

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 supplies public contract to be awarded in
over-threshold regime in an open procedure pursuant to Section 56 of Act No.
134/2016 Coll., on public procurement, as amended (hereinafter referred to as the
"Act"¹)

Production and Supply of 50% Cotton Universal Security Paper

¹ Please find the English version of the Act under this link: https://portal-vz.cz/wp-content/uploads/2019/06/Zakon-c-134_2016-Sb-o-zadavani-verejnych-zakazek-EN.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

Contracting Authority:	STÁTNÍ TISKÁRNA CENIN, státní podnik
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:	Monika Řeháčková
E-mail:	rehackova.monika@stc.cz
Data box identifier:	hqe39ah
Contracting Authority's profile / electronic tool:	https://mfcr.ezak.cz/profile_display_53.html

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

2. COMMENCEMENT OF THE TENDER PROCEDURE

This tender procedure begins in accordance with Section 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.

3. SUBJECT OF THE PUBLIC PROCUREMENT

3.1. The subject matter of the public contract is the undertaking of the Contractor to supply the actually required **50% Cotton Security Paper** (hereinafter referred to as the “Goods”) in compliance with the technical specifications stated in the tender conditions of the tender procedure and in Annex 1 to the Draft Framework Agreement (annex 1 hereof), and further, to allow the Contracting Authority to assume property title to the supplied Goods.

3.2. The design with exclusive watermark authored by the Contracting Authority shall be provided by the Contracting Authority to the Contractor within 15 calendar days after signature of the Draft Framework Agreement.

3.3. Further definition of the subject of performance of this public contract is provided especially in Annex 1 hereof.

3.4. 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.

3.5. Classification of the subject of the public contract

CPV code	Subject of the public contract
30197630-1	Printing paper
22450000-9	Securities

4. ESTIMATED VALUE OF THE PUBLIC CONTRACT

The estimated value of this public contract is **EUR 150 000 excluding VAT**.

In accordance with Sec. II (5) of Draft Framework Agreement the Client may invite the Contractor to provide performance in accordance with the Draft Framework Agreement up to a maximum financial amount of **EUR 150 000 excluding VAT** for the entire duration of the Draft Framework Agreement.

5. REQUIREMENTS FOR VARIANT SOLUTIONS

The Contracting Authority does not permit variants pursuant to Section 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” or the “Contractor”) shall determine the tender price in its bid in EUR excl. VAT, specifically **in Annex No. 2 of the Draft Framework Agreement**. The participant shall determine a detailed structure of the tender price as required in Draft Framework Agreement.

(hereinafter referred to as the “**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.

6.3. The Contracting Authority requests that the participants would stipulate their tender prices with accuracy of 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; if the participant states a zero price for any of the items in its tender, this item shall be considered as offering for free.

6.6. The participant is responsible for the correctness of a prospective VAT rate and size determination, as well as any other fees and taxes, in accordance with regulations in force.

7. PLACE OF PERFORMANCE OF THE PUBLIC CONTRACT

The place of performance is at the following address: **Production plant I, Růžová 6, House No. 943, 110 00 Prague 1, Czech Republic.**

8. PERIOD OF PERFORMANCE OF THE PUBLIC CONTRACT

8.1. Estimated time frame for contract conclusion: **without any undue delay after selection of the Contractor, preliminary in April 2021.**

8.2. Period of performance of the public contract:

- **binding time limits are determined in Art. IV of the Draft Framework Agreement**

- term of the Draft Framework Agreement is determined in Art. XIII of the Draft Framework Agreement: for a period of 4 years from the date of its entry into force, or until the maximum financial limit agreed in Article II Paragraph 5 of the Draft Framework Agreement has been exhausted, whichever is the earlier

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 Section 74 and Section 75 of the Act,
 - the professional capacity according to Section 77 of the Act.,
 - the technical qualification requirement according to Section 79 of the Act.

In accordance with the provision of Section 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 3a 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 Section 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 Section 122(3) of the Act, the selected Contractor (i.e. the winner of the tender procedure) 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 Section 74 of the Act and professional capacity pursuant to Section 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 Section 45 (3) of the Act it may be substituted by **a written affidavit**.

9.3. Professional Qualification

9.3.1. Compliance with the professional qualification requirement as per the provision of **Section 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

9.4.1. In accordance with the provision under Section 79(2)(b) of the Act, the Contractor shall submit **one major supply** 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 supplies 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 50% cotton universal security paper similar to the one that the Contracting Authority specifies in Annex 1 to this Draft Framework Agreement, in the minimum amount of 10 000 kg to one client.**
- For the avoidance of any doubt, the Contracting Authority states that for meeting the minimum technical qualification, it is important that the requested amount as mentioned above within one major supply was provided to one client under a single contract.
- This specification is in accordance with the Section 79(3) of the Act, the second sentence, since it is a regular contract and thus the scope of the contract implemented in the course of the period set out in paragraphs 9.4.1 shall be considered decisive for the purpose of proving technical qualification.

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

- a) name of the contractor who provided the performance (could be the Participant or a Subcontractor),
- b) name of the client the contract was performed for,
- c) period of performance (in details of months),
- d) scope of performance,
- e) financial volume (sum) 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 3b hereof for proving fulfilment of the technical qualification.

9.4.2. In accordance with the provision under Section 79(2)(e) of the Act, the Contractor shall submit a description of technical facilities as follows:

- **The Contractor shall prove, that it has implemented security processes in place to ensure the production security integrity (transport incl.) in the minimal level of the "ISO 14298 Management of security printing processes" or "CWA 15374 Security management system for suppliers to the security printing industry", respectively all the following requirements, whereas all the requirements stated below arise from requirements of ISO 14298 and CWA 15374 and shall be interpreted in the meaning of ISO 14298 and CWA 15374:**

No	Requirements	Further description on manner of fulfilling the requirement
01	A security policy has to be implemented	<u>Minimum level to fulfil the requirement:</u> The document "Security Policy" must be adopted

No	Requirements	Further description on manner of fulfilling the requirement
		<p>and issued by the company's management, the document must meet:</p> <ol style="list-style-type: none"> (1) the requirements of ISO 27001, or (2) reasonably, Annex No. 5 to Decree No. 82/2018 Coll. On security measures, cyber security incidents, reactive measures, requirements for filing in the field of cyber security and data disposal (Decree on Cyber Security), or (3) it must contain at least the following structure: <ul style="list-style-type: none"> • Objectives • Priority, • Security commitments
02	The subcontractors, who are participating in the order for STC, have to be security checked	<p>Minimum level to fulfil the requirement: There must be records of security checks at other subcontractors, who are participating in the supply of services to the participant under this contract. Security checks at subcontractors must be performed at least within the scope of this document. If the participant does not have a subcontractor under the contract, this point is not audited.</p>
03	A system of concluding of confidentiality agreement with the subcontractors must be adopted	<p>Minimum level to fulfil the requirement: A non-disclosure agreement (NDA) must be accepted and signed between the participant and other suppliers involved in the order for STC, which must include at least the following parts:</p> <ul style="list-style-type: none"> • Names of parties to the contract, • Definition of what constitutes confidential information, • Prohibiting any exclusion from confidentiality, • A statement of the appropriate use of the information to be disclosed, • Relevant time period, • Fines and sanctions in the appropriate amount
04	The security requirements between STC and the supplier have to be set up and documented	<p>Minimum level to fulfil the requirement: The supplier must have set up and documented safety procedures and rules for the production and delivery of services or products for STC. The whole process from the purchase of raw materials / semi-finished products, the production cycle until the dispatch and transport of the products to the customer must be described. The document must include records of materials during the production cycle and the method of disposal of non-conforming production.</p>
05	Regular internal security audits have to be performed	<p>Minimum level to fulfil the requirement: The participant implements and records regular internal security audits of its own procedures and rules (at least once a year).</p>

No	Requirements	Further description on manner of fulfilling the requirement
06	Risk assessment and risk management documents have to be implemented and updated	<p>Minimum level to fulfil the requirement: A risk analysis is prepared and regularly updated (at least once a year).</p> <p>The document must meet:</p> <p>(1) Requirements according to ISO 27001, or</p> <p>(2) must contain at least the following parts:</p> <ul style="list-style-type: none"> • risk identification • risk analysis • risk evaluation • risk mitigation • risk management (resp. its mitigation) • risk monitoring and review
07	Continuous supply of products and services has to be ensured	<p>Minimum level to fulfil the requirement: There is a functional and up-to-date Business Continuity Plan to ensure maximum protection in order to ensure the operation of the company and its operation in situations where the company is threatened or facing a disaster.</p> <p>The document must meet:</p> <p>(1) the requirements of the standard according to ISO 22301, or</p> <p>(2) must contain at least the following parts:</p> <ul style="list-style-type: none"> • Risk and threat analysis • Business impact analysis • Crisis measures and organizational guidelines to keep the organization in crisis • Plans and measures to maintain continuity • Scenarios, plans and measures for recovery of operation • Techniques for quality assurance, preventive measures such as maintenance, exercises, audits • Contact information for members of management (especially crisis) • Instructions for employees in the event of a crisis • Allocation of people, tools and other resources
08	The supplier's buildings have to be secured via IDS (Intrusion Detection System), FS (Fire System), CCTV, ACS (Access Control System)	<p>Minimum level to fulfil the requirement: The supplier's facilities and production facilities must be equipped with defined security systems with a connection to a monitoring centre (internal or external).</p> <p>The camera system must be recorded and must monitor the entire production area and perimeter without blind spots.</p> <p>At least ACS must be installed at all entrances to the production premises.</p> <p>IDS must fully cover at least all production premises, production preparation and storage facilities.</p> <p>FS is not obligatory if this fact is stated in the "Fire safety solution" or similar document.</p>

No	Requirements	Further description on manner of fulfilling the requirement
09	A space for loading and unloading of goods and materials has to be designated	Minimum level to fulfil the requirement: Premises for loading or unloading products must be marked and operated in safety mode. It must be a structurally separate area; at the time of loading/unloading, only the operator performing the material handling and, if necessary, security must be present in the area. The room must be equipped with a camera system with recording, which monitors the entire room without blind spots.
10	A physical security has to be performed by own employees or by licensed outsourced guards	Minimum level to fulfil the requirement: Continuous physical security (by own employees or by external qualified entities) must be organized in the supplier's premises. The supplier's buildings must have adequate perimeter security (fencing) and mechanical security of all entrances (grilles on windows, hardened entrances-doors, etc.)
11	A key management has to be implemented	Minimum level to fulfil the requirement: The supplier operates a transparent key mode - registration, assignment and secure storage of keys. It is not possible to take the keys outside the supplier's building. The key mode system must be inspected at least once a year.
12	The data have to be storage securely, IT systems have to be regularly audited	Minimum level to fulfil the requirement: Servers and data storage must be located in a separate space equipped with a camera system with recording, which monitors the entire space without blind spots, secured against unauthorized access - ACS and equipped with IDS, FS is recommended. A system audit must be set up over IT systems.
13	The IT specialists are employed by supplier	Minimum level to fulfil the requirement: The supplier has its own IT staff, at least at the level of security management.
14	A policy for circulation and evidence of materials is implemented	Minimum level to fulfil the requirement: The supplier operates a functional system for registration, circulation and storage of materials and documents. The supplier must have created the storage facilities and must have records of all materials during production, including waste. A waste disposal system must be in place.
15	The policies for access to information systems during and at termination of employment are implemented	Minimum level to fulfil the requirement: The supplier ensures controlled access to information and has a system in place to terminate access to inf. systems after termination of employment.
16	There is an own staff for processing of order	Minimum level to fulfil the requirement: To ensure the production of STC products, the supplier uses its own employees or agency employees, who must have a signed confidentiality agreement with both their own agency and the supplier. At the same time, there must be a confidentiality agreement between the contractor and the staffing agency.

Manner of fulfilling of this technical qualification:

The Contractor shall prove such a qualification requirement by submitting a certificate “ISO 14298 Management of security printing processes” or “CWA 15374 Security management system for suppliers to the security printing industry” or a written affidavit of the Contractor attached as Annex 6 hereof, where the Contractor shall state that it fulfils all the above stated requirements.

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 Section 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 Section 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 qualification requirement pursuant to Section 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 basic qualification requirement pursuant to Section 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) of this subsection 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 Section 79 (2) (a) (b) or (d) of the Act (*if required*) relating to such person, the document under paragraph (d) of this subsection 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 Section 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 qualification requirement in accordance with Section 74(1) of the Act and with the professional qualification requirement in accordance with Section 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 Section 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 Section 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. In accordance with Section 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 partial criteria based on which the economic advantageousness of tenders shall be assessed:

Name of partial evaluation sub-criterion		Weight in %
1	Tender price per 1 kg in EUR exc. VAT in the supply quantity level (5,000 kg -10,000 kg)	30 %
2	Tender price per 1 kg in EUR exc. VAT in the supply quantity level (10,001 kg - 15,000 kg)	65 %
3	Tender price per 1 kg in EUR exc. VAT in the supply quantity level (15,001 kg and more)	5 %

10.3. Evaluation Sub-criteria

The Contracting Authority will evaluate the tender prices in EUR excl. VAT, **stated in the tender in the Annex no. 2 of the Draft Framework Agreement**, individually in each evaluation sub-criterion on a scale from 0 to 100. Each tender will be assigned a score under each evaluation sub-criterion, which reflects the rate of success of the respective tender in terms of each evaluation sub-criterion. For all sub-criteria, under which the most advantageous tender has the minimum value of the sub-criterion, the assessed tender will be assigned a score, **calculated as the ratio of the most advantageous tender to the assessed tender multiplied by 100.**

The score reduced by the weight of each sub-criteria will be used for total evaluating the tenders, i.e. the individual scores of tenders under these sub-criteria will be multiplied by the weight of the relevant sub-criteria.

10.4. Method of evaluation

On the basis of the sum of the resulting scores under all sub-criteria, the tenders will be ranked depending on their rate of success, **where the most successful tender will be the tender which achieved the highest score.**

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 Framework Agreement (Annex 1 to this TD).
- 11.2. The Draft Framework Agreement is binding upon the participants. The Contractor is only allowed to complete the Draft Framework Agreement draft with information marked as incomplete ■.
- 11.3. The participant shall submit the draft contract as a part of its tender in a simple copy including the Annexes, signed by the person authorised to act on behalf of the participant.
- 11.4. In case of a joint tender, all participants shall be stated in the Draft Framework Agreement.

12. PUBLICATION OF THE TD

Pursuant to Section 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.

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

- 13.1. Pursuant to Section 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: rehackova.monika@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.**
- 13.5. The Contracting Authority hereby emphasises that in compliance with Section 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 Section 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. The present TD is binding upon the Contractor.

14.2. Register of VAT Payers

In the tender, **the participant who is a domestic VAT payer (in the Czech Republic)**, 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 4 to this TD.

14.3. Legal form

In accordance with Section 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 Section 48(7) of the Act apply to the participant, **i.e. the selected Contractor 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.** If the selected Contractor has its registered office abroad and is a joint-stock company or has a legal form similar to a joint-stock company, the Contracting Authority shall require it to submit **an affirmation in writing showing which persons are holders of shares whose aggregate nominal value exceeds 10 % of the registered capital of the participant, and indicating the source on which the information on the amount of the share of shareholders is based.**

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

15.1. Actual Owners

If details regarding the actual owner of a selected Contractor who is a legal entity cannot be determined in the manner according to Section 122(4) of the Act, the Contracting Authority in the demand according to the provisions of Section 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.

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

In accordance with the provision of Section 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 7 hereof.

15.3. Test of samples

In accordance with the Sec. 104 (b) of the Act, before signing the contract, the Contracting Authority reserves the right to run a test. Due to principle of economy the test shall not be required if the selected Contractor was a contractor whose performance has been tested by the Contracting Authority within the last year as of the commencement of the tender procedure.

Further details regarding the scope of requirements and the minimum degree of fulfilment of such a test and course of the test fulfilment assessment are stated in Annex 8 hereof.

The selected Contractor shall submit to the Contracting Authority the required samples in **8 weeks as of the takeover of the supporting documents from the Contracting Authority** upon the request in compliance with Section 122 (3) of the Act. The sample shall be delivered by the selected Contractor to the following address: **Production plant I, Růžová 6, House No. 943, 110 00 Prague 1, Czech Republic**, to the contact person named Milan Zámotný, e-mail: zamosny.milan@stc.cz

The Contracting Authority shall test the submitted paper sample by the procedure pursuant to Annex 8 to this TD. The purpose of the test will be verification of compliance of the sample with the technical specification and other tender conditions. The sample shall not be returned to the Contractor.

The Contracting Authority notifies, that this test of samples shall take place **maximally 8 weeks**.

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

15.4. Security Audit / Check of premises regarding the implemented security processes

If the selected Contractor does not hold the certificate “ISO 14298 Management of security printing processes” or “CWA 15374 Security management system for suppliers to the security printing industry” and thus the Contractor submitted within his tender the written affidavit of the Contractor attached as Annex 6 hereof in accordance with the Art. 9.4.2 (a) hereof, the selected Contractor is obliged to enable the Contracting Authority to run a security audit before signing the contract in accordance with Section 104(e) of the Act (hereinafter the “**Security Audit**”) in order to check the Contractor’s security processes in place to ensure the production security integrity.

The Security Audit, its scope, course, duration, demands regarding staff allocation is further stipulated in Annex 3 of the Draft Framework Agreement.

If the selected Contractor fails to prove the implemented security processes in place to ensure the production security integrity as stated in the written affidavit of the Contractor attached as Annex 6 hereof in accordance with the Art. 9.4.2 hereof thus the selected Contractor does not meet the requirements of the Contracting Authority, then the selected Contractor shall be excluded from the tender procedure in compliance with Sec. 48 (2)(a) of the Act.

15.5. Insurance Contract

In accordance with Section 104(a) of the Act, before signing the contract, the selected Contractor 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 indemnity limit of at least **55 000 EUR**. 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.

15.6. Bank account

In accordance with Section 104(e) of the Act, before signing the contract, the selected Contractor, who is not a domestic VAT payer (in the Czech Republic), 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 has to 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

17.1. The deadline for the tender submission shall end on **03. 03. 2021 at 09:00 AM.**

17.2. The Contractor shall prepare the tender **in electronic form in a manner described below.**

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.
- 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 there, 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 Contractor 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.
- 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 Framework Agreement including Annexes (Annex 1 to this TD)**
- **Document proving the fulfilment of the qualification requirements, arranged in the following order (incl. Annex 3a and 3b, Annex 7 to this TD):**
 - **basic capacity,**
 - **professional capacity,**
 - **technical qualification.**
- **List of sub-contractors (Annex No. 5 to this TD)**
- **Extract from the Register of VAT Payers, or an affidavit (Annex 4 to this TD) pursuant to Art. 14.3 hereof**

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 contract with the selected Contractor, the Contracting Authority shall, pursuant to the relevant provisions of Section 219 of the Act, publish the wording of the contract 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 or samples submitted by the participants or excluded participants shall not be returned.

20. ANNEXES

- Annex 1 – Draft Framework Agreement
- Annex 2 – Tender Cover Sheet
- Annex 3a – Affidavit on compliance with the Basic Capacity
- Annex 3b – List of Major Supplies
- Annex 4 – Affidavit on the Bank Account
- Annex 5 – List of Subcontractors
- Annex 6 – Affidavit on Security Requirements
- Annex 7 – Manual for obtaining documents regarding Basic Capacity
- Annex 8 – Testing

Prague, dated _____

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