

Státní tiskárna cenin, s. p.
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Represented by: Tomáš Hebelka, MSc, CEO
(hereinafter referred to as „Contracting Authority“)

EXPLANATION OF TENDER DOCUMENTATION II.

The Contracting Authority of the over-threshold public contract called „**Supply of Contact Chip Modules for Production of Cards for Smart Tachographs // *Dodávky kontaktních čipových modulů pro výrobu karet do digitálních tachografů***” being awarded in an open procedure pursuant to Act No. 134/2016 Coll., On Public Procurement, as amended (hereinafter referred to as “Act”), hereby explains the tender documentation in accordance with Sec. 98 of the Act.

Question No. 1

Art. 10.6.2 of the Tender Documentation states that the Contractor shall prove, that it fulfils the technical requirements for performance of the subject matter of the Public Contract with respect to management of security printing processes. In accordance with the provision under Section 79(2)(e) of the Act, the Contractor itself and all entities, which shall be participating within the performance of the subject matter of the Public Contract (i.e. subcontractors) shall prove, that it has implemented security processes to ensure the production security integrity (transport incl.) within the performance of the subject matter of the Public Contract in the minimal level of the “ISO 14298 Management of security printing processes” or “INTERGRAF 15374 Security management system for suppliers to the security printing industry” (...).

Please advise whether the requirement to prove fulfilment of the technical requirements for performance of the subject matter of the Public Contract with respect to management of security printing processes (cited above) specifically applies only to subcontractors involved in the production of eTachograph modules, or whether it applies also to subcontractors (entities) involved in the bid solely for qualification purposes?

Answer to the question No. 1:

The Contracting Authority stated in the Article 10.6.2 of the Tender Documentation that ***all entities, which shall be participating within the performance of the subject matter of the Public Contract (i.e. subcontractors)** shall prove the that it has implemented security processes to ensure the production security integrity (transport incl.) within the performance of the subject matter of the Public Contract in the minimal level of the “ISO 14298 Management of security printing processes” or “INTERGRAF 15374 Security management system for*

suppliers to the security printing industry”, respectively requirements 1-12 stated in the Annex no. 4 of the Draft Contract.

To avoid any doubts, the Contracting Authority requires those security processes to be fulfilled and implemented in all places, where performance of the Public Contract subject matter takes place.

The Contracting Authority clarifies and confirms that the requirement to prove implemented security processes, as stated below, applies to **any subcontractor participating in the performance of the subject matter of the Public Contract, which consists of security printing.**

As stated in the Article 10.8. of the Tender Documentation:

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 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 capacity pursuant to Section 74(1) of the Act,*
- d) contract or a confirmation of its existence signed by other entity, **the content of which is an undertaking by another 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.***

Further pursuant to Sec. 83 (2-5) of the Act.

*If the Contractor proves qualification through another entity and submits documents pursuant to Section 79(2)(a), (b) or (d) of the Act relating to such person, the contract or the confirmation of its existence pursuant to Section 83(1)(d) of the Act must imply an **undertaking that the other entity will carry out the works or services to which the proven qualification criterion applies.***

In accordance with the Act and the Tender Documentation, any **subcontractor who demonstrates a part of qualification** in the Contractor's tender must participate in the subject matter of the public contract to the extent for which the qualification was demonstrated.

If the Contractor proves a part of the technical qualification pursuant to the Section 79 (2) a) b) or d) of the Act through the other person (a subcontractor), such subcontractor shall participate in the performance of the subject matter of the Public Contract to the extent corresponding to **the works or services to which the qualification criterion in question relates.**

Conclusion:

The Contracting Authority does not consider this explanation as alteration or supplementation of the tender documentation whose nature would demand extension of the time limit for the tender submission in accordance with Sec. 99 (2) of the Act, since the Contracting Authority does not alter the tender conditions.

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