

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 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)

Supply of Polycarbonate ID1 Prelams with Contactless Chip Modules for Electronic Residence Permit Cards (eRP) and Electronic ID Cards (eID)

¹ 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

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:	Mgr. Zuzana Šenoldová
E-mail:	senoldova.zuzana@stc.cz
Data box identifier:	hqe39ah
Contracting Authority's profile / electronic tool:	https://mfcr.ezak.cz/profile_display_53.html

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

2. COMMENCEMENT OF THE TENDER PROCEDURE

This tender procedure has been commenced 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 of this public contract is the Contractor's obligation to supply to the Client, according to its current needs, non-personalized polycarbonate ID1 prelams with initialised contactless chip modules equipped with ICAO travel application for eID and eRP (hereinafter referred to as the “**Prelam**”), including its testing version according to the technical specification contained in Annex 1 to the Framework Agreement (Annex 1 of the TD).

3.2. The subject of this public contract is also the Contractor's obligation to implement the specific initialisation of the contactless chip Prelam software, described in classified information in accordance with technical specification contained in Annex 1 of the Framework Agreement and Client's instructions (Key management and transport ceremony between inlay supplier and Client, Transport key diversification), provided by the Contracting Authority after signing of the Framework Agreement (hereinafter referred to as the “**Implementation of the Key ceremony**”).

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. In accordance with Sec. 132(2) of the Act, the Contracting Authority states that the Framework Agreement will be concluded with one participant.

3.6. Classification of the subject of the public contract

CPV code	Subject of the public contract
31710000-6	Electronic Equipment
30237131-6	Electronic Cards

4. ESTIMATED VALUE OF THE PUBLIC CONTRACT

The estimated value of this public contract is **6 686 000 EUR excl. VAT.**

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”) shall determine the tender price in its bid in Art. V the Framework Agreement (Annex 1 to this TD) in structure as required in the Framework Agreement, ie.:

- **Price per unit of 1 piece of Prelam in EUR excl. VAT (in accordance with the Art. V (2) of the Framework Agreement)**
- **Price per unit of 1 working day rate (8-hour working day) of the programmer’s activities in EUR excl. VAT regarding the Implementation of the Key ceremony (in accordance with the Art. V (4) of the 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 round their tender prices 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 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 III, Na Vápence 14/915, 130 00 Prague 3, Czech Republic.

8. PERIOD OF PERFORMANCE OF THE PUBLIC CONTRACT

8.1. Estimated time frame for Draft Framework Agreement conclusion: **without any undue delay after selection of the Contractor, preliminary in July 2020**

8.2. Period of performance of the public contract:

- **binding time limits are determined in Art. IV (1) of the Framework Agreement, thus 16 weeks as of the purchase order delivery to the Contractor**
- **term of the Framework Agreement is determined in Art. XIV of the Framework Agreement**

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 and technical qualification in compliance with the requirements stated in this TD, ie. it is not allowed to substitute the required documents by a statutory declaration.

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 shall submit the originals or 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 8.2.1 (a) of this TD,
b) a certificate issued by the competent tax authority regarding the 8.2.1

- (b) of this TD,
- c) a written sworn statement on excise tax regarding the 8.2.1 (b) of this TD,
- d) a written sworn statement regarding the 8.2.1 (c) of this TD,
- e) a certificate issued by the applicable regional Social Security office regarding the 8.2.1 (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 8.2.1 (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 8.2.1 (b) of this TD,
- b) a written sworn statement on excise regarding the 8.2.1 (b) of this TD,
- c) a written sworn statement regarding the 8.2.1 (c) of this TD,
- d) certificate issued by the applicable Czech Social Security Administration regarding the 8.2.1 (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 8.2.1 (a) of this TD,
- b) the 8.2.1 (b) of this TD,
- c) the 8.2.1 (c) 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 plain copy of an excerpt from the Commercial Register** or similar records, if registration in such records is required by a different legal regulation.

9.3.2 The professional qualification compliance in accordance with the provisions of **Section 77(2)(c) of the Act** shall be proven by the Contractor submitting the

entrepreneur's certificate of the "RESTRICTED" confidentiality level or higher to the extent as per Section 15a or Section 54(3) of the Act No. 412/2005 Coll. on protection of classified information and security eligibility, as amended, or similar certificate issued in accordance with foreign law, under which the Contractor was established, ie. **National Facility Security Clearance in secrecy level „RESTRICTED“ or higher.**

9.4. Technical Qualification

9.4.1 In accordance with the provision under Section 79(2)(b) of the Act, the Contractor shall submit **a list of 3 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 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 supply of polycarbonate ID1 or ID3 prelams with contactless chip modules with ICAO Travel application or a supply of polycarbonate ID1 or ID3 prelams with contactless chip modules with ICAO Travel application incorporated in a final product, in the minimum total amount of 1 200 000 of such prelams per each year (ie. per the following periods of time: 06/2017 - 06/2018; 06/2018 – 06/2019 and per 06/2019 - 06/2020).**
- 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 Contracting Authority requires the major supplies each to be always provided to a different client (thus to three different clients).

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 delivery,
- e) financial volume (sum) for the performed supply,
- 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 this 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:

- a) **Implemented security processes in place to ensure the production security integrity (transport incl.) shall be 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 at least the following requirements:**

01	A security policy has to be implemented
02	The subcontractors for STC order processing have to be security checked
03	A confidentiality agreement with the subcontractors has to be signed
04	A regular internal security audit has to be performed
05	A risk assessment and risk management documents have to be implemented and updated
06	An ability to authorized and to deliver the product/service
07	The security requirements between STC and the supplier have to be set up and documented
08	The supplier’s buildings have to be secured via IDS (Intrusion Detection System), FS (Fire System), CCTV, ACS (Access Control System)
09	A space for loading and unloading of goods and materials have to be designated
10	A physical security has to be performed by own employees or by licensed outsourced guards
11	A key management has to be implemented
12	The designated spaces for loading and unloading of goods and material have to be monitored by CCTV
13	The data have to be storage securely, IT systems regularly audited
14	The IT specialists are employed by supplier
15	A policy for circulation and evidence of documents is implemented
16	The policies for access to information systems during and at termination of employment are implemented
17	There is an own staff for processing of STC order

The Contractor shall prove such a 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 7 hereof.

9.4.3 In accordance with the provision under Section 79(2)(l) of the Act, the Contractor shall submit the certificates and testing reports attesting the

conformity of the requested product with a required technical standard or technical specification:

- a) **ICAO (RF protokol and Application Test Standard for E-Passport) and/or BSI (BSI TR-03105) biometric Conformity testing reports L1-L7 (that means Contractor is obliged to submit at least one of the documents).**
- b) **Common Criteria Certification reports and protocols (both chip and OS):**
 - **minimum EAL 5 for chip,**
 - **minimum EAL 4+ for operating system and ICAO application.**
- c) **Resistance of the product to both ROCA and MINERVA vulnerabilities. The Contractor shall prove such a requirement in a form of a written affidavit of the Contractor or any kind of a certificate from an external authority, if disponible.**

9.4.4 In accordance with the provision under Section 79(2)(k) of the Act, the Contractor shall submit samples of the products to be supplied:

- a) **20pcs of white ID1 testing cards, generic initialization with testing generic transport key, LDS configuration upon request of Client including Documentation for personalization (Personalization manual, Example of personalization script (hereinafter as well as the "sample SET1").**

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.

The requirement under point d) of the above paragraph shall be deemed complied with if, through the content of the letter of undertaking, the other entity assumes the joint and several responsibility for the performance of the contract along with the Contractor.

It is presumed that the requirement set out in paragraph (d) of subsection (1) 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) (*if required*) relating to such person, the document under paragraph (d) of subsection (1) 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 total economic advantageousness of the tender will be evaluated by awarding points according to the criteria as stated below, determined in the descending order, with a weight determined as percentage.

10.3. The Contracting Authority sets out the following evaluation partial criteria based on which the economic advantageousness of tenders shall be assessed:

	Name of the Evaluation partial criteria (Sub-criteria)	Weight in %
A	Total Tender price in EUR excl. VAT in accordance with the Annex 6 hereof	90 %
B	Technical Parameter - Cryptographical Configuration	10 %

10.4. Sub-criterion A: Total Tender price in EUR excl. VAT in accordance with the Annex 6 hereof

Under this sub-criterion, the Contractor will submit the Total Tender price, prepared according to the model example for purpose of evaluation, attached as Annex 6 hereto. The Contractor is obliged to submit such a model example as a part of its tender.

The Contracting Authority notifies the Contractor that the quantity specified in Annex 6 hereof is only an estimate and shall only be used for purposes of evaluating the tenders, i.e. the Contracting Authority does not guarantee that they will actually purchase the stated quantity from the selected Contractor.

The prices specified by the Contractor according to the model example will correspond to the prices specified in the Art. V of the Framework Agreement.

The Contracting Authority will evaluate the tender price in EUR, excl. VAT, on a scale from 0 to 100. Each tender will be assigned a score under this sub-criterion, which reflects the rate of success of the respective tender in terms of the evaluation sub-criterion. For this sub-criterion, 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 this sub-criterion will be used for total evaluating the tenders, ie. the individual scores of tenders under this sub-criterion will be multiplied by the weight of the relevant sub-criterion.

10.5. Sub-criterion B: Technical Parameter - Cryptographical Configuration

The Contractors shall be obliged to state in its bid, specifically in **Description of technical solution, technical documentation** required in accordance with Art. 14.2 hereof, which cryptographical configuration the offered technical solution includes.

Within this sub-criterion the point shall be awarded as follows:

- The Contractor offering “RSA for Active Authentication” **and** “NIST-P256 elliptic curves for both Terminal and Chip Authentication” shall be awarded by full amount of points within this sub-criterion, that means **10 points**. This technical solution is preferred by the Contracting Authority.
- The Contractor does not offering “RSA for Active Authentication” and “NIST-P256 elliptic curves for both Terminal and Chip Authentication” (**that means offering only one of the options or none of the options**) shall be awarded by zero points within this sub-criterion, that means **0 points**. Receiving zero points within this sub-criterion does not mean that the Contractor has not fulfilled the technical specification stipulated by the Contracting Authority. This technical solution imposes extra financial cost on the Contracting Authority, so it is less preferred.

10.6. 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 are binding upon the participant. The participant is only allowed to complete the Framework Agreement draft with information marked as incomplete ■.
- 11.3.** The participant shall submit the Draft Framework Agreement 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: 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.**

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. 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 following specification and documentation 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:

- **Prelam technical drawing**
- **Chip module datasheet and, if available, other documentation with detailed technical description of the chip**
- **Operating system datasheet and, if available, other documentation with technical specification of the OS**
- **Operating system personalization manual - documentation allowing the full personalization of the chip**
- **Relevant Security targets related to Common Criteria certification**
- **Structure of the polycarbonate layers in Prelam**

14.3. Register of VAT Payers

In the tender, the participant **seating 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 109 of the Act No. 235/2004 Coll. on value added tax, as amended. The participant shall document the aforementioned information by an extract from the database published by the tax administrator in a manner that allows remote access, the so-called "Register of VAT Payers".

The foreign participant shall include in the tender a plain copy of a sworn statement on a banking account or possibly VAT documents demonstrating VAT registration in the Czech Republic and a statement in a plain copy proving that the participant is a reliable VAT payer. The participant may use the sample solemn declaration provided in Annex 4 to this TD.

- 14.4.** 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 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. COOPERATION AND CONDITIONS FOR CONTRACT CONCLUSION

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.

15.3. Test of samples

In accordance with the Sec. 104 (b) of the Act, before signing the contract, the Contracting Authority shall run a test specified below on **the samples SET 1 submitted by the selected Contractor in compliance with the Art. 9.4.4 hereof within the bid.**

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 Contracting Authority notifies, that this test of samples may take place **more than 30 days.**

If the submitted sample 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.

15.4. 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 7 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 9 hereof.

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 7 hereof in accordance with the Art. 9.4.2 (a) 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(e) 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 **3 million 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. Standard conditions of use and storage conditions of Prelams

In accordance with Section 104(a) of the Act, before signing the Framework Agreement, the selected Contractor is required to submit the standard conditions of use and storage conditions of Prelams regarding his offered technical solution. This document shall form the Annex 4 of the Framework Agreement.

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 (incl. sample SET1) shall end on 30. 6. 2020 at 10:00 a.m.

17.2. The Contractor shall prepare the tender **in electronic form, excluding the samples SET1 required in Art. 9.4.3 hereof, which shall be delivered in accordance with the Sec. 211(3)(c) of the Act separately, in a manner described below.**

17.3. Submitting tenders (excl. sample SET1) 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. An electronic signature may be required during the registration process.

- 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://mfc.ezak.cz/test_index.html.
- Detailed instructions on how to use the electronic instrument are available in the “user’s manual” available at: <https://mfc.ezak.cz/manual.html>.
- In order to eliminate any doubt, the Contracting Authority would like to point out that **it is not necessary to sign the tender electronically.**

17.4. Submitting samples SET 1 as a part of tenders in written/material form:

- The Contractor is responsible for delivery this part of his tender in a timely manner. The part of tenders shall be delivered to the Contracting Authority’s registry desk: STÁTNÍ TISKÁRNA CENIN, státní podnik, Růžová 6, House 943, 110 00 Prague 1 during regular business days between 8:00 – 14:30.
- This part of tender shall be submitted in sealed envelope/box secured against unauthorized opening and marked with the tender title “**Supply of Polycarbonate ID1 Prelams with Contactless Chip Modules for Electronic Residence Permit Cards (eRP) and Electronic ID Cards (eID) – TENDER - DO NOT OPEN**”. The Contractor’s address must be specified on the envelope/box.

17.5. The Contracting Authority recommends using the following order:

- **Content of the tender**
- **Tender cover sheet (Annex 2 to this TD)**
- **Binding Draft Framework Agreement including Annexes (Annex 1 to this TD)**
- **Document proving the fulfilment of the qualification requirements, arranged in the following order (Annex 3 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**
- **Description of technical solution, technical documentation pursuant to Art. 14.2 of this TD**

17.6. 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 sufficient for the participant to submit a single copy of such documents as part of their tender.

17.7. 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

The electronic tender opening process is a non-public event.

19. OTHER PROVISIONS

19.1. The contracting authority further notifies that in accordance with the Statute of the contracting authority signature of the final contract may be subject **to granting of supervisory board approval**. If the supervisory board did not grant the approval, resp. the contracting authority based on this reason did not approach to contract signature, conditions of the Sec. 127 (2)(d) of the Act would be fulfilled, ie. the grounds which merit particular consideration, including economic ones, have occurred during the procurement procedure and on the basis of that grounds the contracting authority cannot be reasonably required to continue the procurement procedure, notwithstanding whether the contracting authority has caused such grounds or not, and the procurement procedure shall be cancelled.

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

19.3. 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.

19.4. 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.

19.5. 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.

19.6. The tenders or individual parts of the tenders 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 – Evaluation Model
- Annex 7 – Affidavit on Security Requirements
- Annex 8 – Acceptance Procedure of sample SET 1 testing
- Annex 9 – Security Audit

Prague, dated _____

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