business register, certificate of incorporation or another similar document),
- a power of attorney to act on behalf of the organization (if you are a statutory representative, you do not need a power of attorney); you can find a template of the document here, but it is also possible to use your own,
- an electronic signature based on a qualified certificate (for the electronic method of contractor verification).

If the supplier does not dispose of corresponding quality of electronic signature as required during the process of verification the identity, there is **another off-line option** which includes downloading of the document which must signed in paper version and sent along required documents stated above via post. Please follow the given manuals, where everything is described.

- **The process of registration including identity verification may take up to several days.**
- The PC system requirements necessary for proper tender submission are available at: <http://www.ezak.cz/faq/pozadavky-na-system>.
- You may test your browser and system using the following link: [https://mfcr.ezak.cz/test\\_index.html](https://mfcr.ezak.cz/test_index.html).
- Detailed instructions on how to use the electronic instrument are available in the “user’s manual” available at: <https://mfcr.ezak.cz/manual.html>.

**17.4.** The Contracting Authority recommends using the following order:

- Content of the tender
- Tender cover sheet (Annex 2 to this TD)
- Draft Purchase Contract including Annexes (Annex 1 to this TD)

- Document proving the fulfilment of the qualification requirements, arranged in the following order (Annex No. 3 to this TD):
  - basic capacity,
  - professional capacity,
  - technical qualification.
- List of subcontractors (Annex No. 5 to this TD)
- Extract from the Register of VAT Payers or an affidavit (Annex No. 6 to this TD) pursuant to Art. 14.3 of this TD

**17.5.** Where the Contracting Authority demands, under this TD, the submission of documents that must also be submitted as part of the draft contract, it is enough for the participant to submit a single copy of such documents as part of their tender.

**17.6.** The participant is exclusively responsible for the completeness of the submitted tender – the list of documents contained in this article of the TD is for reference only and is intended to help the participant to compile the tender – if the list fails to indicate a document, whose inclusion in the tender would otherwise result from the tender documentation or from the law, the participant will not be relieved from the responsibility for the incompleteness of the submitted tender by simply pointing out the incomplete list of documents.

## **18. OPENING OF TENDERS IN ELECTRONIC FORMAT**

The electronic tender opening process is a non-public event. The Contracting Authority shall provide an anonymized list of delivered tenders upon the written request **of the participant of this tender procedure (i.e. form an entity who submitted a tender in this procedure).**

## **19. OTHER PROVISIONS**

**19.1.** The Contracting Authority shall not reimburse the participants for any costs incurred in connection with their participation in the tender.

**19.2.** After conclusion of the contracts with the selected Contractor, the Contracting Authority shall, pursuant to the relevant provisions of Sec. 219 of the Act, publish the wording of the contracts with the selected Contractor, including any amendments and schedules thereto, on the Contracting Authority 's profile and in the Register of Contracts.

**19.3.** By submission of the tender, the participant acknowledges that the Contracting Authority, as the obligated entity under Act No. 340/2015 Coll., on the special conditions for the effectiveness of certain contracts, publishing of such contracts and on the register of contracts (Act on Register of Contracts), is obligated after conclusion of the contract with a selected Contractor to publish this contract in the Register of Contracts. Publication of the contract in the Register of Contracts is an obligatory condition for the contract effectiveness. The Contracting Authority warns that some rights and obligations under the contract, respectively, related periods, may be tied to such publication.

**19.4.** The Contracting Authority reserves the right to verify or obtain clarification for any information provided by the participants in their tenders before making the final decision on the selection of the best tender.

**19.5.** The tenders or individual parts of the tenders submitted by the participants or excluded participants shall not be returned.

**20. ANNEXES**

- Annex 1 – Draft Purchase Contract
- Annex 2 – Tender Cover Sheet
- Annex 3 – Affidavit on compliance with the Basic Capacity
- Annex 4 – List of Major Supplies
- Annex 5 – List of Subcontractors
- Annex 6 – Affidavit on the Bank Account
- Annex 7 – Device testing
- Annex 8 – Manual for obtaining documents regarding Basic Capacity

Prague, dated \_\_\_\_\_

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**Tomáš Hebelka, MSc**  
Chief executive officer  
on behalf of the Contracting Authority  
STÁTNÍ TISKÁRNA CENIN, státní podnik